



General Assembly

January Session, 2005

Raised Bill No. 6696

LCO No. 3459

03459_____BA_

Referred to Committee on Banks

Introduced by:

(BA)

AN ACT PREVENTING BANK IMPERSONATION AND MISLEADING ADVERTISEMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2005*) (a) No person shall use
2 the name or trademark of a bank or any of its affiliates, as those terms
3 are defined in section 36a-2 of the general statutes, in any commercial
4 advertisement or solicitation for goods, products or services, where
5 such usage, in the context of such advertisement or solicitation, has the
6 capacity or tendency to mislead any consumer as to the existence or
7 nature of any affiliation, connection, association or endorsement
8 relationship between the bank or its affiliates and such person or the
9 products, goods or services of such person. For the purposes of this
10 subsection, the term "commercial advertisement or solicitation"
11 includes the content of an Internet web site and direct mail
12 solicitations.

13 (b) The Banking Commissioner shall enforce the provisions of
14 subsection (a) of this section. Whenever it appears to the commissioner
15 that any person has violated, is violating or is about to violate any of
16 the provisions of said subsection (a), the commissioner may take action

17 against such person in accordance with sections 36a-50 and 36a-52 of
18 the general statutes, which shall include the right to seek injunctive
19 relief, impose civil penalties and issue cease and desist orders, except
20 that no civil penalty in excess of ten thousand dollars per violation
21 may be imposed.

22 (c) Any bank or affiliate of a bank that has had its name or
23 trademark used in violation of the provisions of subsection (a) of this
24 section may, in addition to any other remedy authorized by law, bring
25 an action in the superior court in which the bank or affiliate has a
26 branch or office to enjoin any act in violation of the provisions of said
27 subsection (a) and recover damages. The court shall award damages in
28 the amount of the actual damages or ten thousand dollars per
29 violation, whichever is greater. In any successful action for injunctive
30 relief or for damages, the court shall award to the bank or affiliate of a
31 bank, as the case may be, attorneys' fees and costs, including court
32 costs.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	New section

Statement of Purpose:

To prevent the use of the name or trademark of a bank or any of its affiliates in any commercial advertisement or solicitation for goods, products or services in a manner that misleads consumers as to the relationship between the bank or its affiliates and the person who uses such name or trademark; to provide the Banking Commissioner with enforcement powers to protect banks and consumers from deceptive practices; and to allow banks or any affiliates to pursue private rights of action against violators.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]