

13-11a-6 Truth in music advertising -- Exemptions -- Penalties.

- (1) A person may not advertise or conduct a live musical performance by a performing group by using a false, deceptive, or otherwise misleading affiliation between a performing group and a recording group of the same name.
- (2) This section does not apply to:
 - (a) a performing group that is the registrant and owner of a registered federal service mark for the group name;
 - (b) a performance by a performing group that is clearly identified in all advertising and promotional materials as a salute or tribute;
 - (c) a performing group at least one member of which was a member of the recording group and has a legal right to use of the group name;
 - (d) the advertising does not relate to a live musical performance occurring in this state; or
 - (e) a performance authorized in writing by the recording group.
- (3)
 - (a) This section may be enforced by bringing an action in the district court for any county in which the live musical performance is advertised or conducted.
 - (b) A party injured by a violation of this section may obtain an injunction and recover actual damages.
 - (c) The prevailing party in an action under Subsection (3)(a) may be awarded costs and attorney fees.

Enacted by Chapter 133, 2009 General Session