

such the recognition must have been general and notorious, or else in writing. Under such circumstances, if the recognition has been mutual, and the child has not been adopted, the father may inherit from his illegitimate child.

Approved April 16, 1986

CHAPTER 1087
REGISTRATION OF DISTINCTIVE MARKS
H.F. 2384

AN ACT relating to the registration of a mark which has become distinctive of the applicant's goods or services.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 548.2, subsection 1, paragraph e, Code 1985, is amended by striking the paragraph and inserting in lieu thereof the following:

- e. Consists of a mark which is one of the following:
 - (1) When applied to the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of them.
 - (2) When applied to the goods or services of the applicant, is primarily geographically descriptive or geographically misdescriptive of them.
 - (3) Is primarily merely a surname.

This paragraph "e" does not prevent the registration of a mark used in this state by the applicant which has become distinctive of the applicant's goods or services. The secretary of state may accept as evidence that the mark has become distinctive, as applied to the applicant's goods or services, proof of continuous use thereof as a mark by the applicant in this state or elsewhere for the five years next preceding the date of the filing of the application for registration, or,

Sec. 2. Section 548.2, subsection 1, paragraph f, Code 1985, is amended by striking the subsection.

Approved April 16, 1986

CHAPTER 1088
DEFERRAL OF FEES AND COSTS
H.F. 2426

AN ACT relating to the deferral of fees, costs, or security in civil or criminal actions, and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION.** 669.1 AFFIDAVIT — CONTENTS.

A court of the district court, court of appeals, or supreme court shall authorize the commencement, prosecution, or defense of a suit, action, proceeding, or appeal, whether civil or criminal, without the prepayment of fees, costs, or security upon a showing that the person is unable to pay such costs or give security. The person shall submit an affidavit stating the nature of the suit, action, proceeding, or appeal and the affiant's belief that there is an entitlement to redress. Such affidavit shall also include a brief financial statement showing the person's inability to pay costs, fees, or give security. Any authorization to proceed without