

2. "BANK" INCLUDES ANY FARM CREDIT SYSTEM INSTITUTION IN THIS STATE.

(III) "NAME" MEANS THE NAME, TRADE NAME, TRADEMARK, SERVICE MARK, LOGO, OR TAGLINE USED BY A BANK TO IDENTIFY ITSELF.

(2) EXCEPT WITH THE CONSENT OF THE BANK, A PERSON MAY NOT USE THE NAME, ~~TRADE NAME, LOGO, OR TAGLINE~~ OF A BANK ~~OR THE NAME, TRADE NAME, LOGO, OR TAGLINE~~ OR ANY TERM OR DESIGN THAT IS SIMILAR TO THAT WHICH IS USED BY THE NAME OF THE A BANK IN ANY MARKETING MATERIAL PROVIDED TO ANOTHER PERSON OR IN ANY SOLICITATION OF ANOTHER PERSON ~~IF THE NAME, TRADE NAME, LOGO, OR TAGLINE~~ IN A MANNER THAT MAY CAUSE A REASONABLE PERSON TO ~~BELIEVE~~ BE CONFUSED, MISTAKEN, OR DECEIVED THAT THE MARKETING MATERIAL OR SOLICITATION:

(I) ORIGINATED FROM THE BANK;

(II) ORIGINATED FROM SOMEONE AFFILIATED, CONNECTED, OR ASSOCIATED WITH THE BANK;

~~(III)~~ IS ENDORSED APPROVED OR SPONSORED BY THE BANK;

OR

~~(III)~~ (IV) IS THE RESPONSIBILITY OF THE BANK.

(C) IN ADDITION TO ANY OTHER REMEDIES A BANK MAY HAVE UNDER ANY OTHER PROVISION OF LAW, A BANK THAT IS AFFECTED BY A VIOLATION OF SUBSECTION (B) OF THIS SECTION MAY BRING AN ACTION AGAINST THE PERSON THAT COMMITTED THE VIOLATION TO RECOVER:

(1) ACTUAL DAMAGES SUSTAINED AS A RESULT OF THE VIOLATION;

(2) EITHER:

(I) ALL PROFITS ATTRIBUTABLE TO THE VIOLATION; OR

(II) \$1,000 FOR EACH VIOLATION; AND

(3) REASONABLE COURT COSTS AND REASONABLE ATTORNEY'S FEES AND COURT COSTS.