

Defined terms: "Mark" § 1-401

"Person" §§ 1-101 and 1-401

(C) MARK.

"MARK" MEANS A NAME, SYMBOL, WORD, OR COMBINATION OF 2 OR MORE OF THESE THAT A PERSON:

(1) PLACES ON GOODS THAT THE PERSON SELLS OR DISTRIBUTES, A CONTAINER OF THE GOODS, A DISPLAY ASSOCIATED WITH THE GOODS, OR A LABEL OR TAG AFFIXED TO THE GOODS TO IDENTIFY THOSE GOODS THAT THE PERSON MAKES OR SELLS AND TO DISTINGUISH THEM FROM GOODS THAT ANOTHER PERSON MAKES OR SELLS; OR

(2) DISPLAYS OR OTHERWISE USES TO ADVERTISE OR SELL SERVICES THAT THE PERSON PERFORMS TO IDENTIFY THOSE SERVICES THAT THE PERSON PERFORMS AND TO DISTINGUISH THEM FROM SERVICES THAT ANOTHER PERSON PERFORMS.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 3-101(a), (e), (f), and (g).

In the introductory language of this subsection, the former limitation that "mark" only includes trademarks or service marks "entitled to registration under this subheading whether registered or not" is deleted as misleading and inaccurate. Former Art. 41, § 3-102, revised as § 1-404(b) of this subtitle, listed "marks" that are not entitled to registration under this subtitle.

Also in the introductory language of this subsection, the word "device" is deleted as included in the word "symbol".

In items (1) and (2) of this subsection, the former limitations that marks are used with goods that are sold or distributed "in the State" and with services that are performed "in the State" are deleted as misleading and inaccurate since the definition of "mark" does not depend on where the mark is used. Former Art. 41, § 3-103(a)(3), revised as § 1-406(c)(7)(i) of this subtitle, requires an applicant for registration of a mark to state the date when the mark was first used anywhere.

Defined term: "Person" §§ 1-101 and 1-401

(D) PERSON.

"PERSON" INCLUDES A GOVERNMENTAL ENTITY OR UNIT OR INSTRUMENTALITY OF A GOVERNMENTAL ENTITY.

REVISOR'S NOTE: This subsection is new language added to provide a definition of "person" for this subtitle that includes governmental entities. The addition is supported by 67 Op. Att'y Gen. 380 (1982), which states that the term "person" within the meaning of the Maryland Trademark Law includes