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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 1963** Session of  
1979

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INTRODUCED BY BERSON, SPENCER, SCIRICA AND IRVIS,  
NOVEMBER 14, 1979

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REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 14, 1979

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AN ACT

1 Amending Title 54 (Names) of the Pennsylvania Consolidated  
2 Statutes, adding revised, codified and compiled provisions  
3 relating to names and marks and making conforming and related  
4 amendments to Title 15 (Corporations and Unincorporated  
5 Associations) and Title 18 (Crimes and Offenses) and  
6 separately enacting certain related provisions of law.

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7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Chapters 1, 3, 5 and 7 of Title 54, act of  
10 November 25, 1970 (P.L.707, No.230), known as the Pennsylvania  
11 Consolidated Statutes, are repealed.

12 Section 2. Title 54 is amended by adding chapters to read:

13 TITLE 54

14 NAMES

15 Chapter

16 1. General Provisions

17 3. Fictitious Names

18 5. Corporate and Association Names

19 7. Judicial Change of Name

20 11. Trademarks

21 13. Insignia

22 15. Reusable Marked Articles and Receptacles

23 17. Newspapers

24 CHAPTER 1

25 GENERAL PROVISIONS

26 Sec.

27 101. Definitions.

28 102. Functions and powers of Department of State.

29 § 101. Definitions.

30 Subject to additional definitions contained in subsequent

1 provisions of this title which are applicable to specific  
2 provisions of this title, the following words and phrases when  
3 used in this title shall have, unless the context clearly  
4 indicates otherwise, the meanings given to them in this section:

5 "Corporation not-for-profit." A corporation not-for-profit  
6 as defined in Title 15 (relating to corporations and  
7 unincorporated associations).

8 "Department." The Department of State of the Commonwealth.

9 "Officially publish." The meaning specified in 15 Pa.C.S. §  
10 102 (relating to definitions) except that the county of  
11 publication shall be as specified in this title.

12 "Verified statement." A document filed under this title  
13 containing statements of fact and a statement by the signatory  
14 that it is made subject to the penalties of 18 Pa.C.S. § 4904  
15 (relating to unsworn falsification to authorities).

16 § 102. Functions and powers of Department of State.

17 Subchapter B of Chapter 1 of Title 15 (relating to functions  
18 and powers of Department of State) shall be applicable to  
19 filings in and the functions of the Department of State under  
20 this title.

21 CHAPTER 3

22 FICTITIOUS NAMES

23 Sec.

24 301. Short title of chapter.

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28 311. Registration.

29 312. Amendment.

30 313. Cancellation or withdrawal.

1 321. Decennial filings required.

2 331. Contracts entered into by entity using unregistered  
3 fictitious name.

4 332. Estoppel to plead misnomer.

5 333. Effect of registration.

6 § 301. Short title of chapter.

7 This chapter shall be known and may be cited as the  
8 "Fictitious Names Act."

9 § 302. Definitions.

10 The following words and phrases when used in this chapter  
11 shall have, unless the context clearly indicates otherwise, the  
12 meanings given them in this section:

13 "Business." Any commercial or professional activity.

14 "Entity." Any individual, corporation, association,  
15 partnership, joint-stock company, business trust, syndicate,  
16 joint adventureship or other combination or group of persons.

17 "Fictitious name." Any assumed or fictitious name, style or  
18 designation other than the proper name of the entity using such  
19 name. The term includes the name of any association, general  
20 partnership, business trust, syndicate, joint adventureship or  
21 similar combination or group of persons.

22 § 303. Scope of chapter.

23 (a) Voluntary registration.--Any one or more entities may  
24 elect to register a fictitious name under this chapter for the  
25 purpose of establishing a public record of their relationship to  
26 any business or other activity carried on under or through such  
27 fictitious name.

28 (b) Mandatory registration.--

29 (1) Except as provided in paragraph (2), any entity  
30 which either alone or in combination with any other entity

1 conducts any business in this Commonwealth under or through  
2 any fictitious name shall register the fictitious name under  
3 this chapter, and shall amend such registration whenever  
4 necessary to maintain the accuracy of the information  
5 disclosed thereby.

6 (2) Paragraph (1) shall not apply to any:

7 (i) Nonprofit or professional activities.

8 (ii) Activities which are expressly or impliedly  
9 prohibited by law from being carried on under a  
10 fictitious name.

11 (iii) A limited partnership which is registered in  
12 the department pursuant to Chapter 5 of Title 59  
13 (relating to limited partnerships). The preceding  
14 sentence shall not apply to any entity which includes the  
15 limited partnership as a participant unless the entity is  
16 itself such a limited partnership.

17 (iv) An unincorporated association.

18 (c) Other restrictions unaffected.--The registration of a  
19 fictitious name under this chapter shall not be a defense to any  
20 action or proceeding brought to enforce any law which expressly  
21 or impliedly prohibits any activity from being carried on under  
22 a fictitious name.

23 § 304. Effect of registration under prior statutes.

24 Fictitious names registered under the former provisions of  
25 the following statutes shall be deemed to be registered under  
26 this chapter:

27 Act of June 28, 1917 (P.L.645, No.227), relating to  
28 individual fictitious names.

29 Act of May 24, 1945 (P.L.967, No.380), referred to as the  
30 Fictitious Name Act.

Act of July 11, 1957 (P.L.783, No.374), known as the  
"Fictitious Corporate Name Act."

§ 311. Registration.

(a) General rule.--A fictitious name may be registered under this chapter by filing in the department an application for registration of fictitious name, which shall be executed as provided in subsection (b), and shall set forth:

(1) The fictitious name.

(2) A brief statement concerning the character or nature of the business or other activity to be carried on under or through the fictitious name.

(3) The name and address, including street and number, if any, of each individual interested in such business or other activity.

(4) With respect to each entity, other than an individual, interested in such business or other activity:

(i) The name of the entity and a statement of its form of organization.

(ii) The name of the jurisdiction under the laws of which it is organized.

(iii) The address, including street and number, if any, of its principal office under the laws of its domiciliary jurisdiction.

(iv) The address, including street and number, if any, of its registered office, if any, in this Commonwealth.

(5) A statement that the applicant is familiar with the provisions of section 333 (relating to effect of registration) and understands that filing under the Fictitious Names Act does not create any exclusive or other



1 right in the fictitious name.

2 (6) Such other information necessary to the  
3 administration of this chapter as the department may specify  
4 by regulation.

5 (b) Use of corporate designators.--A fictitious name  
6 registered under this chapter:

7 (1) May contain a corporate designator such as  
8 "corporation," "company," "incorporated" or "limited" or an  
9 abbreviation thereof, notwithstanding the fact that some or  
10 all of the persons interested therein are individuals.

11 (2) Need not contain a corporate designator,  
12 notwithstanding the fact that some or all of the persons  
13 interested therein are corporations. This paragraph shall not  
14 be construed to limit or affect any personal liability  
15 otherwise existing of shareholders of a corporation to  
16 persons who deal with the corporation without knowledge of  
17 its status as such.

18 (c) Agent for effecting amendments.--The application may  
19 designate one or more parties who shall be authorized to execute  
20 amendments to, withdrawals from or cancellation of the  
21 registration under this chapter in behalf of all then existing  
22 parties to the registration.

23 (d) Execution.--

24 (1) Where the application for registration relates to an  
25 entity which includes one or more participants which are  
26 partnerships or other entities composed of two or more  
27 parties, it shall not be necessary for each ultimate party to  
28 be named in and to execute the application, but only the  
29 constituent participants shall be named in the application  
30 and a partner or other authorized representative of a

1 participant may execute the application on behalf of the  
2 participant.

3 (2) Where the application for registration relates to a  
4 trust or similar entity, it shall not be necessary for each  
5 beneficial owner or similar ultimate party to be named in and  
6 to execute the application, but only the trustees of the  
7 trust or the governing body of the similar entity shall be  
8 named in and shall execute the application.

9 (3) Otherwise, the application for registration shall be  
10 executed by each individual party thereto, and in the case of  
11 any other entity by two duly authorized officers thereof  
12 under the seal, if any, of the entity.

13 (4) The application of any party may be executed by the  
14 attorney-in-fact of the party accompanied by written evidence  
15 of the authority of the attorney-in-fact.

16 (e) Duplicate use of names.--The fictitious name shall not  
17 be the same as, or deceptively similar to:

18 (1) The name of any domestic corporation, or any foreign  
19 corporation authorized to do business in this Commonwealth,  
20 or the name of any nonprofit unincorporated association  
21 registered at any time under Chapter 5 (relating to corporate  
22 and association names) unless such name is available or is  
23 made available for use under the provisions or procedures of  
24 15 Pa.C.S. § 7313(b)(1)(i) or (ii) (relating to duplicate use  
25 of names).

26 (2) The name of any limited partnership organized under  
27 Chapter 5 of Title 59 (relating to limited partnerships).

28 (3) The name of any administrative department, board, or  
29 commission, or other agency of this Commonwealth.

30 (4) A name the exclusive right to which is at the time

reserved by any other person whatsoever in the manner provided by statute.

(f) Required approvals.--The fictitious name shall not contain:

(1) The words "college," "university" or "seminary" when used in such a way as to imply that the entity is an educational institution conforming to the standards and qualifications prescribed by the State Board of Education, unless there is submitted a certificate from the Department of Education certifying that the entity is entitled to use such designation.

(2) The words "engineer" or "engineering" or "surveyor" or "surveying," or any other word implying that any form of the practice of engineering or surveying, as defined in the act of May 23, 1945 (P.L.913, No.367), known as the "Professional Engineers Registration Law," is provided, unless at least one of the parties to the registration has been properly registered with the State Registration Board for Professional Engineers and there is submitted to the department a certificate from the board to that effect.

(3) Any word or phrase not permitted by law to be filed under this chapter without governmental consent unless there is submitted to the department written evidence of such consent.

(g) Advertisement.--An entity which includes an individual party shall officially publish in the county in which the principal office or place of business of the entity is, or in the case of a proposed entity is to be, located, notice of its intention to file or the filing of an application for registration of a fictitious name under this chapter. The notice

1 may appear prior to or after the day upon which the application  
2 is filed in the department, and shall set forth briefly:

3 (1) The fictitious name.

4 (2) The address, including street and number, if any, of  
5 the principal office or place of business of the business to  
6 be carried on under or through the fictitious name.

7 (3) The names and respective addresses, including street  
8 and number, if any, of all persons who are parties to the  
9 registration.

10 (4) A statement that an application for registration of  
11 a fictitious name is to be or was filed under the Fictitious  
12 Names Act.

13 (5) A date on or before which the application will be  
14 filed in the Department of State or the date when the  
15 application was filed.

16 § 312. Amendment.

17 (a) General rule.--A fictitious name registration under this  
18 chapter may be amended by filing in the department an  
19 application for amendment of fictitious name registration, which  
20 shall be executed as provided in subsection (b), and shall set  
21 forth:

22 (1) The fictitious name, as theretofore registered.

23 (2) An identification of the last preceding filing in  
24 the department with respect to the fictitious name.

25 (3) The amendment, which may change the fictitious name,  
26 add or withdraw or reflect a change in name of a party to the  
27 registration, or otherwise revise the filing, and which shall  
28 revise any information set forth in preceding filings which  
29 has become inaccurate, and which shall restate in full all  
30 such information as so revised.

