

365.782 Prohibition against the use of false, deceptive, or misleading affiliation between a performing group and recording group in a live musical performance or production.

- (1) A person shall not advertise or conduct a live musical performance or production in this Commonwealth through the use of a false, deceptive, or misleading affiliation, connection, or association between a performing group and a recording group.
- (2) This section shall not apply if:
 - (a) The performing group is the authorized registrant and owner of a federal service mark or trademark for the recording group which is:
 1. Registered in the United States; or
 2. A licensee of or otherwise authorized to use the mark by such registrant and owner;
 - (b) At least one (1) member of the performing group was a member of the recording group and that member has a legal right to use or operate under the name of the recording group without having abandoned the name or affiliation with the recording group;
 - (c) The live musical performance or production is identified in all advertising and promotion as a salute or tribute and the name of the performing group is not confusingly similar to a recording group; or
 - (d) The performance or production is expressly authorized by the recording group.

Effective: July 14, 2022

History: Created 2022 Ky. Acts ch. 52, sec. 7, effective July 14, 2022.

Legislative Research Commission Note (7/14/2022). 2022 Ky. Acts ch. 52, sec. 9, provides that the Act, which created KRS 367.630 to 367.638 and 365.780 to 365.784, may be cited as the Kentucky True Origin of Digital Goods and Truth in Musical Advertising Act.