



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4172

Introduced 11/02/05, by Rep. Karen A. Yarbrough

SYNOPSIS AS INTRODUCED:

815 ILCS 505/2XX new

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that it is an unlawful practice for a person to advertise or conduct a live musical performance or production in this State through the use of a false, deceptive, or misleading affiliation, connection, or association between the performing group and the recording group. Provides a list of exceptions to the unlawful practice.

LRB094 14358 LCT 49281 b

1 AN ACT concerning consumer fraud.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by adding Section 2XX as follows:

6 (815 ILCS 505/2XX new)

7 Sec. 2XX. Performing groups.

8 (a) As used in this Section:

9 "Performing group" means a vocal or instrumental group
10 seeking to use the name of another group that has previously
11 released a commercial sound recording under that name.

12 "Recording group" means a vocal or instrumental group at
13 least one of whose members has previously released a commercial
14 sound recording under that group's name and in which the member
15 or members have a legal right by virtue of use or operation
16 under the group name without having abandoned the name or
17 affiliation with the group.

18 "Sound recording" means a work that results from the
19 fixation on a material object of a series of musical, spoken,
20 or other sounds regardless of the nature of the material
21 object, such as a disc, tape, or other phono-record, in which
22 the sounds are embodied.

23 (b) It is an unlawful practice for a person to advertise or
24 conduct a live musical performance or production in this State
25 through the use of a false, deceptive, or misleading
26 affiliation, connection, or association between the performing
27 group and the recording group. This Section does not apply if:

28 (1) the performing group is the authorized registrant
29 and owner of a Federal service mark for that group
30 registered in the United States Patent and Trademark
31 Office;

32 (2) at least one member of the performing group was a

1 member of the recording group and has a legal right by
2 virtue of use or operation under the group name without
3 having abandoned the name or affiliation with the group;

4 (3) the live musical performance or production is
5 identified in all advertising and promotion as a salute or
6 tribute;

7 (4) the advertising does not relate to a live musical
8 performance or production taking place in this State; or

9 (5) the performance or production is expressly
10 authorized by the recording group.