1           (4) A statement that the amendment, without reference to  
2           any preceding filing, sets forth all information with respect  
3           to the fictitious name which would be required in an original  
4           filing under the Fictitious Names Act.

5           (5) Such other information necessary to the  
6           administration of this chapter as the department may specify  
7           by regulation.

8           (b) Execution.--The application for amendment may be  
9           executed:

10           (1) in the same manner as an original application for  
11           registration of a fictitious name, including any party who is  
12           thereby withdrawing; or

13           (2) by the agent or agents designated pursuant to  
14           section 311(c) (relating to agent for effecting amendments)  
15           and by any additional party to such registration.

16           (c) Required approvals.--Section 311(f) (relating to  
17           required approvals) shall be applicable to any amendment which  
18           effects a change in the fictitious name as theretofore  
19           registered.

20   § 313. Cancellation or withdrawal.

21           (a) General rule.--A fictitious name registration under this  
22           chapter may be cancelled, or a party to such a registration may  
23           withdraw therefrom, by filing in the department an application  
24           for cancellation of fictitious name registration or an  
25           application for withdrawal from fictitious name registration, as  
26           the case may be, which shall be executed as provided in  
27           subsection (b), and shall set forth:

28           (1) The fictitious name, as theretofore registered.

29           (2) An identification of the last preceding filing in  
30           the department with respect to the fictitious name.

1           (3) A statement that the fictitious name registration is  
2       cancelled, or that one or more, but less than all, parties to  
3       the registration have withdrawn from the business or other  
4       activity carried on under or through the fictitious name.

5           (4) Such other information necessary to the  
6       administration of this chapter as the department may specify  
7       by regulation.

8       (b) Execution.--An application under this section may be  
9       executed in the same manner as an application for amendment of  
10      fictitious name registration, except that an application for  
11      withdrawal from fictitious name registration may be executed  
12      solely by the withdrawing party.

13   § 321. Decennial filings required.

14      (a) General rule.--Every registrant of a fictitious name  
15      registered under this chapter shall decennially, during the year  
16      1990 and each year thereafter divisible by ten, file in the  
17      department a report, which shall be executed in the same manner  
18      as an application for amendment of fictitious name registration,  
19      and shall set forth:

20           (1) The fictitious name, as theretofore registered.

21           (2) An identification of the last preceding filing in  
22      the department with respect to the fictitious name.

23           (3) A statement that the business or activity set forth  
24      of record continues to be carried on under or through the  
25      fictitious name or that the parties desire that the  
26      registration of the fictitious name be continued in effect.

27           (4) Such other information necessary to the  
28      administration of this chapter as the department may specify  
29      by regulation.

30      (b) Requirement satisfied by other filings.--Subsection (a)

1 shall not apply to a registrant which during the preceding ten  
2 years has made any filing with the department under this  
3 chapter.

4 (c) Effect of failure to make decennial filings.--On January  
5 1 of the year following the year during which a report is  
6 required to be filed under subsection (a) every fictitious name  
7 with respect to which no such report has been filed during the  
8 immediately preceding year shall be deemed to be no longer  
9 registered under this chapter. Such registration may thereafter  
10 be restored only by the filing under this chapter of an original  
11 application for registration of fictitious name.

12 § 331. Contracts entered into by entity using unregistered  
13 fictitious name.

14 (a) General rule.--No entity which has failed to register a  
15 fictitious name as required by this chapter shall be permitted  
16 to maintain any action in any tribunal of this Commonwealth  
17 until such entity shall have complied with the provisions of  
18 this chapter. Nor shall any action be maintained in any tribunal  
19 of this Commonwealth by any successor or assignee of such entity  
20 on any right, claim or demand arising out of a transaction with  
21 respect to which such entity used such fictitious name until  
22 such entity, or an entity which has acquired all or  
23 substantially all of its assets, shall have complied with the  
24 provisions of this chapter. The failure of any entity to  
25 register a fictitious name as required by this chapter shall not  
26 impair the validity of any contract or act of such entity and  
27 shall not prevent such entity from defending any action in any  
28 tribunal of this Commonwealth.

29 (b) Civil penalty.--Before any entity may institute any  
30 action in any tribunal of this Commonwealth on any cause of

1 action arising out of any transaction in respect to which such  
2 entity used a fictitious name prior to the date of the  
3 registration of such fictitious name, or after the date its  
4 registration under this chapter was cancelled or otherwise  
5 terminated as to such entity, the entity shall pay to the  
6 department for the use of the Commonwealth, a civil penalty of  
7 \$500.

8 (c) Substantial compliance.--The penalties of subsections  
9 (a) and (b) shall not be applicable if there has been  
10 substantial compliance in good faith with the requirements of  
11 this chapter or the corresponding provisions of prior law.

12 § 332. Estoppel to plead misnomer.

13 An entity which has failed to register a fictitious name as  
14 permitted by this chapter may not plead any misnomer in any  
15 action against it in any tribunal of this Commonwealth, where  
16 the action is brought against the entity under the fictitious  
17 name under or through which the entity has conducted the  
18 business or other activity out of which the action arose.

19 § 333. Effect of registration.

20 (a) General rule.--Registration under this chapter imparts  
21 no legal right to the registering entity other than that the  
22 conducting of business by it under a fictitious name shall not  
23 result in the penalties provided by section 331 (relating to  
24 contracts entered into by entity using unregistered fictitious  
25 name) and section 332 (relating to estoppel to plead misnomer)  
26 when such name is registered under this chapter.

27 (b) Corporate qualification unaffected.--The registration  
28 required under this chapter is in addition to all other acts  
29 required of a corporation prerequisite to its doing business in  
30 this Commonwealth, and no provision of this chapter shall be



1 construed as relieving a corporation of any duty under any other  
2 statute.

## 3 CHAPTER 5

### 4 CORPORATE AND ASSOCIATION NAMES

5 Sec.

6 501. Register established.

7 502. Certain additions to register.

8 503. Decennial filings required.

9 504. Effect of failure to make decennial filings.

10 505. Late filings.

11 506. Voluntary termination of registration by nonprofit  
12 associations.

13 § 501. Register established.

14 (a) General rule.--A register is established by this chapter  
15 which shall consist of such of the following names as are not  
16 deleted therefrom by operation of section 504 (relating to  
17 effect of failure to make decennial filings) or section 506  
18 (relating to voluntary termination of registration by nonprofit  
19 associations):

20 (1) A name registered prior to February 13, 1973 under  
21 the act of May 16, 1923 (P.L.246, No.160), relating to  
22 registration of certain names.

23 (2) A name registered under section 502 (relating to  
24 certain additions to register).

25 (3) In the case of a corporation not-for-profit, a name  
26 rendered unavailable for corporate use by other corporations  
27 by reason of any filing in the department by such corporation  
28 not-for-profit.

29 (b) Subsequent availability of certain names.--Whenever, by  
30 reason of change in name, withdrawal or dissolution of a

1 corporation not-for-profit, or for any other cause, its name is  
2 no longer rendered unavailable by the express provisions of  
3 Title 15 (relating to corporations and unincorporated  
4 associations) such name shall no longer be deemed to be  
5 registered under subsection (a)(3) on the register established  
6 by this chapter.

7 § 502. Certain additions to register.

8 (a) Corporations.--A domestic corporation not-for-profit  
9 incorporated prior to May 16, 1923 may register its name with  
10 the department under this chapter by effecting the filing  
11 specified in 15 Pa.C.S. § 7321 (relating to filing of  
12 certificate of summary of record by corporations incorporated  
13 prior to 1973).

14 (b) Unincorporated associations.--A nonprofit unincorporated  
15 association may register with the department the name under  
16 which it is doing business or operating by filing an application  
17 for registration, which shall be executed by two duly authorized  
18 officers of the association, and shall set forth:

19 (1) The name to be registered.

20 (2) The address, including street and number, if any, of  
21 the association.

22 (3) The length of time, if any, during which the name  
23 has been used by the applicant.

24 (4) Such other information necessary to the  
25 administration of this chapter as the department may specify  
26 by regulation.

27 (c) Limitation on names which may be registered.--  
28 Notwithstanding subsections (a) and (b), no new name shall be  
29 registered or deemed to be registered under this section which  
30 is the same as or deceptively similar to any other name then

1 registered or deemed to be registered under this chapter,  
2 without the consent of the senior registrant.

3 § 503. Decennial filings required.

4 (a) General rule.--Every corporation not-for-profit or  
5 nonprofit association whose name is registered under this  
6 chapter shall decennially, during the year 1980 and each year  
7 thereafter divisible by ten, file in the department a report,  
8 which shall be executed by two duly authorized officers under  
9 the seal, if any, of the corporation or association, and shall  
10 set forth:

11 (1) The name of the corporation or association.

12 (2) The address, including street and number, if any, of  
13 its registered or other office.

14 (3) A statement that the corporation or association  
15 continues to exist.

16 (4) Such other information necessary to the  
17 administration of this chapter as the department may specify  
18 by regulation.

19 (b) Requirement satisfied by other filings.--Subsection (a)  
20 shall not apply to a corporation which during the preceding ten  
21 years has made any filing in the department a permanent record  
22 of which is retained by the department.

23 § 504. Effect of failure to make decennial filings.

24 On January 1 of the year following the year during which a  
25 report is required to be filed under section 503 (relating to  
26 decennial filings required) the name of every corporation and  
27 association which has failed to comply with such section shall  
28 no longer be deemed to be registered under this chapter.

29 § 505. Late filings.

30 A corporation or association which has failed to file the

1 report required by section 503 (relating to decennial filings  
2 required) may do so at any later time, which filing shall  
3 reinstate the name of the corporation or association on the  
4 register established by this chapter unless its name has been  
5 appropriated during the period of the delinquency by any other  
6 person in the manner provided in this chapter or as otherwise  
7 provided by law.

8 § 506. Voluntary termination of registration by nonprofit  
9 associations.

10 Any nonprofit association which has its name registered under  
11 this chapter may terminate such registration by filing in the  
12 department a statement of termination of registration of name,  
13 which shall be executed by two duly authorized officers under  
14 the seal, if any, of the association, and shall set forth:

15 (1) The name of the association.

16 (2) The address, including street and number, if any, of  
17 the association.

18 (3) The date on which and the statute under which the  
19 name of the association was registered.

20 (4) A statement that the registration of the name of the  
21 association under this chapter is terminated.

22 (5) Such other information necessary to the  
23 administration of this chapter as the department may specify  
24 by regulation.

## 25 CHAPTER 7

### 26 JUDICIAL CHANGE OF NAME

27 Sec.

28 701. Court approval required for change of name.

29 702. Change by order of court.

30 703. Effect on children.

1 704. Divorced person may resume prior name.

2 705. Penalty for violation of chapter.

3 § 701. Court approval required for change of name.

4 (a) General rule.--It shall be unlawful for any person to  
5 assume a name different from the name by which such person is  
6 and has been known, unless such change in name is made pursuant  
7 to proceedings in court as provided by this chapter.

8 (b) Informal change of name.--Notwithstanding subsection (a)  
9 a person may at any time adopt and use any name if such name is  
10 used consistently, nonfraudulently and exclusively.

11 § 702. Change by order of court.

12 The court of common pleas of any county may by order change  
13 the name of any person resident in the county.

14 § 703. Effect on children.

