



AMERICAN SAMOA GOVERNMENT
PAGO PAGO, AMERICAN SAMOA 96799
LEGISLATURE OF AMERICAN SAMOA

In reply refer

C E R T I F I C A T I O N

House Chamber
March 16, 1987

I certify that House Bill No. 55 passed third reading on this date in the House of Representatives during its First Regular Session of the Twentieth Legislature of American Samoa.

WALLY F. UTU
Chief Clerk
House of Representatives

Senate Chamber
March 26, 1987

I certify that House Bill No. 55 passed third reading on this date in the Senate during its First Regular Session of the Twentieth Legislature of American Samoa.

MRS. SALILO K. LEVI
Secretary of the Senate



THE SECRETARY OF THE ARMY
WASHINGTON, D. C.

1917

1. The Secretary of the Army is directed to
2. The Secretary of the Army is directed to
3. The Secretary of the Army is directed to

Very truly yours,
The Secretary of the Army

1917

1917

1. The Secretary of the Army is directed to
2. The Secretary of the Army is directed to
3. The Secretary of the Army is directed to

Very truly yours,
The Secretary of the Army

THE TWENTIETH LEGISLATURE OF AMERICAN SAMOA

First Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the twelfth day of January
one thousand nine hundred and eighty seven

AN ACT ESTABLISHING PROCEDURES FOR THE REGISTRATION AND PROTECTION OF TRADEMARKS AND TRADE NAMES; CREATING A NEW CHAPTER 03 UNDER TITLE 27 ASCA.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. There is created a new chapter 03 under Title 27 ASCA which reads:

"Chapter 03

TRADEMARKS AND TRADE NAMES

Sections:

- 27.0301 Certificate to be obtained.
- 27.0302 Application for certificate--Fee.
- 27.0303 Record--Issurance and effect of certificate.
- 27.0304 Revocation.
- 27.0305 Cancellation of certificate.
- 27.0306 Appeal.

27.0301 Certificate to be obtained.

Any person desiring to secure the exclusive use of any print, label or trademark intended to be attached or applied to any goods or manufactured articles or to bottles, boxes, or packages containing the goods or manufactured articles to indicate the name of the manufacturer, the contents of the packages, the quality of the goods or directions for use, or a trade name, may obtain a certificate of the registration of the print, label, trademark, or trade name in the manner provided in this chapter.

27.0302 Application for certificate--Fee.

Before anyone may receive a certificate of the registration of a print, label, or trademark, he shall file in the office of the territorial registrar an application for the registration of such print, label, or trademark, with a declaration, certified by the applicant, or, if the application is

THE TWENTIETH LEGISLATURE OF AMERICAN SAMOA

First Regular Session

begun and held at Fagatogo, Tutuila, American Samoa on Monday, the twelfth day of January one thousand nine hundred and eighty seven

AN ACT ESTABLISHING PROCEDURES FOR THE REGISTRATION AND PROTECTION OF TRADEMARKS AND TRADE NAMES; CREATING A NEW CHAPTER 23 UNDER TITLE 27 ASCA.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. There is created a new chapter 23 under Title 27 ASCA which reads:

"Chapter 23

TRADEMARKS AND TRADE NAMES

Sections:

- 27.0301 Certificate to be obtained.
- 27.0302 Application for certificate--Fee.
- 27.0303 Record--Issuance and effect of certificate.
- 27.0304 Revocation.
- 27.0305 Cancellation of certificate.
- 27.0306 Appeal.

27.0301 Certificate to be obtained.

Any person desiring to secure the exclusive use of any print, label or trademark intended to be attached or applied to any goods or manufactured articles or to bottles, boxes, or packages containing the goods or manufactured articles to indicate the name of the manufacturer, the contents of the package, the quality of the goods or directions for use, or a trade name, may obtain a certificate of the registration of the print, label, trademark, or trade name in the manner provided in this Chapter.

27.0302 Application for certificate--Fee.

Before anyone may receive a certificate of the registration of a print, label, or trademark, he shall file in the office of the territorial registrar an application for the registration of such print, label, or trademark, with a declaration, certified by the applicant, or, if the application is

made by a firm, corporation or partnership, by the certification of a member of the firm, an officer of the corporation, or a partner, stating that he is, or they are, the sole and original proprietor or proprietors, or the assign or assigns of such proprietor or proprietors, of this print, label or trademark, and describing the goods or manufactured articles for which the print, label or trademark is to be used, and stating the manner in which the print, label or trademark is to be used. Before anyone may receive a certificate of the registration of a trade name he shall file in the office of the territorial registrar an application for the registration of the trade name, with a declaration, certified, stating that he is, or they are, the sole and original proprietor or proprietors of the trade name, or the assign or assigns of the proprietor or proprietors, and setting forth the nature of the business in which the trade name is to be used. The application shall be accompanied by two exact copies of the print, label or trademark, or it shall set forth the trade name. At the time of filing each application, the applicant shall pay to the registrar a fee of ten dollars.

