

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4614-02  
Bill No.: SB 1048  
Subject: Business and Commerce; Emblems; Fees; Property, Real and Personal  
Type: Original  
Date: February 20, 2008

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Bill Summary:           Modifies the law regarding trademark application and registration.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	\$15,900	\$16,575	\$17,275
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$15,900</b>	<b>\$16,575</b>	<b>\$17,275</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

ASSUMPTION

Officials from the **Office of Secretary of State (SOS)** state the fiscal impact for this proposal for Administrative Rules is less than \$2,500. The SOS does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the SOS can sustain within its core budget. Therefore, the SOS reserves the right to request funding for the costs of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the Governor.

Officials from the **SOS - Division of Business Services** project an increase of \$15,900 in FY 09; \$16,575 in FY 10; and \$17,275 in FY 11. The revenue estimate assumes a 10% increase in filings the first year as a result of being able to file a trademark or service mark based on the intent to use rather than actual use before being able to file and also an increase in the filing fee of \$25 per filing. The increase in filings will be absorbed by existing staff.

**This proposal will result in an increase in total state revenue.**

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
<b>GENERAL REVENUE FUND</b>			
<u>Income - SOS</u>			
Increase in trademark/service mark filings	<u>\$15,900</u>	<u>\$16,575</u>	<u>\$17,275</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>\$15,900</u></b>	<b><u>\$16,575</u></b>	<b><u>\$17,275</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

This proposal will impact small businesses that want to register a trademark or service mark.

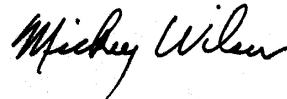
### FISCAL DESCRIPTION

This proposal modifies the law regarding trademark registration. The proposal raises the fee for filing an application for trademark registration from fifty to seventy-five dollars. The proposal also raises the fee for recording an assignment of a trademark registration from fifty to seventy-five dollars and raises the trademark renewal fee from ten to twenty dollars.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

### SOURCES OF INFORMATION

Office of Secretary of State -  
Division of Administrative Rules  
Division of Business Services



Mickey Wilson, CPA  
Director  
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