15 (a) General rule.--Whenever an order is made under this  
16 chapter changing the surname of anyone who is at the time  
17 thereof the parent of a minor child or adopted minor child, then  
18 under the care of such parent, the new surname of such parent  
19 shall, unless otherwise ordered by the court, thereafter be  
20 borne likewise by such minor child.

21 (b) Further change on attaining majority.--Any minor child  
22 whose surname has been changed pursuant to subsection (a) upon  
23 attaining majority shall also be entitled to the benefits of  
24 section 702 (relating to change by order of court).

25 § 704. Divorced person may resume prior name.

26 (a) General rule.--Any person who is divorced from the bonds  
27 of matrimony may resume any prior surname used by him or her by  
28 filing a written notice to such effect in the office of the  
29 clerk of the court in which the decree of divorce was entered,  
30 showing the caption and docket number of the proceeding in

1 divorce.

2 (b) Foreign decrees.--Where a divorced person has been the  
3 subject of a decree of divorce granted in a foreign  
4 jurisdiction, a certified copy of such foreign divorce decree  
5 may be filed with the clerk of the court of common pleas of the  
6 county where the person resides, and thereafter the notice  
7 specified in subsection (a) may be filed with reference to such  
8 decree.

9 § 705. Penalty for violation of chapter.

10 Any person violating the provisions of this chapter for  
11 purpose of avoiding payment of taxes or other debts commits a  
12 summary offense.

13 CHAPTER 11

14 TRADEMARKS

15 Sec.

16 1101. Short title of chapter.

17 1102. Definitions.

18 1103. Classification.

19 1111. Registrability.

20 1112. Application for registration.

21 1113. Registration of mark.

22 1114. Duration and renewal.

23 1115. Assignment.

24 1116. Cancellation.

25 1121. Damages for fraudulent registration.

26 1122. Disclaimer of unregistrable matter.

27 1123. Infringement.

28 1124. Injury to business or reputation; dilution.

29 1125. Remedies.

30 1126. Common law rights.

1 § 1101. Short title of chapter.

2 This chapter shall be known and may be cited as the  
3 "Pennsylvania Trademark Act."

4 § 1102. Definitions.

5 The following words and phrases when used in this chapter  
6 shall have, unless the context clearly indicates otherwise, the  
7 meanings given to them in this section:

8 "Adopted and used." A trademark shall be deemed to be  
9 "adopted and used" in this Commonwealth when it is placed in any  
10 manner on the goods or their containers or the displays  
11 associated therewith or on the tags or labels affixed thereto,  
12 and such goods are sold or otherwise distributed in this  
13 Commonwealth. A service mark shall be deemed to be "adopted and  
14 used" in this Commonwealth when it is used or displayed in the  
15 sale or advertising of services and the services are rendered in  
16 this Commonwealth.

17 "Applicant." Any person filing an application for  
18 registration of a mark under this chapter, or the legal  
19 representatives, successors or assigns of such person.

20 "Mark." Includes any trademark or service mark entitled to  
21 registration under this chapter whether registered or not.

22 "Registrant." Any person who registers a mark under this  
23 chapter, or the legal representatives, successors or assigns of  
24 such person.

25 "Service mark." A mark used in the sale or advertising of  
26 services to identify the services of one person and distinguish  
27 them from the services of others and includes, without  
28 limitation, the marks, names, symbols, titles, designations,  
29 slogans, character names and distinctive features of radio or  
30 other advertising used in commerce.

1 "Trademark." Any word, name, symbol or device, or any  
2 combination thereof, adopted and used by a person to identify  
3 goods produced, manufactured or sold by the person, and to  
4 distinguish them from goods produced, manufactured or sold by  
5 others.

6 "Trade name." A word, name, symbol, device or any  
7 combination thereof used by a person to identify the business,  
8 vocation or occupation of the person and distinguish it from the  
9 business, vocation or occupation of others.

10 § 1103. Classification.

11 The following general classes of goods and services are  
12 established for the purpose of administering this chapter. The  
13 department may, by regulation, amend the classification  
14 established by this section if such amendment does not limit or  
15 extend the rights of any applicant or registrant. An application  
16 for registration of a mark shall be limited to a single general  
17 class of goods or services. Nothing in this chapter shall be  
18 construed as limiting the registration of a mark to one general  
19 class. The classes are as follows:

20 GOODS

21 (1) Chemical products used in industry, science,  
22 photography, agriculture, horticulture, forestry; artificial  
23 and synthetic resins; plastics in the form of powders,  
24 liquids or pastes, for industrial use; manures (natural and  
25 artificial); fire extinguishing compositions; tempering  
26 substances and chemical preparations for soldering; chemical  
27 substances for preserving foodstuffs; tanning substances;  
28 adhesive substances used in industry.

29 (2) Paints, varnishes, lacquers; preservatives against  
30 rust and against deterioration of wood; coloring matters,



1 dyestuffs; mordants; natural resins; metals in foil and  
2 powder form for painters and decorators.

3 (3) Bleaching preparations and other substances for  
4 laundry use; cleaning, polishing, scouring and abrasive  
5 preparations; soaps; perfumery, essential oils, cosmetics,  
6 hair lotions; dentifrices.

7 (4) Industrial oils and greases (other than edible oils  
8 and fats and essential oils); lubricants; dust laying and  
9 absorbing compositions; fuels (including motor spirit) and  
10 illuminants; candles, tapers, night-lights and wicks.

11 (5) Pharmaceutical veterinary and sanitary substances;  
12 infants' and invalids' foods; plasters, material for  
13 bandaging; material for stopping teeth, dental wax;  
14 disinfectants; preparations for killing weeds and destroying  
15 vermin.

16 (6) Unwrought and partly wrought common metals and their  
17 alloys; anchors, anvils, bells, rolled and cast building  
18 materials; rails and other metallic materials for railway  
19 tracks; chains (except driving chains for vehicles); cables  
20 and wires (nonelectric); locksmiths' work; metallic pipes and  
21 tubes; safes and cash boxes; steel balls; horseshoes; nails  
22 and screws; other goods in nonprecious metal not included in  
23 other classes; ores.

24 (7) Machines and machine tools; motors (except for land  
25 vehicles); machine couplings and belting (except for land  
26 vehicles); large size agricultural implements; incubators.

27 (8) Hand tools and instruments; cutlery, forks and  
28 spoons; side arms.

29 (9) Scientific, nautical, surveying and electrical  
30 apparatus and instruments (including wireless), photographic,

1 cinematographic, optical, weighing, measuring, signalling,  
2 checking (supervision), life-saving and teaching apparatus  
3 and instruments; coin or counter-fed apparatus; talking  
4 machines; cash registers; calculating machines; fire  
5 extinguishing apparatus.

6 (10) Surgical, medical, dental and veterinary  
7 instruments and apparatus (including artificial limbs, eyes  
8 and teeth).

9 (11) Installations for lighting, heating, steam  
10 generating, cooking, refrigerating, drying, ventilating,  
11 water supply and sanitary purposes.

12 (12) Vehicles; apparatus for locomotion by land, air or  
13 water.

14 (13) Firearms; ammunition and projectiles; explosive  
15 substances; fireworks.

16 (14) Precious metals and their alloys and goods in  
17 precious metals or coated therewith (except cutlery, forks  
18 and spoons); jewelry, precious stones, horological and other  
19 chronometric instruments.

20 (15) Musical instruments (other than talking machines  
21 and wireless apparatus).

22 (16) Paper and paper articles, cardboard and cardboard  
23 articles; printed matter, newspapers and periodicals, books;  
24 book-binding material; photographs; stationery, adhesive  
25 materials (stationery); artists' materials; paint brushes;  
26 typewriters and office requisites (other than furniture);  
27 instructional and teaching material (other than apparatus);  
28 playing cards; printers' type and cliches (stereotype).

29 (17) Gutta-percha, India rubber, balata and substitutes,  
30 articles made from these substances and not included in other

1 classes; plastics in the form of sheets, blocks and rods,  
2 being for use in manufacture; materials for packing, stopping  
3 or insulating; asbestos, mica and their products; hose pipes  
4 (nonmetallic).

5 (18) Leather and imitations of leather, and articles  
6 made from these materials and not included in other classes;  
7 skins, hides; trunks and travelling bags; umbrellas, parasols  
8 and walking sticks; whips, harness and saddlery.

9 (19) Building materials, natural and artificial stone,  
10 cement, lime, mortar, plaster and gravel; pipes of  
11 earthenware or cement; road-making materials; asphalt, pitch  
12 and bitumen; portable buildings; stone monuments; chimney  
13 pots.

14 (20) Furniture, mirrors, picture frames; articles (not  
15 included in other classes) of wood, cork, reeds, cane,  
16 wicker, horn, bone, ivory, whalebone, shell, amber, mother-  
17 of-pearl, meerschaum, celluloid, substitutes for all these  
18 materials, or of plastics.

19 (21) Small domestic utensils and containers (not of  
20 precious metal or coated therewith); combs and sponges;  
21 brushes (other than paint brushes); brush-making materials;  
22 instruments and material for cleaning purposes; steelwool;  
23 glassware, porcelain and earthenware, not included in other  
24 classes.

25 (22) Ropes, string, nets, tents, awnings, tarpaulins,  
26 sails, sacks; padding and stuffing materials (hair, capoc,  
27 feathers, seaweed, etc.); raw fibrous textile materials.

28 (23) Yarns, threads.

29 (24) Tissues (piece goods); bed and table covers;  
30 textile articles not included in other classes.



- 1           (35) Advertising and business.
- 2           (36) Insurance and financial.
- 3           (37) Construction and repair.
- 4           (38) Communication.
- 5           (39) Transportation and storage.
- 6           (40) Material treatment.
- 7           (41) Education and entertainment.
- 8           (42) Miscellaneous.

9   § 1111. Registrability.

10       A mark by which the goods or services of any applicant for  
11 registration may be distinguished from the goods or services of  
12 others shall not be registered which:

13           (1) Consists of or comprises immoral, deceptive, or  
14 scandalous matter.

15           (2) Consists of or comprises matter which may disparage  
16 or falsely suggest a connection with persons, living or dead,  
17 institutions, beliefs, or national symbols, or bring them  
18 into contempt, or disrepute.

19           (3) Consists of or comprises the flag or coat of arms or  
20 other insignia of the United States, the Commonwealth of  
21 Pennsylvania, or of any other state or municipality, or of  
22 any foreign nation, or any simulation thereof.

23           (4) Consists of or comprises the name, signature, or  
24 portrait of any living individual, except with his or her  
25 written consent.

26           (5) Consists of a mark which:

27               (i) when applied to the goods or services of the  
28 applicant is merely descriptive or deceptively  
29 misdescriptive of them;

30               (ii) when applied to the goods or services of the

1           applicant is primarily geographically descriptive or  
2           deceptively misdescriptive of them; or  
3           (iii) is primarily merely a surname.

4       Nothing in this paragraph shall prevent the registration of a  
5       mark used in this Commonwealth by the applicant which has  
6       become distinctive of the goods or services of the applicant.  
7       The department may accept as evidence that the mark has  
8       become distinctive as applied to the goods or services of the  
9       applicant, proof of continuous use thereof as a mark by the  
10      applicant in this Commonwealth, or elsewhere, for the five  
11      years next preceding the date of the filing of the  
12      application for registration.