27.0303 Record--Issuance and effect of certificate.

Upon receiving the application so accompanied and the payment of the fee, the territorial registrar shall cause the print, label, trademark or trade name to be recorded in a book kept for that purpose, and shall issue to the applicant or applicants a certificate of registration with the signature of the registrar; and the certificate or registration shall secure to the applicant or applicants the exclusive use of the print, label, trademark, or trade name throughout the Territory, for a term of ten years; provided that the print, label, trademark or trade name is continued in actual use by the applicant in the Territory.

27.0304 Revocation.

(a) If any print, label, trademark, or trade name is not used by the applicant in accordance with the declaration for any period of three hundred and sixty-five consecutive days, the certificate of registration shall be subject to revocation.

(b) Any person desiring such revocation shall file a petition in the office of the territorial registrar, setting forth facts indicating such nonuse for a period of three hundred and sixty-five consecutive days immediately preceding the date of the filing of his petition. The petition shall be verified upon the information and belief, or if the petition is made by a firm or corporation, by a member of the firm or an officer of the corporation. The petitioner shall cause actual notice of the proceeding to be given the registered owner by such method or manner as the registrar may prescribe, and the registered owner shall be given the opportunity of a full hearing. If the registered owner, after due diligence, cannot be found, the registrar may order that the petitioner give notice by publication in some newspaper suitable for the advertisement of notices of judicial proceedings for such length of time as he deems reasonable, not less than once each week in four successive weeks, the last publication to be not less than twenty-one days prior to the date set for the hearing. The giving of notice shall be deemed complete upon the last publication. The notice as published shall also contain the date which has been set for the hearing.

(c) After granting an opportunity for hearing to the petitioner and the registered owner, the registrar shall grant or deny the petition for cancellation, as the facts shall warrant.

27.0305 Cancellation of certificate.

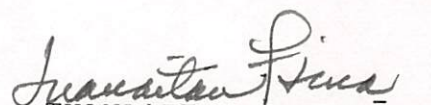
Any person or persons claiming to be the owner or owners of a print, label, trademark, or trade name for which a certificate of registration pursuant to this chapter has been issued to any other person or persons may file in the office of the registrar an application for the cancellation of the registration of such print, label, trademark, or trade name, with a declaration verified by the oath of such applicant or applicants, or if such application is made by a firm or corporation by the oath of a member of the firm or an officer of the corporation, setting forth facts in support of the ownership by such applicant or applicants of such print, label, trademark, or trade name and in support of the claim of the applicant or applicants that the certificate of registration should be canceled. The registrar shall give notice of such application for cancellation to the person or persons to whom the certificate of registration for the print, label, trademark, or trade name has been issued and, after granting an opportunity for hearing to the applicant or applicants for such cancellation and to the person or persons to whom the certificate of registration has been issued, shall grant or deny the application for cancellation, as the facts warrant.

27.0306 Appeal.

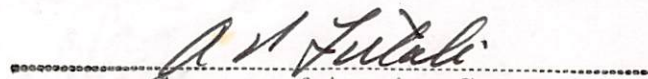
Any person aggrieved by any action of the registrar under this chapter in issuing a certificate of registration, or in revoking or canceling any such certificate, or in denying an application may commence proceedings to obtain judicial review in the High Court. The matter shall be reviewed by the court de novo."


LETULI TOLOA

President of the Senate


TUANA'ITAU F. TUIĀ
Speaker of the House

Hereby Approved this 23rd day of April, 19 87


Governor of American Samoa

NOFOAIGA LUASEFULU FONOFAITULAFONO O AMERIKA SAMOA

Fono Tele Muamua

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso luasefulu o Ianuari
tasi le afe iva selau valusefulu fitu

O SE TULAFONO FAATUINA FEAUIAIGA MO LE FAAMAUINA MA PUIPUIGA
O FAAILOGA MA IGOA TAU FEFAATAUAIGA; FAABAEINA SE MATAUPU FOU
03 I LALO O LE VAEGA 27 TFAS.

IA FAATULAFONOA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. Ua faavaeina se mataupu fou 03 i lalo o le Vaega
27 TFAS ua faitauina:

"Mataupu 03

FAAILOGA MA IGOA TAU FEFAATAUAIGA

Maga:

- 27.0301 Tusi molimau ia mauaina.
- 27.0302 Tusi talosaga mo tusi molimau--Totogi.
- 27.0303 Faamaumauga--Faaaluga ma le aoga o tusi molimau.
- 27.3034 Faamutaina.
- 27.0305 Faaleaogaina o tusi molimau.
- 27.0306 Tagi le malie.

