

Former Art. 41, § 3-112(b), which provided that any right or remedy in this statute does not affect the right of a registrant to prosecute under criminal law, is deleted as an unnecessary statement of the obvious because the existence of a civil remedy does not affect the criminal law.

The Business Regulation Article Review Committee notes, for consideration by the General Assembly, that former Art. 41, § 3-111 parallels 15 U.S.C. § 1114(1), but under former § 3-111, the phrase "without the consent of the registrant" applies only to the prohibition against use, while under the federal law the phrase "without the consent of the registrant" modifies both the prohibition against use and the prohibition against reproduction of a registered mark.

Defined terms: "Mark" § 1-401

"Person" §§ 1-101 and 1-401

"Registrant" § 1-401

1-415. FRAUDULENT USE OR IMITATION OF TRADE NAMES.

(A) PROHIBITED.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON MAY NOT, WITH INTENT TO DEFRAUD, DO BUSINESS IN THE STATE UNDER OR IMITATE A NAME, TITLE, OR TRADE NAME THAT IS THE SAME AS, OR SIMILAR TO, THAT USED BY ANOTHER PERSON ALREADY DOING BUSINESS IN THE STATE.

(B) EXCEPTION.

THIS SECTION DOES NOT APPLY TO INDIVIDUALS WITH SIMILAR NAMES.

(C) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$100 FOR EACH DAY THAT THE OFFENSE IS COMMITTED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 191.

In subsection (a) of this section, the former words "trade" and "transact" are deleted as included in the word "do".

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

"Trade name" § 1-401

GENERAL REVISOR'S NOTE TO SUBTITLE:

Former Art. 41, § 3-114, which provided for severability of provisions, is deleted in light of Art. 1, § 23 of the Code.