13       (6) Consists of or comprises a mark which so resembles a  
14      mark registered in this Commonwealth or a mark or trade name  
15      previously used in this Commonwealth by another and not  
16      abandoned, as to be likely, when applied to the goods or  
17      services of the applicant, to cause confusion or mistake or  
18      to deceive, unless it shall be proved to the satisfaction of  
19      the department that the person last applying for the registry  
20      of such mark is entitled thereto and is the owner thereof by  
21      right of prior adoption and use, in which case the date of  
22      the adoption shall determine the ownership, and shall be  
23      proved by verified statements of persons conversant with such  
24      dates. In case the department becomes satisfied after a  
25      hearing held as provided by section 1116(5) (relating to  
26      cancellation) that the person last applying for registry is  
27      entitled by priority of adoption and use in this Commonwealth  
28      to register such mark, it shall revoke the first registry  
29      thereof and, upon application and the payment of the fee,  
30      register the same in the name of such applicant.

1 § 1112. Application for registration.

2 (a) General rule.--Subject to the limitations set forth in  
3 this chapter any person who has adopted and used a mark in this  
4 Commonwealth may file in the department an application for  
5 registration of that mark, setting forth the following  
6 information:

7 (1) The name of the person applying for such  
8 registration, the residence, location or place of business of  
9 the applicant, and, if a corporation, the jurisdiction of  
10 incorporation.

11 (2) The goods or services in connection with which the  
12 mark is used and the mode or manner in which the mark is used  
13 in connection with such goods or services and the class in  
14 which such goods or services fall.

15 (3) The date when the mark was first used anywhere and  
16 the date when it was first used in this Commonwealth by the  
17 applicant or the predecessor in business of the applicant.

18 (4) A statement that the applicant is the owner of the  
19 mark and that no other person has the right to use such mark  
20 in this Commonwealth, either in the identical form thereof or  
21 in any such near resemblance thereto as might be calculated  
22 to deceive or to be mistaken therefor.

23 (5) Such other information necessary to the  
24 administration of this chapter as the department may specify  
25 by regulation.

26 (b) Facsimile.--The application shall be accompanied by a  
27 facsimile of such mark.

28 § 1113. Registration of mark.

29 Upon compliance by the applicant with the requirements of  
30 this chapter, the department shall register the mark.

1 § 1114. Duration and renewal.

2 Registration of a mark under this chapter shall be effective  
3 for a term of ten years from the date of registration, and upon  
4 application for renewal filed within six months prior to the  
5 expiration of such term the registration may be renewed for a  
6 like term. A mark registration may be renewed for successive  
7 periods of ten years in like manner. All applications for  
8 renewals shall include a statement that the mark is still in use  
9 in this Commonwealth.

10 § 1115. Assignment.

11 (a) General rule.--Any mark and its registration under this  
12 chapter shall be assignable with the good will of the business  
13 in which the mark is used, or with that part of the good will of  
14 the business connected with the use of and symbolized by the  
15 mark. Assignment shall be by instrument in writing, duly  
16 executed, and may be recorded with the department. A registrant  
17 may record an assignment to itself to reflect of record a change  
18 in the name of the registrant.

19 (b) Unrecorded assignments.--An assignment of any  
20 registration under this chapter shall be void as against any  
21 subsequent purchaser for valuable consideration and without  
22 notice, unless it is recorded with the department not later than  
23 the earlier of:

24 (1) three months after the date of the assignment, or

25 (2) such subsequent purchase.

26 § 1116. Cancellation.

27 The department shall cancel from the register under this  
28 chapter:

29 (1) All registrations under this chapter which are more  
30 than ten years old and not renewed in accordance with this



chapter.

(2) Any registration concerning which the department shall receive an application for cancellation thereof from the registrant or the assignee of record.

(3) Any registration concerning which a court of competent jurisdiction shall find:

(i) That the registered mark has been abandoned.

(ii) That the registrant is not the owner of the mark.

(iii) That the registration was granted improperly.

(iv) That the registration was obtained fraudulently.

(v) That the registered mark is so similar, as to be likely to cause confusion or mistake or to deceive, to a mark registered by another person in the United States Patent and Trademark Office, prior to the date of the filing of the application for registration by the registrant under this chapter or former provisions of law and not abandoned, except that if the registrant proves that the registrant is the owner of a concurrent registration of the mark in the United States Patent and Trademark Office, covering an area including this Commonwealth, the registration under this chapter shall not be cancelled.

(4) When a court of competent jurisdiction shall order cancellation of a registration on any ground.

(5) Any registration in the following circumstances:

(i) Where an applicant, by verified statement or other good and sufficient evidence, shall prove to the satisfaction of the department that the applicant is

1           entitled by virtue of prior adoption and use to any mark  
2           theretofore registered in the department.

3           (ii) In the case of a corporation having filed  
4           articles of dissolution or a decree of dissolution, any  
5           person may, at any time at least three years thereafter,  
6           present a petition to the department setting forth such  
7           fact.

8           (iii) In the case of a person not having filed  
9           articles of dissolution or a decree of dissolution, but  
10          having discontinued or gone out of the business to which  
11          such registration is pertinent.

12          (iv) When a registered mark has been abandoned or  
13          discontinued for a period of at least five years  
14          subsequent to registration and such abandonment and  
15          nonuser still persists.

16       In all circumstances enumerated in this paragraph, any person  
17       may present his or her petition for cancellation to the  
18       department. The petition shall set forth the pertinent facts  
19       relative thereto, and shall contain proof of service of  
20       notice of the petition on the person in whose name the  
21       registration is recorded, and asking that such registration  
22       be cancelled. The department shall fix a time to hear the  
23       parties concerned in the matter, and shall send, by certified  
24       mail, a notice of hearing to the person in whose name such  
25       registration is recorded. If, after hearing, the department  
26       is satisfied of the truth of the facts alleged in the  
27       petition in accordance with the provisions of this paragraph,  
28       it shall cancel the registration.

29   § 1121. Damages for fraudulent registration.

30       Any person who shall, for himself or herself or on behalf of

1 any other person, procure the filing or registration of any mark  
2 in the department under this chapter by knowingly making any  
3 false or fraudulent representation or declaration, verbally or  
4 in writing, or by any other fraudulent means, shall be liable to  
5 pay all damages sustained in consequence of such filing or  
6 registration, to be recovered by or on behalf of the party  
7 injured thereby in any court of competent jurisdiction.

8 § 1122. Disclaimer of unregistrable matter.

9 The department shall require unregistrable matter to be  
10 disclaimed, but such disclaimer shall not prejudice or affect  
11 the common law rights of the applicant then existing or  
12 thereafter arising in such disclaimed matter.

13 § 1123. Infringement.

14 (a) General rule.--Subject to the provisions of section 1126  
15 (relating to common law rights), any person who shall:

16 (1) use, without the consent of the registrant, any  
17 reproduction, counterfeit, copy or colorable imitation of a  
18 mark registered under this chapter in connection with the  
19 sale, offering for sale, or advertising of any goods or  
20 services in a manner likely to cause confusion or mistake or  
21 to deceive as to the source of origin of such goods or  
22 services; or

23 (2) reproduce, counterfeit, copy or colorably imitate  
24 any such mark and apply such reproduction, counterfeit, copy  
25 or colorable imitation to labels, signs, prints, packages,  
26 wrappers, receptacles or advertisements, intended to be used  
27 in connection with the sale or other distribution in this  
28 Commonwealth of such goods or services;

29 shall be liable to a civil action by the owner of such  
30 registered mark for any or all of the remedies provided in

1 section 1125 (relating to remedies), except that under paragraph  
2 (2) the registrant shall not be entitled to recover profits or  
3 damages unless the acts have been committed with knowledge that  
4 such mark is intended to be used to cause confusion or mistake  
5 or to deceive.

6 (b) Exception.--The provisions of subsection (a) shall not  
7 apply to any advertising agency, publisher of newspapers,  
8 magazines, or other advertising media accepting authorization  
9 for the reproduction or copy of any such mark innocently and in  
10 good faith in the usual course of business.

11 § 1124. Injury to business reputation; dilution.

12 Likelihood of injury to business reputation or of dilution of  
13 the distinctive quality of a mark registered under this chapter,  
14 or a mark valid at common law, or a trade name valid at common  
15 law, shall be a ground for injunctive relief notwithstanding the  
16 absence of competition between the parties or the absence of  
17 confusion as to the source of goods or services.

18 § 1125. Remedies.

19 (a) General rule.--Any owner of a mark registered under this  
20 chapter may proceed by suit to enjoin the manufacture, use,  
21 display or sale of any counterfeits or imitations thereof, and  
22 any court of competent jurisdiction may grant injunctions to  
23 restrain such manufacture, use, display or sale as may be by the  
24 court deemed just and reasonable, and may, except as provided in  
25 section 1123 (relating to infringement), require the defendants  
26 to pay to such owner all profits derived from and all damages  
27 suffered by reason of such wrongful manufacture, use, display or  
28 sale, and such court may also order that any such counterfeits  
29 or imitations in the possession or under the control of any  
30 defendant in such case be delivered to an officer of the court

1 or to the complainant to be destroyed.

2 (b) Exception.--No owner of such a mark shall have such  
3 right of injunction against an advertising agency, publisher of  
4 newspapers, magazines, or other advertising media accepting  
5 authorization for the reproduction or copy of any such mark  
6 innocently and in good faith in the usual course of business.

7 (c) Criminal prosecutions unaffected.--The enumeration of  
8 any right or remedy in this chapter shall not affect the right  
9 of a registrant to prosecute under Title 18 (relating to crimes  
10 and offenses).

11 § 1126. Common law rights.

12 Nothing in this chapter shall adversely affect the rights or  
13 the enforcement of rights in marks acquired in good faith at any  
14 time at common law.

## 15 CHAPTER 13

### 16 INSIGNIA

17 Sec.

18 1301. Definitions.

19 1302. Effect of registration under prior statutes.

20 1311. Registration of insignia.

21 1312. Amendment.

22 1313, Cancellation.

23 1314. Decennial filings required.

24 1321. Specifying conditions under which union label may  
25 be used.

26 1322. Rescission of right to use union label of allied  
27 crafts.

28 1331. Injunction relief.

29 § 1301. Definitions.

30 The following words and phrases when used in this chapter

1 shall have, unless the context clearly indicates otherwise, the  
2 meanings given to them in this section:

3 "Insignia." The name, badge, motto, button, decoration,  
4 charm, emblem, rosette, label or other insignia of an  
5 organization.

6 "Label." A label, symbol, mark or private stamp, including a  
7 label adopted by labor unions for the purpose of designating the  
8 product of their particular labor or workmanship.

9 "Organization." Any association, lodge, order, fraternal  
10 society, beneficial association, or fraternal and beneficial  
11 society or association, historical, military or veterans'  
12 organization, labor union, foundation, federation, or any other  
13 society, organization or association, or any degree, branch,  
14 subordinate lodge or auxiliary thereof, whether incorporated or  
15 unincorporated, the principles and activities of which are not  
16 repugnant to the Constitution and laws of the United States or  
17 of this Commonwealth.

18 § 1302. Effect of registration under prior statutes.

