

FIRST REGULAR SESSION

SENATE BILL NO. 485

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

Read 1st time February 8, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2050S.011

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to false or deceptive business practices.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be known as section 407.309, to read as follows:

407.309. 1. As used in this section, the following terms mean:

(1) "Performing group", a vocal or instrumental group seeking to use the name of another group that has previously released a commercial sound recording under that name;

(2) "Recording group", a vocal or instrumental group at least one of whose members has previously released a commercial sound recording under that group's name and in which the member or members have a legal right by virtue of use or operation under the group name without having abandoned the name or affiliation with the group;

(3) "Sound recording", a work that results from the fixation on a material object of a series of musical, spoken, or other sounds regardless of the nature of the material object, such as a disk, tape, or other phono-record, in which the sounds are embodied.

2. It shall be unlawful for any person to advertise or conduct a live musical performance or production in this state through the use of a false, deceptive, or misleading affiliation, connection, or association between the performing group and the recording group. This section shall not apply if:

(1) The performing group is the authorized registrant and owner of a federal service mark for that group registered in the United States

22 Patent and Trademark Office;

23 (2) At least one member of the performing group was a member
24 of the recording group and has a legal right by virtue of use or
25 operation under the group name without having abandoned the name
26 or affiliation with the group;

27 (3) The live musical performance or production is identified in
28 all advertising and promotion as a salute or tribute;

29 (4) The advertising does not relate to a live musical performance
30 or production taking place in this state; or

31 (5) The performance or production is expressly authorized by the
32 recording group.

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