

1.1 A bill for an act
1.2 relating to commerce; regulating the advertising and conducting of certain
1.3 live musical performances or productions; proposing coding for new law in
1.4 Minnesota Statutes, chapter 325E.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[325E.491] DEFINITIONS.**

1.7 Subdivision 1. **Terms.** For the purpose of section 325E.492, the terms defined
1.8 in this section have the meanings given.

1.9 Subd. 2. **Performing group.** "Performing group" means a vocal or instrumental
1.10 group seeking to use the name of another group that has previously released a commercial
1.11 sound recording under that name.

1.12 Subd. 3. **Recording group.** "Recording group" means a vocal or instrumental group
1.13 at least one of whose members has previously released a commercial sound recording
1.14 under that group's name and in which the member or members have a legal right by
1.15 virtue of use or operation under the group name without having abandoned the name or
1.16 affiliation with the group.

1.17 Subd. 4. **Sound recording.** "Sound recording" means a work that results from the
1.18 fixation on a material object of a series of musical, spoken, or other sounds regardless of
1.19 the nature of the material object, such as a disk, tape, or other phono-record, in which
1.20 the sounds are embodied.

1.21 Sec. 2. **[325E.492] PRODUCTION.**

1.22 It shall be unlawful for any person to advertise or conduct a live musical performance
1.23 or production in this state through the use of a false, deceptive, or misleading affiliation,

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2.1 connection, or association between a performing group and a recording group. This
2.2 section does not apply if any of the following apply:

2.3 (1) the performing group is the authorized registrant and owner of a federal service
2.4 mark for that group registered in the United States Patent and Trademark Office;

2.5 (2) at least one member of the performing group was a member of the recording
2.6 group and has a legal right by virtue of use or operation under the group name without
2.7 having abandoned the name or affiliation with the group;

2.8 (3) the live musical performance or production is identified in all advertising and
2.9 promotion as a salute or tribute;

2.10 (4) the advertising does not relate to a live musical performance or production
2.11 taking place in this state; or

2.12 (5) the performance or production is expressly authorized by the recording group.