19 Insignia registered under the former provisions of the  
20 following statutes shall be deemed to be registered under this  
21 chapter:

22 Act of May 21, 1895 (P.L.95, No.68), relating to union  
23 labels.

24 Act of May 5, 1927 (P.L.778, No.406), relating to  
25 insignia of certain organizations.

26 § 1311. Registration of insignia.

27 (a) General rule.--The insignia of an organization may be  
28 registered under this chapter by the organization by filing in  
29 the department an application for registration of insignia,  
30 which shall set forth:

(1) The name of the organization and its address,  
including street and number, if any.

(2) Such other information necessary to the  
administration of this chapter as the department may specify  
by regulation.

(b) Facsimile.--The application shall be accompanied by a  
facsimile of the insignia.

(c) Restrictions.--The department shall not file any  
application for registration under this chapter of any insignia  
which is similar to, imitating or so nearly resembling as to be  
calculated to deceive, the insignia theretofore registered under  
this chapter of any other organization.

§ 1312. Amendment.

(a) General rule.--The registration under this chapter of  
the insignia of an organization may be amended by the  
organization by filing in the department an application for  
amendment of insignia registration, which shall set forth:

(1) The name of the organization and its address,  
including street and number, if any.

(2) An identification of the last preceding filing in  
the department with respect to the insignia.

(3) The amendment, which shall revise any information  
set forth in preceding filings which has become inaccurate  
and shall restate in full all such information as so revised.

(4) Such other information necessary to the  
administration of this chapter as the department may specify  
by regulation.

(b) Restrictions.--The department shall not file any  
application for amendment of insignia registration in  
circumstances where an original registration of such insignia

1 could not be filed under this chapter.

2 § 1313. Cancellation.

3 The registration under this chapter of the insignia of an  
4 organization may be cancelled by the organization by filing in  
5 the department a statement of cancellation of insignia  
6 registration, which shall set forth:

7 (1) The name of the organization and its address,  
8 including street and number, if any.

9 (2) An identification of the last preceding filing in  
10 the department with respect to the insignia.

11 (3) A statement that the registration of the insignia is  
12 cancelled.

13 (4) Such other information necessary to the  
14 administration of this chapter as the department may specify  
15 by regulation.

16 § 1314. Decennial filings required.

17 (a) General rule.--Every registrant of any insignia  
18 registered under this chapter shall decennially, during the year  
19 1990 and each year thereafter divisible by ten, file in the  
20 department a report, which shall set forth:

21 (1) The name of the organization and its address,  
22 including street and number, if any.

23 (2) An identification of the last preceding filing in  
24 the department with respect to the insignia.

25 (3) A statement that the insignia shall continue to be  
26 registered in the department.

27 (4) Such other information necessary to the  
28 administration of this chapter as the department may specify  
29 by regulation.

30 (b) Requirement satisfied by other filings.--Subsection (a)



1 shall not apply to a registrant which during the preceding ten  
2 years has made any filing with the department under this  
3 chapter.

4 (c) Effect of failure to make decennial filings.--On January  
5 1 of the year following the year during which a report is  
6 required to be filed under subsection (a) every insignia  
7 theretofore registered under this chapter with respect to which  
8 no such report has been filed during the immediately preceding  
9 year shall cease to be registered under this chapter. Such  
10 registration may thereafter be restored only by the filing under  
11 this chapter of an original application for registration of the  
12 insignia.

13 § 1321. Specifying conditions under which union label may  
14 be used.

15 Every labor union which has registered a union label under  
16 this chapter shall have, possess and enjoy full, complete and  
17 unquestioned power and authority to name, make, dictate and  
18 specify the conditions and limitations under which such label  
19 may be used by any person employing the members of the union, or  
20 manufacturing any article upon which any such label may be  
21 affixed, or using in any manner in the business of such person  
22 the labor symbolized by such label.

23 § 1322. Rescission of right to use union label of allied  
24 crafts.

25 Where two or more labor unions have adopted an allied crafts'  
26 union label, and granted the use of it to any person, and  
27 conflict has arisen between such grantee and any one or more of  
28 the organizations having an interest in the allied crafts' union  
29 label, any one or more of the labor unions interested in the  
30 union label may rescind the right of the grantee to use the

1 union label, and the continued use of it, after notice in  
2 writing that the right thereof has been rescinded by any of the  
3 labor unions interested, shall render the grantee liable to the  
4 penalties of this chapter.

5 § 1331. Injunctive relief.

6 Any organization having registered its insignia under this  
7 chapter shall have the right to proceed before any court of  
8 competent jurisdiction for an injunction to restrain the  
9 unauthorized manufacture, use or sale of such insignia,  
10 including the right to require the surrender of possession and  
11 redelivery of any such insignia.

## 12 CHAPTER 15

### 13 REUSABLE MARKED ARTICLES AND RECEPTACLES

14 Sec.

15 1501. Definitions.

16 1502. Effect of registration under prior statutes.

17 1511. Registration of articles or supplies.

18 1512. Amendment.

19 1513. Assignment.

20 1514. Cancellation of registration.

21 1515. Decennial filings required.

22 1521. Paying or accepting of deposit not deemed a sale.

23 1522. Using or removal of identity of receptacle.

24 1523. Laundering articles labeled with mark of owner.

25 1524. Unauthorized use as presumptive evidence.

26 1525. Return of supplies.

27 1531. Penalty.

28 § 1501. Definitions.

29 The following words and phrases when used in this chapter  
30 shall have, unless the context clearly indicates otherwise, the

1 meanings given to them in this section:

2 "Articles or supplies." Any item which is designed and  
3 intended for reuse in the normal course of trade by the person  
4 filing under this chapter and includes towels, coats, aprons,  
5 uniforms, toilet devices and accessories therefor supplied for  
6 hire or compensation, and vessels, receptacles and utensils used  
7 as packages or containers in the sale and distribution of any  
8 natural or processed product, compound, mixture, or substance,  
9 or any combination thereof, and parts and accessories for such  
10 vessels, receptacles and utensils.

11 "Mark." Any word, name, symbol, picture, design or device, or  
12 any combination thereof, produced upon and used by a person to  
13 indicate ownership of articles and supplies.

14 "Produced upon." Branded, stamped, stenciled, engraved,  
15 etched, blown, embossed, impressed, embroidered, sewn or  
16 otherwise permanently placed upon any articles or supplies.

17 "Used in this Commonwealth." A mark is "used in this  
18 Commonwealth" when such name, mark or device is placed upon  
19 articles or supplies which are loaned, rented, sold or otherwise  
20 circulated within this Commonwealth.

21 § 1502. Effect of registration under prior statutes.

22 Marks registered under the former provisions of the following  
23 statutes shall be deemed to be registered under this chapter:

24 Act of April 20, 1853 (P.L.643, No.360), relating to  
25 marks on beverage bottles.

26 Act of May 8, 1889 (P.L.132, No.146), relating to marks  
27 on beverage bottles.

28 Act of June 15, 1911 (P.L.975, No.787), relating to marks  
29 on containers.

30 Act of January 26, 1966 (1965 P.L.1598, No.564), relating

1 to marks on articles or supplies.

2 § 1511. Registration of articles or supplies.

3 (a) General rule.--A person who uses in this Commonwealth a  
4 mark to indicate the ownership of articles or supplies may  
5 register such mark under this chapter by filing in the  
6 department an application for registration of mark used with  
7 articles or supplies, which shall set forth:

8 (1) The name and address, including street and number,  
9 if any, of the applicant and if a corporation, its  
10 jurisdiction of incorporation.

11 (2) The nature of the business of the applicant.

12 (3) The type of articles or supplies in connection with  
13 which the mark is used.

14 (4) Such other information necessary to the  
15 administration of this chapter as the department may specify  
16 by regulation.

17 (b) Facsimile.--The application shall be accompanied by a  
18 facsimile of the mark.

19 (c) Registration evidence of ownership.--The registration of  
20 a mark under this chapter shall be prima facie evidence that the  
21 person in whose name the mark is registered is the owner of all  
22 articles and supplies upon which such mark is produced.

23 § 1512. Amendment.

24 The registration under this chapter of a mark may be amended  
25 by the registrant by filing in the department of an application  
26 for amendment of mark used with articles or supplies, which  
27 shall set forth:

28 (1) The name and address, including street and number,  
29 if any, of the registrant.

30 (2) An identification of the last preceding filing in

1 the department with respect to the mark.

2 (3) The amendment, which shall revise any information  
3 set forth in the preceding filing which has become inaccurate  
4 and shall restate in full all such information as so revised.

5 (4) Such other information necessary to the  
6 administration of this chapter as the department may specify  
7 by regulation.

8 § 1513. Assignment.

9 Any mark and its registration under this chapter shall be  
10 assignable with the sale of the articles or supplies on which  
11 the mark is produced and used. Assignments shall be by  
12 instruments in writing, duly executed, and may be recorded with  
13 the department.

14 § 1514. Cancellation of registration.

15 The department shall cancel from the register under this  
16 chapter:

17 (1) Any registration concerning which the department  
18 shall receive an application for cancellation thereof from  
19 the registrant or from the assignee of record.

20 (2) Any registration in respect of which a court of  
21 competent jurisdiction shall order cancellation.

22 § 1515. Decennial filings required.

23 (a) General rule.--Every registrant of a mark registered  
24 under this chapter shall decennially, during the year 1990 and  
25 each year thereafter divisible by ten, file in the department a  
26 report, which shall set forth:

27 (1) The name and address, including street and number,  
28 if any, of the registrant.

29 (2) An identification of the last preceding filing in  
30 the department with respect to the mark.

1           (3) A statement that the mark continues to be used in  
2       connection with the articles or supplies specified in the  
3       registration.

4           (4) Such other information necessary to the  
5       administration of this chapter as the department may specify  
6       by regulation.

7       (b) Requirement satisfied by other filings.--Subsection (a)  
8       shall not apply to a registrant which during the preceding ten  
9       years has made any filing with the department under this  
10      chapter.

11      (c) Effect of failure to make decennial filings.--On January  
12      1 of the year following the year during which a report is  
13      required to be filed under subsection (a) every mark theretofore  
14      registered under this chapter with respect to which no such  
15      report has been filed during the immediately preceding year  
16      shall cease to be registered under this chapter. Such  
17      registration may thereafter be restored only by the filing under  
18      this chapter of an original application for registration of the  
19      mark.

20      § 1521. Paying or accepting of deposit not deemed a sale.

21      The requiring, taking, paying or accepting of any deposit for  
22      any purpose upon any articles or supplies shall not be deemed to  
23      constitute a sale of such property, either optional or  
24      otherwise, for purposes of this chapter.

25      § 1522. Using or removal of identity of receptacle.

26      No person shall use, give, buy, take, destroy, sell or  
27      otherwise dispose of, or traffic in, articles or supplies, fill  
28      or refill any vessel, receptacle or utensil upon which a mark,  
29      registered under this chapter is produced, or refuse to return  
30      such articles or supplies on demand of the owner, or to deface,

1 erase, obliterate, cover up or otherwise remove or conceal any  
2 such name, mark or device, unless consent of the owner is  
3 obtained or unless the articles or supplies shall have been  
4 purchased from the owner.

5 § 1523. Laundering articles labeled with mark of owner.

6 No person shall, without the written consent of the owner  
7 thereof, launder, wash, clean, renovate, or cause to be  
8 laundered, washed, cleaned, or renovated, any towels, coats,  
9 aprons, uniforms, toilet devices, or other supplies used for the  
10 purpose of cleanliness and sanitation, upon which a mark  
11 registered under this chapter is produced, and the possession of  
12 which is claimed by lease or rental from the owner thereof.

