

70-3a-306 Assignments -- Changes of name -- Other instruments -- Security interests -- Acknowledgments.

- (1)
 - (a) A mark and the mark's registration under this chapter is assignable with:
 - (i) the good will of the business in which the mark is used; or
 - (ii) that part of the good will of the business connected with the use of and symbolized by the mark.
 - (b) An assignment under this section:
 - (i) shall be:
 - (A) in writing; and
 - (B) properly executed; and
 - (ii) may be filed with the division by:
 - (A) filing a form provided by the division; and
 - (B) paying of a fee determined by the division in accordance with Section 70-3a-203.
 - (c) Upon the filing of an assignment, the division shall certify that the assignment has been filed.
 - (d) An assignment of any registration under this chapter is void as against any subsequent purchaser for valuable consideration without notice, unless the assignment is filed with the division:
 - (i) within three months after the date of the assignment; or
 - (ii) before the subsequent purchase.
- (2) Any registrant or applicant may change the name of the person or business to whom the mark is issued or for whom an application is filed by:
 - (a) filing two copies of a certificate of change of name of the registrant or applicant with the division; and
 - (b) paying of a fee determined by the division in accordance with Section 70-3a-203.
- (3)
 - (a) A person may file another instrument that relates to a mark registered or application pending under this chapter:
 - (i) in the discretion of the division; and
 - (ii) if the instrument is:
 - (A) in writing; and
 - (B) properly executed.
 - (b) An instrument that may be filed under this Subsection (3) includes:
 - (i) a license;
 - (ii) a security interest; or
 - (iii) a mortgage.
- (4) An acknowledgment by the assignor or person whose interest in a mark is adversely effected by the instrument:
 - (a) is prima facie evidence of the execution of an assignment or other instrument; and
 - (b) when filed by the division, is prima facie evidence of execution of the assignment or other instrument.

Amended by Chapter 258, 2008 General Session