27.0301 Tusi molimau ia mauaina.

Soo se tagata e naunau ia faamautu le faaaogaina uma o
soo se faailoga lolomi, pepa poo faailoga tau fefaatauaiga
mafaufauina ia faapipii faatasi pe faatatau i soo se oloa ua
gaosia poo i fagu, pusa, poo afifi o loo iai oloa i totonu
poo oloa ua gaosia ia faaalua ai le igoa o le kamupani gaosi
oloa, oloa i totonu o afifi, o uiga lelei o oloa poo faatonuga
mo le faaaogaina, poo se igoa tau fefaatauaiga, e ao ona maua
se tusi molimau o le faamauina o le faailoga lolomi, pepa,
faailoga fefaatauai, poo igoa tau fefaatauaiga i le tulaga
ua saunia i lenei mataupu.

27.0302 Tusi talosaga mo tusi molimau--Totogi.

Ao lei maua soo se tasi se tusi molimau o le faamauina
o se faailoga lolomi, pepa, poo faailoga fefaatauai, faauluina
e ia i le ofisa o le lesitala tau teritori se tusi talosaga mo

le fa'amauina o ia fa'ailoga lolomi, pepa, po'o fa'ailoga fefa'ataua'i, ma se folafolaga, fa'amaonia e le tagata talosaga, pe, afai o le talosaga ua saunia e se kamupani, se ta'ita'i o le fa'alapotopotoga, po'o se pisinisi ta'ito'alua, ta'utino o ia lea, po'o latou nei, tasi ma o le ulua'i tagata pule po'o tagata pule, po'o le tofia pe tofia o lea tagata pule po'o tagata pule, o lenei fa'ailoga lolomi, pepa po'o fa'ailoga tau fefa'atauaiga, ma le fa'amatalaina o oloa po'o oloa ua gaosia mo le fa'ailoga lolomi, pepa po'o fa'ailoga fefa'ataua'i ua fa'aaogaina. A o le'i maua so'o se tasi se tusi molimau o le fa'amauina o se igoa tau fefa'atauaiga fa'auluina e ia i le ofisa o le lesitala tau teritori se tusi talosaga mo le fa'amauina o le igoa fefa'ataua'i, ma se folafolaga, fa'amaonia, ta'utino ona o ia lea, po'o latou nei, tasi ma o le ulua'i tagata pule po'o tagata pule o le igoa tau fefa'atauaiga, po'o le tofia pe tofia o le tagata pule po'o tagata pule, ma fa'ailoa le uiga o le pisinisi i le igoa tau fefa'atauaiga ua fa'aaogaina. O le tusi talosaga ia tu'u fa'ailoga fefa'ataua'i, po'o le fa'ailoa o le igoa tau fefa'atauaiga. I le taimi e fa'auluina ai tusi talosaga ta'itasi, o le tagata talosaga e totogi i le lesitala se tupe e sefulu talā.

27.0303 Fa'amaumauga--Fa'aaluga ma le aogā o tusi molimau.

Mai le mauaina o le tusi talosaga ia tu'u fa'atasi ma le totogi o le tupe, o le lesitala tau teritori na te afuaina le fa'ailoga lolomi, pepa, fa'ailoga fefa'ataua'i po'o le igoa tau fefa'atauaiga ia fa'amauina i se tusi teu ai mo lea mafuaaga, ma tu'u atu i le tagata talosaga po'o tagata talosaga se tusi molimau o le fa'amauina fa'atasi ma le saini o le lesitala; ma o le tusi molimau po'o le fa'amauina fa'amautu i le tagata talosaga po'o tagata talosaga le fa'aaogā fa'apitoa o le fa'ailoga lolomi, pepa, fa'ailoga tau fefa'atauaiga, po'o igoa fefa'ataua'i so'o se vaega o le Teritori, mo se piriota fa'atulagaina e sefulu tausaga; saunia ona o fa'ailoga lolomi, pepa, fa'ailoga fefa'ataua'i po'o igoa tau fefa'atauaiga ua fa'aaauaina i le fa'aaogaina moni e le tagata talosaga i le Teritori.

27.0304 Fa'amutaina.

(a) Afai so'o se fa'ailoga lolomi, pepa, fa'ailoga tau fefa'atauaiga, po'o igoa tau fefa'atauaiga ua le fa'aaogaina e le tagata talosaga tusa ai ma le folafolaga mo so'o se piriota e tolu selau ma le onosefulu-lima aso soso'o, o le tusi molimau o le fa'amauina ia i lalo i le fa'amutaina.