13 § 1524. Unauthorized use as presumptive evidence.

14 The use or possession by any person, other than the  
15 registrant, of any articles or supplies without the written  
16 consent provided in this chapter, or the possession of articles  
17 or supplies so marked by any junk dealer or dealer of second-  
18 hand articles shall create a presumption of unlawful use of or  
19 traffic in such articles or supplies, which presumption may be  
20 overcome by evidence to the contrary.

21 § 1525. Return of supplies.

22 It shall be the duty of every person who finds or receives in  
23 the regular course of business or in any other manner, any  
24 articles or supplies, to make a diligent effort to determine the  
25 owner thereof and advise the owner by letter of the location  
26 where such articles or supplies may be found and offer to return  
27 them to the owner.

28 § 1531. Penalty.

29 A person who violates any of the provisions of this chapter  
30 commits a summary offense.

1 CHAPTER 17

2 NEWSPAPERS

3 Sec.

4 1701. Identification of owner and editor.

5 1702. Changes in information to be published.

6 1703. Penalty.

7 § 1701. Identification of owner and editor.

8 Every newspaper published in this Commonwealth, whether  
9 published monthly, weekly, biweekly, semiweekly, or daily, or  
10 whether such publication is at regular or irregular intervals,  
11 shall publish on the editorial page, in a conspicuous position,  
12 at the top of the reading matter the name of the owner or  
13 proprietor of such newspaper, together with the name of the  
14 managing editor thereof. If a newspaper is owned or published by  
15 a corporation, then the name of the corporation shall be  
16 published, together with the name of the president and managing  
17 editor thereof, and if a newspaper is owned or published by a  
18 partnership, or limited partnership, then the names of the  
19 partners and the managing editor shall be published in like  
20 manner.

21 § 1702. Changes in information to be published.

22 In the event any change is made in the proprietorship,  
23 ownership or managing editor of any newspaper, or in the office  
24 of president of any corporation owning and publishing a  
25 newspaper, or any change in the names of the members of the  
26 copartnership owning or publishing a newspaper, the change shall  
27 be duly set forth in the next issue of the newspaper following  
28 such change.

29 § 1703. Penalty.

30 A person who violates any of the provisions of this chapter



1 commits a summary offense.

2 Section 3. Subsection (b) of section 131 of Title 15 is  
3 amended to read:

4 § 131. Functions of Department of State.

5 \* \* \*

6 (b) [Corporate names] Names and marks.--The department shall  
7 supervise and administer the provisions of this title and [other  
8 applicable statutory provisions] of Title 54 (Names) relating to  
9 the use of [corporate] names and marks.

10 \* \* \*

11 Section 4. Chapter 67 of Title 18 is amended by adding  
12 sections to read:

13 § 6709. Use of union labels.

14 A person commits a misdemeanor of the third degree if,  
15 without the authority of the labor union or unions interested,  
16 such person:

17 (1) uses any union label registered under Chapter 13 of  
18 Title 54 (relating to insignia);

19 (2) uses any such union label on goods which are not the  
20 product of the members of the union or unions owning such  
21 label; or

22 (3) sells or offers for sale any goods knowing that such  
23 goods bear a union label whose use on such goods is not  
24 authorized by the union or unions owning such label.

25 § 6710. Unauthorized use of registered insignia.

26 A person commits a summary offense if, without authority,  
27 such person knowingly wears, exhibits, displays or uses, for any  
28 purpose, any insignia registered under Chapter 13 of Title 54  
29 (relating to insignia).

30 Section 5. (a) Whenever a decennial filing is required by

1 Title 54 of the Pennsylvania Consolidated Statutes (relating to  
2 names) to be made in the Department of State the department  
3 shall not earlier than the November 1 prior to the commencement  
4 of the decennial year wherever practicable give notice by mail  
5 to the registrant or other party of the decennial filing  
6 requirement, which notice shall be accompanied by appropriate  
7 application blanks or forms.

8 (b) Whenever any provision of Title 54 of the Pennsylvania  
9 Consolidated Statutes requires that any person set forth an  
10 address in any document, such provision shall be construed to  
11 require the submission of an actual street address or rural  
12 route box number, and the Department of State shall refuse to  
13 receive or file any document which sets forth a post office box  
14 address.

15 (c) Whenever the Department of State has taken any action  
16 under Title 54 of the Pennsylvania Consolidated Statutes the  
17 Secretary of the Commonwealth may, upon payment of the cost  
18 thereof and the fee or additional fee therefor fixed by  
19 regulation of the Department of State, issue to any person  
20 entitled thereto an engrossed certificate evidencing such action  
21 executed by the Secretary of the Commonwealth under the seal of  
22 the Commonwealth.

23 Section 6. (a) Any person desiring to change his or her name  
24 shall file a petition in the court of common pleas of the county  
25 in which he or she shall reside, setting forth such desire and  
26 intention and the reason therefor, together with the residence  
27 of petitioner, and his or her residence or residences for and  
28 during five years prior thereto. Where the petitioner is a  
29 married person, the other spouse may join as a party petitioner,  
30 in which event, upon compliance with the provisions of this

1 section, said spouse shall also be entitled to the benefits  
2 hereof. The court shall, thereupon, enter an order directing  
3 that notice be given of the filing of said petition and of the  
4 day set for the hearing thereon, which hearing shall be not less  
5 than one month or more than three months after the filing of  
6 said petition, and said notice shall be:

7 (1) Published in two newspapers of general circulation  
8 in said county or county contiguous thereto, one of which  
9 publications may be in the official paper for the publication  
10 of legal notices in said county.

11 (2) Given to any nonpetitioning parent of a child whose  
12 name may be affected by the proceedings.

13 (b) At the hearing of said petition, any person having  
14 lawful objection to the change of name may appear and be heard.  
15 If the court be satisfied after said hearing that there is no  
16 lawful objection to the granting of the prayer of said petition,  
17 a decree may be entered by said court changing the name as  
18 prayed for, if at said hearing the petitioner or petitioners  
19 shall present to the court proof of publication of said notice  
20 as required by the order, together with official searches of the  
21 proper offices of the county wherein petitioner or petitioners  
22 reside and of any other county wherein petitioner or petitioners  
23 may have resided within five years of the filing of his or her  
24 petition for change of name, or a certificate in lieu thereof  
25 given by a corporation authorized by law to make such searches,  
26 showing that there are no judgments or decrees of record or any  
27 other matter of like character against said petitioner or  
28 petitioners.

29 (c) The provisions of this section are hereby declared to be  
30 procedural.

1       Section 7. An application for renewal under 54 Pa.C.S. §  
2 1114 (relating to duration and renewal) of a trademark or  
3 service mark which was not originally granted under this act  
4 shall set forth the appropriate classification under the  
5 provisions of 54 Pa.C.S. § 1103 (relating to classification),  
6 rather than the classification specified pursuant to the prior  
7 law. A trademark or service mark registered under any act  
8 repealed by this act shall be deemed registered under 54 Pa.C.S.  
9 Ch. 11 (relating to trademarks) until cancelled as provided in  
10 54 Pa.C.S. § 1116 (relating to cancellation).

11       Section 8. The following acts and parts of acts are hereby  
12 repealed absolutely:

13       Sections 13 and 14, act of April 14, 1851 (P.L.612, No.331),  
14 entitled "An act relating to the commencement of actions to  
15 judgments and decrees for the payment of money to the widows and  
16 children of decedents, to partitions in the Common Pleas,  
17 relative to penalties on telegraph operators, to pleadings in  
18 certain actions of debt, to actions of ejectments, to the  
19 protection of fences, to partnerships, to limitations of writs  
20 of entry in manors, lands, and tenements, to the exemption laws,  
21 to reports of the Supreme Court, to appeals relating to wards,  
22 boroughs, and township officers, to the acknowledgments of deeds  
23 and sequestration of life estates."

24       Sections 1 and 2, act of April 20, 1853 (P.L.643, No.360),  
25 entitled "A supplement to the sixth section of an act entitled  
26 'An Act authorizing the Commissioners of the incorporated  
27 districts of the Northern Liberties and Kensington to open a  
28 street, to be called Delaware avenue; relative to the duties of  
29 Assessors, Venders of Mineral Waters,' passed the 24th day of  
30 January, 1849; and the supplement to an act entitled 'An Act

1 relative to the Venders of Mineral Waters; and an act relative  
2 to the Washington Coal company; to Sheriffs' sales of real  
3 estate; to the substitution of Executors and Trustees when  
4 plaintiff's; to partition of Common Pleas; and for other  
5 purposes,' passed the 9th day of April, 1849; relative to the  
6 Pennsylvania Building and Loan Association; and to the Venango  
7 Railroad company."

8 Act of April 4, 1865 (P.L.58, No.42), entitled "An act in  
9 relation to the sale, use and disposition of butts, hogsheads,  
10 barrels, casks or kegs, used by the manufacturers of malt  
11 liquors."

12 Act of May 5, 1876 (P.L.109, No.79), entitled "An act to  
13 correct errors in transcribing of the act of assembly, entitled  
14 'An Act to punish the sale and traffic in mineral water bottles  
15 and other bottles, and for the protection of bottlers and  
16 venders of mineral water and other beverages in this  
17 commonwealth,' approved the ninth day of April, eighteen hundred  
18 and seventy, and declaratory of what shall be evidence of  
19 registration and publication in regard to said bottles."

20 Act of May 8, 1889 (P.L.132, No.146), entitled "An act  
21 providing that after publication of description of names or  
22 marks impressed upon bottles, intended for the sale of beverages  
23 or other article of merchandise, the same may be registered in  
24 the office of the Secretary of the Commonwealth and declaring  
25 what shall be conclusive evidence of such publication and  
26 registration."

27 Act of May 21, 1895 (P.L.95, No.68), entitled "An act to  
28 provide for the adoption of trade mark, labels, symbols or  
29 private stamps by any incorporated or unincorporated association  
30 or union of workingmen, and to regulate the same."

1 Act of June 15, 1911 (P.L.975, No.787), entitled "An act  
2 providing for the registration of bottles, boxes, siphons,  
3 siphon-heads, tins, kegs, cans, soda-fountains, cylinders of  
4 carbonic acid gas, or other containers; and forbidding the  
5 refilling of, or dealing or trafficking in, such registered  
6 bottles, boxes, siphons, siphon-heads, tins, cans, kegs, soda-  
7 fountains, cylinders of carbonic acid gas, or other containers,  
8 by persons other than the owners thereof, without the written  
9 consent of the owner, and imposing a penalty therefor; providing  
10 for the issuing of process in the nature of search warrant;  
11 providing what shall be prima facie proof thereof; and providing  
12 that the delivery of said bottles, boxes, siphons, siphon-heads,  
13 tins, cans, kegs, soda-fountains, cylinders of carbonic acid  
14 gas, or other containers, shall not constitute a sale thereof."

15 Act of July 9, 1919 (P.L.822, No.340), entitled "An act  
16 prohibiting the changing of names by individuals except by court  
17 proceedings, and providing penalties."

18 Act of April 18, 1923 (P.L.75, No.51), entitled "An act  
19 authorizing the courts of common pleas to change the name of  
20 persons; prescribing the procedure, and the effect of the decree  
21 thereon."

