

365.583 Assignments, changes of name, and other instruments.

- (1) Any mark and its registration or application pursuant to KRS 365.561 to 365.613 shall be assignable with the goodwill of the business in which the mark is used, or with that part of the goodwill of the business connected with the use of and symbolized by the mark. An assignment shall be in writing, duly executed, and may be recorded with the Secretary upon the payment to the Secretary of a recording fee of five dollars (\$5). The Secretary shall issue in the name of the assignee of a registration a new certificate for the remainder of the term of the registration or renewal period. An assignment of any registration shall be void as against any subsequent purchaser for valuable consideration without notice, unless it is recorded with the Secretary within three (3) months after the date of the assignment or prior to the subsequent purchase.
- (2) Any registrant or applicant may record a certificate of change of name of the registrant or applicant with the Secretary upon the payment of the recording fee prescribed in subsection (1) of this section. The Secretary may issue in the name of the assignee a certificate of registration of an assigned application or a new certificate or registration for the remainder of the term of the registration or last renewal.
- (3) Other instruments relating to a registered mark or a pending application for registration, for example, licenses, security interests, or mortgages, may be recorded in the discretion of the Secretary, if the instrument is in writing and duly executed.
- (4) Acknowledgement shall constitute a rebuttable presumption that an assignment or other instrument was executed and, when recorded by the Secretary, that record shall constitute a rebuttable presumption of execution.
- (5) A photocopy of any instrument referred to in subsections (1), (2), or (3) of this section shall be accepted for recording if it is certified by any of the parties to the instrument or their successors as a true and correct copy of the original.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 468, sec. 7, effective July 15, 1994.