

## CHAPTER 36.

[ H. B. 189. ]

## FOREST PRODUCTS—MARKS AND BRANDS.

AN ACT relating to forest products, marks and brands; amending section 3, chapter 154, Laws of 1925 extraordinary session and RCW 76.36.030; amending section 4, chapter 154, Laws of 1925 extraordinary session and RCW 76.36.040; amending section 5, chapter 154, Laws of 1925 extraordinary session and RCW 76.36.050; amending section 6, chapter 154, Laws of 1925 extraordinary session and RCW 76.36.060; amending section 7, chapter 154, Laws of 1925 extraordinary session and RCW 76.36.070; amending section 9, chapter 154, Laws of 1925 extraordinary session and RCW 76.36.090; amending section 13, chapter 154, Laws of 1925 extraordinary session and RCW 76.36.130; amending section 14, chapter 154, Laws of 1925 extraordinary session and RCW 76.36.140; amending section 1, chapter 216, Laws of 1949 and RCW 76.36.150; and adding a new section to chapter 154, Laws of 1925 and to chapter 76.36 RCW.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Section 3, chapter 154, Laws of 1925 extraordinary session and RCW 76.36.030 are each amended to read as follows:

RCW 76.36.030 amended.

Every person selecting a mark or brand, before using it, shall make application for the registration thereof in the office of the supervisor of forestry by depositing in that office an impression burned in a piece of leather of appropriate size, or a drawing thereof, together with, in duplicate a written statement duly signed and verified by him or his agent, containing a description of the mark or brand and declaring that such mark or brand is not, and at the time of its adoption by him was not, in use, to his knowledge, by any other person, and that he has selected it in good faith for marking or branding forest products to be transported on common carrier railroads, or floated or rafted in the waters of this state, or booming equipment to be used by him as a part of his operations in securing, rafting, or floating forest products.

Registration of marks or brands.

Registration  
of marks or  
brands.

The supervisor of forestry, upon receipt of the application and the fee hereinafter provided, if he finds that the mark or brand is not identical with any other mark or brand registered in his office, or does not so closely resemble one registered therein as to be confounded therewith, shall file in his office the impression or drawing, and one copy of the written statement, and shall register the mark or brand in a book to be provided by him and kept for the purpose and known as the "Forest products brand register," entering therein the name of the owner, character of the mark or brand, date of registration, and such other details as he may see fit to enter therein. He shall return to the applicant the other copy of the written statement, with a certificate attached thereto and signed by him or his deputy to the effect that the mark or brand has been duly registered in accordance with the provisions of this chapter, and that the applicant is the registered owner thereof. The supervisor of forestry, in the event of his refusal to register a mark or brand on account of conflict with, or resemblance to, one already registered, shall immediately give notice of that fact to the applicant, who may select another mark or brand, and apply for its registration in the manner of an original application.

RCW 76.36.040  
amended.

SEC. 2. Section 4, chapter 154, Laws of 1925 extraordinary session and RCW 76.36.040 are each amended to read as follows:

Assignment.

Every mark or brand registered under this chapter, shall be assignable in law; and the supervisor of forestry, upon presentation to him, in duplicate, of an assignment transferring the mark or brand to a person therein named and duly executed and acknowledged by the owner thereof and the payment of the fee hereinafter mentioned, shall file one copy of the assignment in his office and make an entry in the forest products brand register of the

fact of the assignment, the date thereof and the name of the assignee, and such other details as he may see fit to enter therein. He shall then return to the assignee the other copy of the assignment, with a certificate attached thereto and signed by him or his deputy to the effect that the mark or brand has been duly registered in accordance with the provisions of this chapter and assigned to the assignee, and that the assignee is the registered owner thereof. The assignee, upon the due registration of the assignment, shall be and become the owner of the mark or brand with the full right of exclusive use to the same extent as though he had been the original owner.

SEC. 3. Section 5, chapter 154, Laws of 1925 extraordinary session and RCW 76.36.050 are each amended to read as follows:

RCW 76.36.050 amended.

The certificate of the supervisor of forestry, attached to the original or copy of the written statement or assignment, and signed by him or his deputy as herein provided, shall be received in all courts of this state as evidence of the due and proper registration of the mark or brand and of the ownership thereof without proof of the signature thereto.

Certificate as evidence of registration and ownership.

SEC. 4. Section 6, chapter 154, Laws of 1925 extraordinary session and RCW 76.36.060 are each amended to read as follows:

RCW 76.36.060 amended.

All forest products and booming equipment having impressed thereupon a registered mark or brand shall be presumed to belong to the person appearing on the records in the office of the supervisor of forestry as the owner of such mark or brand. All forest products having impressed thereupon a registered catch brand shall be presumed to belong to the owner of the registered catch brand, unless there shall be impressed thereupon more than one registered catch brand, in which event they shall be presumed to belong to the owner whose registered

Impression of mark--Presumption.

catch brand was placed thereupon latest in point of time.

RCW 76.36.070 amended.

SEC. 5. Section 7, chapter 154, Laws of 1925 extraordinary session and RCW 76.36.070 are each amended to read as follows:

Cancellation of registration.

The supervisor of forestry, upon the petition of the owner of a registered mark or brand, may cause the registration thereof to be canceled, and, in the event of such cancellation, the mark or brand shall be open to registration by any person subsequently applying therefor.

RCW 76.36.090 amended.

SEC. 6. Section 9, chapter 154, Laws of 1925 extraordinary session and RCW 76.36.090 are each amended to read as follows:

Catch brands.