22 Act of May 5, 1927 (P.L.778, No.406), entitled "An act to  
23 provide for the registration and protection of the names,  
24 badges, mottoes, buttons, decorations, charms, emblems,  
25 rosettes, and other insignia of associations, lodges, orders,  
26 fraternal societies, beneficial societies, or fraternal and  
27 beneficial societies or associations, historical, military, or  
28 veterans' organizations, labor union, foundation, federation, or  
29 any other society, organization, or association, degree, branch,  
30 subordinate lodge, or auxiliary thereof; to prohibit the

1 wearing, exhibition, display, or use of the same, by any person  
2 not entitled to wear, exhibit, display, or use the same; and  
3 fixing a penalty for the violation of this act."

4 Act of April 16, 1929 (P.L.521, No.224), entitled "A  
5 supplement to an act approved the fifth day of May, one thousand  
6 nine hundred and twenty-seven (Pamphlet Laws, seven hundred and  
7 seventy-eight), entitled 'An act to provide for the registration  
8 and protection of the names, badges, mottoes, buttons,  
9 decorations, charms, emblems, rosettes, and other insignia of  
10 associations, lodges, orders, fraternal societies, beneficial  
11 societies, or fraternal and beneficial societies or  
12 associations, historical, military or veterans' organization,  
13 labor union, foundation, federation, or any other society,  
14 organization, or association, degree, branch, subordinate lodge,  
15 or auxiliary thereof, to prohibit the wearing, exhibition,  
16 display, or use of the same, by any person not entitled to wear,  
17 exhibit, display, or use the same; and fixing a penalty for the  
18 violation of this act,' conferring jurisdiction upon the several  
19 courts of common pleas to issue injunctions to restrain  
20 violations of said act."

21 Act of June 12, 1939 (P.L.336, No.193), entitled "An act  
22 requiring newspapers published in this Commonwealth to print on  
23 the editorial page, the names of the owners, proprietors, or  
24 publishers, and the managing editors of the same; and providing  
25 a penalty."

26 Act of May 24, 1945 (P.L.967, No.380), entitled "An act  
27 making it unlawful for any individual or individuals to carry on  
28 any business under an assumed or fictitious name, style or  
29 designation, unless upon advertisement and the filing of an  
30 application to that effect in the office of the Secretary of the

1 Commonwealth and of the prothonotary; requiring nonresident  
2 applicants to have a resident agent; prescribing the effect of  
3 failure to file such application; providing that certificates of  
4 the Secretary of the Commonwealth shall be admitted in evidence;  
5 requiring county commissioners, at the expense of the county, to  
6 provide books or other means of reproduction for the entry of  
7 such applications; requiring the cancellation of such  
8 application or the withdrawal from the business; providing  
9 methods therefor; fixing the fees of the Secretary of the  
10 Commonwealth and prothonotary; and providing penalties."

11 Act of September 26, 1951 (P.L.1518, No.381), entitled, as  
12 amended, "An act to provide for the registration and protection  
13 of trade-marks and service-marks and to secure the rights,  
14 property and interests therein; providing for the assignment,  
15 cancellation and revocation thereof; and imposing penalties for  
16 violations; conferring powers and imposing duties upon the  
17 Secretary of the Commonwealth in the administration thereof; and  
18 to repeal all acts inconsistent therewith."

19 Act of July 11, 1957 (P.L.783, No.374), known as the  
20 "Fictitious Corporate Name Act."

21 Act of January 26, 1966 (1965 P.L.1598, No.564), entitled "An  
22 act relating to the business of supplying towels, coats, aprons,  
23 uniforms, toilet devices or other kindred articles or supplies  
24 for hire or compensation; providing for the filing of names,  
25 trademarks or devices impressed thereon and the effect of such  
26 filing; regulating the possession, use and disposal of articles  
27 or supplies so marked; and providing penalties; and conferring  
28 powers and imposing duties on the Secretary of the Commonwealth  
29 in the administration thereof."

30 Section 9. This act shall take effect in 90 days.



SOURCE NOTES  
(Prepared by Pennsylvania Bar Association)

CHAPTER 1

54 Pa.C.S. § 101: Derived from 54 Pa.C.S. § 101.

54 Pa.C.S. § 102: Derived from act of May 5, 1876 (P.L.109, No.79), § 2, act of May 8, 1889 (P.L.132, No.146), § 2 (73 P.S. § 82); act of May 5, 1927 (P.L.778, No.406), § 3 (54 P.S. § 43); act of May 24, 1945 (P.L.967, No.380), §§ 6 and 10 (54 P.S. §§ 28.6 and 28.10); act of September 26, 1951 (P.L.1518, No.381), §§ 3 and 8 (73 P.S. §§ 14 and 19); act of July 11, 1957 (P.L.783, No.374), §§ 6, 7, 8 and 15 (15 P.S. § 56, 57, 58 and 65); and act of January 26, 1966 (1965 P.L.1598, No.564), §§ 3 and 5 (73 P.S. §§ 120-3 and 120-5).

CHAPTER 3

54 Pa.C.S. § 301: Derived from act of July 11, 1957 (P.L.783, No.374), § 1 (15 P.S. § 51).

54 Pa.C.S. § 302: Derived from act of July 11, 1957 (P.L.783, No.374), § 2 (15 P.S. § 52). The application of the chapter to business trusts, etc. is clarified.

54 Pa.C.S. § 303: Derived from act of May 24, 1945 (P.L.967, No.380), § 1 (54 P.S. § 28.1); and act of July 11, 1957 (P.L.783, No.374), § 5 (15 P.S. § 55). The option to register a fictitious name which is not required to be registered, the duty to maintain the accuracy of a required filing, and the applicability of the filing requirements to limited partnerships and unincorporated associations are clarified.

54 Pa.C.S. § 304: New.

54 Pa.C.S. § 311: Derived from act of May 24, 1945 (P.L.967, No.380), §§ 1 and 3 (54 P.S. §§ 28.1 and 28.3); and act of July 11, 1957 (P.L.783, No.374), §§ 3 to 5 (15 P.S. §§ 53 to 55). Subsections (b) and (c) are new. Subsection (d) clarifies the procedures where partnerships, trusts and similar entities are parties to a registration. Subsection (e) is new. Subsection (f) is derived from act of May 7, 1937 (P.L.585, No.150) (24 P.S. §§ 2421 - 2425); and act of May 24, 1945 (P.L.967, No.380), § 1(b) (54 P.S. § 28.1(b)). Subsection (g) permits the publication to be effected after the filing as is now the case with other business filings.

54 Pa.C.S. § 312: Derived from act of May 24, 1945 (P.L.967, No.380), §§ 3.1 and 6.1 (54 P.S. §§ 28.3A and 28.6a); and act of July 11, 1957 (P.L.783, No.374), §§ 11 and 12 (15 P.S. §§ 61 and 62).

54 Pa.C.S. § 313: Derived from act of May 24, 1945 (P.L.967, No.380), §§ 7 and 8 (54 P.S. §§ 28.7 and 28.8); and act of July 11, 1957 (P.L.783, No.374), § 16 (15 P.S. § 66).

54 Pa.C.S. § 321: Patterned after 54 Pa.C.S. §§ 503 and 504. Derived from act of May 24, 1945 (P.L.967, No.380), § 9 (54 P.S.

1 § 28.9); and act of July 11, 1957 (P.L.783, No.374), § 17 (15  
2 P.S. § 67).

3 54 Pa.C.S. § 331: Derived from act of May 24, 1945 (P.L.967,  
4 No.380), § 4 (54 P.S. § 28.4); and act of July 11, 1957  
5 (P.L.783, No.374), § 13 (15 P.S. § 63). Subsection (a) patterned  
6 after 15 Pa.C.S. § 8141(a). Subsection (c) is new and is  
7 patterned after 59 Pa.C.S. § 512(b).

8 54 Pa.C.S. § 332: Generalization of act of April 14, 1951  
9 (P.L.612, No.331), §§ 13 and 14 (59 P.S. §§ 121 and 122).

10 54 Pa.C.S. § 333: Substantially a reenactment of act of July  
11 11, 1957 (P.L.783, No.374), §§ 23 and 24 (15 P.S. §§ 73 and 74).

12 CHAPTER 5

13 54 Pa.C.S. § 501: Derived from 54 Pa.C.S. § 501.

14 54 Pa.C.S. § 502: Derived from 54 Pa.C.S. § 502. Paragraph  
15 (b)(4) is new.

16 54 Pa.C.S. § 503: Derived from 54 Pa.C.S. § 503. Paragraph  
17 (a)(4) and subsection (b) are new.

18 54 Pa.C.S. § 504: Reenactment of 54 Pa.C.S. § 504.

19 54 Pa.C.S. § 505: Derived from 54 Pa.C.S. § 505. Paragraph  
20 (5) is new.

21 54 Pa.C.S. § 506: Reenactment of 54 Pa.C.S. § 506.

22 CHAPTER 7

23 54 Pa.C.S. § 701: Subsection (a) is a reenactment of act of  
24 July 9, 1919 (P.L.822, No.340), § 1 (54 P.S. § 5). Subsection  
25 (b) is intended as a codification of existing law.

26 54 Pa.C.S. § 702: Substantially a reenactment of act of April  
27 18, 1923 (P.L.75, No.51), § 1 (54 P.S. § 1).

28 54 Pa.C.S. § 703: Derived from act of April 18, 1923 (P.L.75,  
29 No.51), § 4 (54 P.S. § 4). The court is given the option to  
30 refuse to change the name of a child if a noncustody parent  
31 objects.

32 54 Pa.C.S. § 704: Reenactment of 54 Pa.C.S. § 704.

33 54 Pa.C.S. § 705: Derived from act of July 9, 1919 (P.L.822,  
34 No.340), § 2 (54 P.S. § 6).

35 CHAPTER 11

36 54 Pa.C.S. § 1101: New.

37 54 Pa.C.S. § 1102: Derived from act of September 26, 1951  
38 (P.L.1518, No.381), § 1 (73 P.S. § 12). The term "person" is  
39 defined in 1 Pa.C.S. § 1991 (relating to definitions). The term  
40 "trade name" is new. The text relating to use of a service mark

1 is derived from Model State Trademark Bill, § 1(H).

2 54 Pa.C.S. § 1103: Derived from act of September 26, 1951  
3 (P.L.1518, No.381), § 10 (73 P.S. § 21). The international  
4 classification, which has become the Federal classification, has  
5 been substituted for the prior classification.

6 54 Pa.C.S. § 1111: Derived from act of September 26, 1951  
7 (P.L.1518, No.381), § 2 (73 P.S. § 13). The text is patterned  
8 after Model State Trademark Bill, § 2. A requirement for a  
9 verified statement has been substituted for the requirement for  
10 an affidavit.

11 54 Pa.C.S. § 1112: Derived from act of September 26, 1951  
12 (P.L.1518, No.381), § 4 (73 P.S. § 15). The requirement that the  
13 department furnish forms has been eliminated. The requirement  
14 for an affidavit has been eliminated in light of 18 Pa.C.S. §  
15 4904 (relating to unsworn falsification to authorities). The  
16 reference to the method of execution has been eliminated, since  
17 that subject will be governed by the format of the official  
18 forms published pursuant to 15 Pa.C.S. § 132(d) (relating to  
19 powers of Department of State). The number of specimens  
20 submitted has been reduced to one.

