

Reference to a contract "or agreement" is deleted. To the extent that an "agreement" is the same as a "contract," the former is redundant. To the extent that it refers to something less than a contract, it is misleading since this subtitle permits the establishment of resale prices in the first instance only by "contract"; cf. §11-104.

The only other changes are in style.

11-103. PERSONS WHO MAY ESTABLISH MINIMUM RESALE PRICE.

ONLY THE OWNER OF THE TRADEMARK, BRAND, OR NAME USED IN CONNECTION WITH THE COMMODITY OR A DISTRIBUTOR SPECIFICALLY AUTHORIZED BY THE OWNER MAY ESTABLISH A MINIMUM RESALE PRICE FOR A COMMODITY IN A CONTRACT ENTERED INTO UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section presently appears as Art. 83, §105.

The only changes are in style.

11-104. CONTRACT RELATING TO RESALE OF COMMODITIES AT MINIMUM PRICE.

(A) COMMODITIES TO WHICH MINIMUM PRICE PROVISIONS APPLICABLE.

THIS SECTION APPLIES TO A COMMODITY IF:

(1) ITS LABEL OR CONTAINER OR THE VENDING EQUIPMENT FROM WHICH IT IS SOLD TO A CONSUMER BEARS THE TRADEMARK, BRAND, OR NAME OF THE PRODUCER OR DISTRIBUTOR OF THE COMMODITY; AND

(2) IT IS IN FREE AND OPEN COMPETITION WITH COMMODITIES OF THE SAME GENERAL CLASS PRODUCED OR DISTRIBUTED BY OTHERS.

(B) PERMITTED MINIMUM PRICE PROVISIONS.

A CONTRACT WHICH RELATES TO THE SALE OR RESALE OF A COMMODITY DESCRIBED IN SUBSECTION (A) OF THIS SECTION MAY CONTAIN ANY OF THE FOLLOWING PROVISIONS:

(1) THAT THE BUYER WILL NOT RESELL THE COMMODITY AT LESS THAN THE MINIMUM PRICE STIPULATED BY THE SELLER;

(2) THAT THE BUYER WILL REQUIRE ANY DEALER TO WHOM HE RESELLS THE COMMODITY TO AGREE THAT HE, IN TURN, WILL NOT RESELL THE COMMODITY AT LESS THAN THE MINIMUM