(e) So'o se tagata mana'omia sa fa'amutaina se talosaga i le ofisa o le lesitala tau teritori, fa'ailoa mea moni fa'auluina ai lea i se aogā mo se piriota e tolu selau ma le onosefulu-lima aso soso'o, muamua vave le aso o le fa'auluina o lana talosaga. O le talosaga ia fa'amaonia i luga o fa'amatalaga ma talitoga o le tagata talosaga, pe afai o le talosaga ua faia e se kamupani po'o fa'alapotopotoga, mai se totino o le kamupani po'o se ta'ita'i o le fa'alapotopotoga. O le tagata talosaga po'o ai fa'aaliga moni o le fa'amasinoga i le tu'uina atu i le tagata pule fa'amauina i ia auala po'o tulaga e pei ona fa'atunu o le lesitala, ma o le pule fa'amauina ia tu'u i luga o le talanoaga atoa. Afai o le pule fa'amauina, o le lesitala e fa'atunu le tagata talosaga ave le ona maua, o le lesitala e fa'atunu le tagata talosaga ave le fa'aaliga e lolomse nusipepa.

talafeagai mo le faailoaina o fa'aaliga o fa'amasinoga tau tualfono mo le umi o taimi e pei ona ia manatu ua tatau ai, e le itiiti nai le faatasi i vaiaso taitasi i le fa vaiaso sosoo, o le lomiga mulimuli ia faia e le itiiti nai le lua-sefulu-tasi aso ao lei oo i le aso atofaina mo le talanoaga. O le tuuina atu o faaaliga ia atoa lelei mai le lomiga mulimuli. O le faaaliga e pei ona lomia e aofia ai foi le taimi ua atofaina mo le talanoaga.

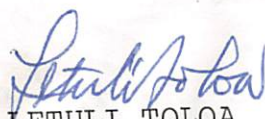
(i) Pe a uma ona taliaina se avanoa mo talanoaga i le tagata talosaga ma le pule faamauina, o le lesitala e talia pe teena le talosaga mo le faaleaogaina, e pei ona faaaliga o mea moni.

27.0305 Faaleaogaina o tusi molimau.

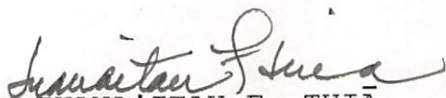
Soo se tagata poo tagata tagi o ia o le pule poo pule o se faailoga lolomi, pepa, faailoga tau fefaatauaiga, poo igoa tau fefaatauaiga mo se tusi molimau o faamauga e pei ona taua i lenei mataupu ua tuuina atu i soo se isi tagata poo tagata e ao ona faaulu i le ofisa o le lesitala se tusi talosaga mo le faaleaogaina o le faamauga o ia faailoga lolomi, pepa, faailoga tau fefaatauaiga, poo igoa tau fefaatauai, faatasi ma se folafolaga faamaonia mai le faatauto o sea tagata talosaga poo tagata talosaga, pe afai o sea tusi talosaga ua faia e se kamupani poo se faalapopotoga mai le faatautoina o se totino o le kamupani poo se ofisa o le faalapopotoga, faailoa mea moni i le lagolagoina o le pule tonu i lea tagata talosaga poo tagata talosaga o ia faailoga lolomi, pepa, faailoga tau fefaatauaiga, poo igoa tau fefaatauai ma i le lagolagoina o le tagi o le tagata talosaga poo tagata talosaga ona o le tusi molimau o faamauga e tatau ona faaleaogaina. O le lesitala e avatu se faaaliga e sea tusi talosaga mo le faaleaogaina i le tagata poo tagata o ia te ia le tusi molimau o faamauga mo le faailoga lolomi, pepa, faailoga tau fefaatauaiga, poo igoa tau fefaatauai e tuuina atu i ai ma, pe a uma ona tuuina atu se avanoa mo talanoaga i le tagata talosaga poo tagata talosaga mo sea faaleaogaina ma i le tagata poo tagata ia te ia le tusi molimau o faamauga ua tuuina atu i ai, o le a talia pe teena o le tusi talosaga mo le fa'aleaogaina, e pei ona fa'aaliga o mea moni.

27.0306 Tagi le malie.

Soo se tagata ua afaina i soo se gaoioiga a le lesitala i lalo o lenei mataupu i le tuuina atu o se tusi molimau o faamauga, pe soloia pe faaleaogaina soo se tusi molimau, pe teena se tusi talosaga e mafai ona amataina faamasinoga ia maua ai le toe iloiloga tau faamasinoga i le Faamasinoga Sili. O le mataupu ia toe iloilo e le faamasinoga tagi le malie.



LETULI TOLOA
Peresetene, Maota Maua


TUANA'ITAU F. TUIĀ
Fofoga Fetalai, Maota
o Sui