

## **IC 24-5-25**

### **Chapter 25. Truth in Music Advertising**

#### **IC 24-5-25-1**

##### **"Performing group"**

Sec. 1. As used in this chapter, "performing group" means a vocal or an instrumental group seeking to use the name of another group that has previously released a commercial sound recording under the name of the other group.

*As added by P.L.56-2008, SEC.1.*

#### **IC 24-5-25-2**

##### **"Recording group"**

Sec. 2. As used in this chapter, "recording group" means a vocal or an instrumental group, at least one (1) of whose members has released a commercial sound recording under the group's name, and in which the member or members:

- (1) have a legal right by virtue of use or operation under the group's name;
- (2) have not abandoned the name; and
- (3) have not abandoned affiliation with the group.

*As added by P.L.56-2008, SEC.1.*

#### **IC 24-5-25-3**

##### **"Sound recording"**

Sec. 3. As used in this chapter, "sound recording" means a work that results from the placement on a material object of a series of musical, spoken, or other sounds regardless of the nature of the material object, such as a compact disc, cassette, tape, or phonograph record, in which the sounds are placed.

*As added by P.L.56-2008, SEC.1.*

#### **IC 24-5-25-4**

##### **Prohibited conduct; exceptions**

Sec. 4. (a) Except as provided in subsection (b), a person, other than a media source that carries advertising or a press release for the performance or production, may not advertise or conduct a live musical performance or production in Indiana through actions that falsely, deceptively, or misleadingly imply the existence of an affiliation, a connection, or an association between a performing group and a recording group.

(b) This section does not apply if:

- (1) the performing group is the authorized registrant and owner of a federal service mark for the recording group with the same name registered in the United States Patent and Trademark Office;
- (2) at least one (1) member of the performing group was a member of the recording group and:
  - (A) has a legal right by virtue of use or operation under the group name;

- (B) has not abandoned the name; and
- (C) has not abandoned affiliation with the group;
- (3) the live musical performance or production is identified in all advertising and promotion as a salute or tribute;
- (4) the advertising does not relate to a live musical performance or production taking place in Indiana; or
- (5) the performance or production is expressly authorized by the recording group.

*As added by P.L.56-2008, SEC.1.*

#### **IC 24-5-25-5**

##### **Action to enjoin**

Sec. 5. The attorney general or any aggrieved person may bring an action to enjoin a person from violating section 4 of this chapter. If an injunction is issued, the court may order the defendant to restore to any person in interest any money or property that was acquired by means of a violation of this chapter.

*As added by P.L.56-2008, SEC.1.*

#### **IC 24-5-25-6**

##### **Penalties**

Sec. 6. A person who violates section 4 of this chapter commits a Class A infraction. Each performance or production in violation of section 4 of this chapter constitutes a separate violation.

*As added by P.L.56-2008, SEC.1.*