Every person desiring to use a catch brand as an identifying mark upon forest products or booming equipment purchased or lawfully acquired by him from another, shall before using it, make application for the registration thereof in the office of the supervisor of forestry in the manner prescribed for the registration of other marks or brands as herein required. The provisions contained in this chapter in reference to registration, certifications, assignment, and cancellation, and the fees to be paid to the supervisor of forestry shall apply equally to catch brands. The certificate of the supervisor of forestry shall designate the mark or brand as a catch brand, and the mark or brand selected by the applicant as a catch brand shall be inclosed in the letter C, which shall identify the mark or brand as, and shall be used only in connection with, a catch brand.

RCW 76.36.130 amended.

SEC. 7. Section 13, chapter 154, Laws of 1925 extraordinary session and RCW 76.36.130 are each amended to read as follows:

Sufficiency of mark.

A mark or brand cut in boom sticks with an ax or other sharp instrument shall be sufficient for the purposes of this chapter if it substantially conforms

to the impression or drawing and written description on file in the office of the supervisor of forestry.

SEC. 8. Section 14, chapter 154, Laws of 1925 extraordinary session and RCW 76.36.140 are each amended to read as follows:

RCW 76.36.140 amended.

In view of the different conditions existing in the logging industry of this state between the parts of the state lying respectively east and west of the crest of the Cascade mountains, forest products may be put into the water of this state or shipped on common carrier railroads without having thereon a registered mark or brand, as herein required, within that portion of the state lying east of the crest of the Cascade mountains and composed of the following counties to wit: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima; and the penalties herein provided for failure to mark or brand such forest products shall not apply: *Provided*, That any person operating within such east portion of the state may select a mark or brand and cause it to be registered in the office of the supervisor of forestry pursuant to the terms of this chapter, and use it for the purpose of marking or branding forest products and booming equipment, and, in the event of the registration of such mark or brand and the use of it in marking or branding forest products or booming equipment, the provisions hereof shall apply as to the forest products and booming equipment so marked or branded.

Application of chapter to Eastern Washington.

SEC. 9. Section 1, chapter 216, Laws of 1949 and RCW 76.36.150 are each amended to read as follows:

RCW 76.36.150 amended.

The supervisor of forestry shall on or before September 30, 1949, and each five-year period thereafter, notify by registered letter the owner or owners of all log marks or brands then of record in the state,

Renewal of marks and brands.

to renew the same. A fee of five dollars shall be charged for new brands or marks, assignment of brands or marks and renewing marks or brands. Upon receipt of said fee, the supervisor of forestry shall give a renewal certificate, which shall give the holder and owner thereof the exclusive right to continue the use of said mark or brand within the state. If any owner or owners of a mark or brand which is on record fails to pay such renewing fee within three months after the notification as herein provided, such brand shall become forfeited and no longer be carried on said records.

Effect of failure to renew—Abandoned marks and brands.

On and after January 1, 1950, no person, firm, association, or corporation shall claim or own any log mark or brand which has not been renewed in accordance with the provisions of this section, and any failure to renew the log mark or brand as required by such provisions shall be deemed the abandonment of the same, and any other person, firm, association, or corporation shall be at liberty to adopt or use such mark or brand so abandoned: *Provided*, That no person, firm, association, or corporation shall be at liberty to claim or use such abandoned mark or brand until after the same has been recorded in his or its own name, in the manner provided in this chapter: *Provided, however*, That no abandoned or canceled brand may be reissued for a period of one year after such abandonment or cancellation, except to the previous owner or his assignee: *Provided further*, That in case of a dispute as to the right to the use of such mark or brand, the supervisor of forestry shall determine which of the applicants is entitled to the use thereof.

Proviso.

Proviso.

Proviso.

New section.

SEC. 10. There is added to chapter 154, Laws of 1925 and to chapter 76.36 RCW a new section to read as follows:

Deposit of fees.

The supervisor of forestry shall deposit all moneys

received under this chapter in the log patrol revolving fund.

Passed the House January 31, 1957.

Passed the Senate February 21, 1957.

Approved by the Governor March 1, 1957.

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## CHAPTER 37.

[ H. B. 25. ]

### CIVIL RIGHTS—LAW AGAINST DISCRIMINATION.

AN ACT relating to civil rights, amending section 1, chapter 183, Laws of 1949 and RCW 49.60.010; amending section 12, chapter 183, Laws of 1949 and RCW 49.60.020; amending section 2, chapter 183, Laws of 1949 and RCW 49.60.030; amending section 3, chapter 183, Laws of 1949 and RCW 49.60.040; amending section 2, chapter 270, Laws of 1955 and RCW 49.60.050; amending section 6, chapter 270, Laws of 1955 and RCW 49.60.090; amending section 8, chapter 270, Laws of 1955 and RCW 49.60.120; amending section 7, chapter 183, Laws of 1949 and RCW 49.60.180 through 49.60.220; amending section 15, chapter 270, Laws of 1955 and RCW 49.60.230; amending section 16, chapter 270, Laws of 1955 and RCW 49.60.240; amending section 17, chapter 270, Laws of 1955 and RCW 49.60.250; section 9, chapter 183, Laws of 1949 and RCW 49.60.260 through 49.60.300; amending section 10, chapter 183, Laws of 1949 and RCW 49.60.310; and adding three new sections to chapter 183, Laws of 1949 and chapter 49.60 RCW.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Section 1, chapter 183, Laws of 1949 and RCW 49.60.010 are each amended to read as follows:

RCW 49.60.010 amended.

This chapter shall be known as the "Law Against Discrimination." It is an exercise of the police power of the state for the protection of the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of the Constitution of this state concerning civil rights. The legislature hereby finds and declares that practices of

Short title—  
Purpose of  
chapter.