21 54 Pa.C.S. § 1113: Derived from act of September 26, 1951  
22 (P.L.1518, No.381), § 5 (73 P.S. § 16). The mandatory issuance  
23 of a certificate has been omitted. See 42 Pa.C.S. §§ 6103,6104  
24 as to evidence of registration.

25 54 Pa.C.S. § 1114: Derived from act of September 26, 1951  
26 (P.L.1518, No.381), § 6 (73 P.S. § 17). The requirement that the  
27 department furnish forms has been eliminated and the last  
28 sentence has been added.

29 54 Pa.C.S. § 1115: Derived from act of September 26, 1951  
30 (P.L.1518, No.381), § 7 (73 P.S. § 18). The mandatory issuance  
31 of a certificate has been omitted. The assignment has been  
32 expanded to cover a change of name of the registrant.

33 54 Pa.C.S. § 1116: Derived from act of September 26, 1951  
34 (P.L.1518, No.381), § 9 (73 P.S. § 20).

35 54 Pa.C.S. § 1121: Derived from act of September 26, 1951  
36 (P.L.1518, No.381), § 11 (73 P.S. § 22).

37 54 Pa.C.S. § 1122: Derived from act of September 26, 1951  
38 (P.L.1518, No.381), § 11 (73 P.S. § 22).

39 54 Pa.C.S. § 1123: Derived from act of September 26, 1951  
40 (P.L.1518, No.381), § 12 (73 P.S. § 23). The statutory penalty  
41 has been eliminated and the text has been patterned after Model  
42 State Trademark Bill, § 11.

43 54 Pa.C.S. § 1124: New. Patterned after Model State Trademark  
44 Bill, § 12.

45 54 Pa.C.S. § 1125: Reenactment of act of September 26, 1951  
46 (P.L.1518, No.381), § 13 (73 P.S. § 24).





1	1851 No.331	13	59 P.S. § 121	54 Pa.C.S. § 332
2		14	59 P.S. § 122	54 Pa.C.S. § 332
3	1853 No.360	1		54 Pa.C.S. § 1511
4		2		54 Pa.C.S. § 1522
5	1865 No.42	1	73 P.S. § 61	54 Pa.C.S. § 1511
6		2	73 P.S. § 62	54 Pa.C.S. § 1531
7		3	73 P.S. § 63	Pa.R.Crim.P. 2000
8				et seq.
9	1876 No.79		73 P.S. § 81 note	54 Pa.C.S. § 102
10	1889 No.146	1	73 P.S. § 81	54 Pa.C.S. § 1511
11		2	73 P.S. § 82	54 Pa.C.S. § 102
12	1895 No.68	1	73 P.S. § 101-103	54 Pa.C.S. §§
13				1311, 1321, 1322
14		2	73 P.S. § 104	54 Pa.C.S. §§
15				1311, 1331, 42
16				Pa.C.S. §§ 6103,
17				6104
18		3	73 P.S. § 105	18 Pa.C.S. § 6709
19		4	73 P.S. § 106	54 Pa.C.S. § 1331
20			73 P.S. § 107	54 Pa.C.S. § 1331
21			73 P.S. § 108	Omitted-Obsolete
22	1911 No.787	1		
23		sub.1	73 P.S. § 31	54 Pa.C.S. §§
24				1511, 1512
25		sub.2	73 P.S. § 32	54 Pa.C.S. § 1522
26		sub.4	73 P.S. § 33	54 Pa.C.S. § 1531
27		sub.5	73 P.S. § 34	54 Pa.C.S. § 1524
28		sub.6	73 P.S. § 35	54 Pa.C.S. § 1521
29		sub.7	73 P.S. § 36	54 Pa.C.S. § 1502
30		2	73 P.S. § 33a	Pa.R.Civ.P. 1501
31				et seq.
32		3	73 P.S. § 33b	1 Pa.C.S. § 1925
33	1919 No.340	1	54 P.S. § 5	54 Pa.C.S. § 701
34		2	54 P.S. § 6	54 Pa.C.S. § 705
35	1923 No.51	1	54 P.S. § 1	54 Pa.C.S. § 702
36		2	54 P.S. § 2	Bill, § 6(a)
37		3	54 P.S. § 3	Bill, § 6(b)
38		4	54 P.S. § 4	54 Pa.C.S. § 703
39	1927 No.406	1	54 P.S. § 41	54 Pa.C.S. §§
40				1311, 1312, 1313
41		2	54 P.S. § 42	54 Pa.C.S. §§
42				1311, 1312, 1313
43		3	54 P.S. § 43	54 Pa.C.S. § 102
44		4	54 P.S. § 44	54 Pa.C.S. § 1311
45		5	54 P.S. § 45	Omitted
46		6	54 P.S. § 46	18 Pa.C.S. § 6710
47		7	54 P.S. § 47	Omitted-Obsolete
48	1929 No.224	1	54 P.S. § 48	54 Pa.C.S. § 1331
49		2	54 P.S. § 49	Pa.R.Civ.P. 1501
50				et seq.
51	1939 No.193	1	54 P.S. § 64	54 Pa.C.S. § 1701
52		2	54 P.S. § 65	54 Pa.C.S. § 1702
53		3	54 P.S. § 66	54 Pa.C.S. § 1703
54	1945 No.380	1	54 P.S. § 28.1	54 Pa.C.S. §§
55				303, 311
56		2	54 P.S. § 28.2	42 Pa.C.S. Ch.81
57		3	54 P.S. § 28.3	54 Pa.C.S. § 311
58		3.1	54 P.S. § 28.3A	54 Pa.C.S. § 312
59		4	54 P.S. § 28.4	54 Pa.C.S. § 331

1		5	54 P.S. § 28.5	42 Pa.C.S. §§
2				6103, 6104
3		6	54 P.S. § 28.6	54 Pa.C.S. § 102
4		6.1	54 P.S. § 28.6a	54 Pa.C.S. § 312
5		7	54 P.S. § 28.7	54 Pa.C.S. § 313
6		8	54 P.S. § 28.8	54 Pa.C.S. § 313
7		9	54 P.S. § 28.9	54 Pa.C.S. § 321
8		10	54 P.S. § 28.10	54 Pa.C.S. § 102
9		11	54 P.S. § 28.11	18 Pa.C.S. § 4904
10		12	54 P.S. § 28.12	Omitted
11		13	54 P.S. § 28.13	Pa.R.Crim.P. 21
12	1951 No.381	1	73 P.S. § 12	54 Pa.C.S. § 1102
13		2	73 P.S. § 13	54 Pa.C.S. § 1111
14		3	73 P.S. § 14	54 Pa.C.S. § 102
15		4	73 P.S. § 15	54 Pa.C.S. § 1112
16		5	73 P.S. § 16	54 Pa.C.S. § 1113
17		6	73 P.S. § 17	54 Pa.C.S. § 1114
18		7	73 P.S. § 18	54 Pa.C.S. § 1115
19		8	73 P.S. § 19	54 Pa.C.S. § 102
20		9	73 P.S. § 20	54 Pa.C.S. § 1116
21		10	73 P.S. § 21	54 Pa.C.S. § 1103
22		11	73 P.S. § 22	54 Pa.C.S. §§
23				1121, 1122
24		12	73 P.S. § 23	54 Pa.C.S. § 1123
25		13	73 P.S. § 24	54 Pa.C.S. § 1125
26		14	73 P.S. § 25	54 Pa.C.S. § 1126
27		15	73 P.S. § 26	1 Pa.C.S. § 1925
28	1957 No.374	1	15 P.S. § 51	54 Pa.C.S. § 301
29		2	15 P.S. § 52	54 Pa.C.S. § 302
30		3	15 P.S. § 53	54 Pa.C.S. § 311
31		4	15 P.S. § 54	54 Pa.C.S. §§
32				311, 331
33		5	15 P.S. § 55	54 Pa.C.S. §§
34				303, 311
35		6	15 P.S. § 56	54 Pa.C.S. § 102
36		7	15 P.S. § 57	54 Pa.C.S. § 102
37		8	15 P.S. § 58	54 Pa.C.S. § 102
38		9	15 P.S. § 59	42 Pa.C.S. §§
39				6103, 6104
40		10	15 P.S. § 60	42 Pa.C.S. Ch.81
41		11	15 P.S. § 61	54 Pa.C.S. § 312
42		12	15 P.S. § 62	54 Pa.C.S. § 312
43		13	15 P.S. § 63	54 Pa.C.S. § 331
44		14	15 P.S. § 64	Procedural and
45				not properly part
46				of statutory law
47		15	15 P.S. § 65	54 Pa.C.S. § 102
48		16	15 P.S. § 66	54 Pa.C.S. § 313
49		17	15 P.S. § 67	54 Pa.C.S. § 321
50		19	15 P.S. § 69	18 Pa.C.S. § 4904
51		21	15 P.S. § 71	Pa.R.Crim.P. 21
52		22	15 P.S. § 72	Obsolete in view
53				of combination of
54				1945 and 1957
55				acts
56		23	15 P.S. § 73	54 Pa.C.S. § 333
57		24	15 P.S. § 74	54 Pa.C.S. § 333
58	1965 No.564	1	73 P.S. § 120-1	54 Pa.C.S. § 1501
59		2	73 P.S. § 120-2	54 Pa.C.S. § 1511

1		3	73 P.S. § 120-3	54 Pa.C.S. §§
2				102, 1511
3		4	73 P.S. § 120-4	54 Pa.C.S. § 1513
4		5	73 P.S. § 120-5	54 Pa.C.S. § 102
5		6	73 P.S. § 120-6	54 Pa.C.S. § 1514
6		7	73 P.S. § 120-7	54 Pa.C.S. § 1521
7		8	73 P.S. § 120-8	54 Pa.C.S. § 1522
8		9	73 P.S. § 120-9	54 Pa.C.S. § 1523
9		10	73 P.S. § 120-10	54 Pa.C.S. § 1524
10		11	73 P.S. § 121-11	54 Pa.C.S. § 1525
11		12	73 P.S. § 120-12	Pa.R.Crim.P. 2000
12				et seq.
13		13	73 P.S. § 120-13	Pa.R.Crim.P. 2000
14				et seq.
15		14	73 P.S. § 120-14	54 Pa.C.S. § 1502
16		15	73 P.S. § 120-15	54 Pa.C.S. § 1531
17	54 Pa.C.S. § 101		54 Pa.C.S.A. § 101	54 Pa.C.S. § 101
18	54 Pa.C.S. § 501		54 Pa.C.S.A. § 501	54 Pa.C.S. § 501
19	54 Pa.C.S. § 502		54 Pa.C.S.A. § 502	54 Pa.C.S. § 502
20	54 Pa.C.S. § 503		54 Pa.C.S.A. § 503	54 Pa.C.S. § 503
21	54 Pa.C.S. § 504		54 Pa.C.S.A. § 504	54 Pa.C.S. § 504
22	54 Pa.C.S. § 505		54 Pa.C.S.A. § 505	54 Pa.C.S. § 505
23	54 Pa.C.S. § 506		54 Pa.C.S.A. § 506	54 Pa.C.S. § 506
24	54 Pa.C.S. § 704		54 Pa.C.S.A. § 704	54 Pa.C.S. § 704