

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

February 10, 2000 LB 626

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Beutler's amendment.

PRESIDENT MAURSTAD: The amendment is agreed to.

CLERK: Senator Brashear would move to amend with AM2273, Mr. President. (AM2273, Legislative Journal page 564.)

PRESIDENT MAURSTAD: Senator Brashear, you're recognized to open.

SENATOR BRASHEAR: Mr. President, members of the body, AM2273 makes amendments to LB 626 in order to harmonize the revised model Trademark Act, which was the basis of the green copy, with existing Nebraska law and practice. The amendments were prepared by the Secretary of State and agreed to by representatives of the International Trademark Association, which prepared the revised model act. The major substantive change is that the initial period and the renewal period for which a trademark is protected under the act is amended from five years to ten years, which is the period provided under existing law now in Nebraska. The amendment also provides for a statutory fee of \$100 for filing, rather than permitting the Secretary of State, in his discretion, to set the fees by regulation. The amendments also strike the reference to treble damages, which Senator Beutler talked about and which was the basis of his first amendment on the floor which he withdrew. We've addressed that in this amendment. As he noted, punitive damages in Nebraska must be paid to the School Fund pursuant to the constitution of the state. The remaining amendment...remaining portions of the amendments relate to harmonizing the procedures provided in the model act with the procedures employed by the Nebraska Secretary of State at present. With that, I would urge the adoption of AM2273. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Brashear. Debate on AM2273? Senator Brashear, you're recognized to close. Senator Brashear waives closing. The question is the adoption of AM2273 to LB 626. Those in favor vote aye, those opposed nay. Mr. Clerk, please record.