

## **CHAPTER 47-07**

### **PERSONAL OR MOVABLE PROPERTY - GENERAL PROVISIONS**

**47-07-01. Jurisdiction - Law of domicile applies.** If there is no law to the contrary in the place where personal property is situated, it is deemed to follow the person of its owner and is governed by the law of the owner's domicile.

**47-07-02. Thing in action defined.** A thing in action is a right to recover money or other personal property by a judicial proceeding.

**47-07-03. Thing in action transferable.** A thing in action arising out of the violation of a right of property or out of an obligation may be transferred by the owner. Upon the death of the owner, it passes to the owner's personal representatives except when in the cases provided by law it passes to the owner's devisees or successor in office.

**47-07-04. Products of the mind - Ownership - Application.** The author of any product of the mind, whether it is an invention, a composition in letters or art, a design, with or without delineation or other graphical representation, has an exclusive ownership therein and in the representation or expression thereof which continues as long as the product and the representations or expressions thereof made by the author remain in the author's possession.

**47-07-05. Joint ownership of products of the mind.** Unless otherwise agreed, a product of the mind in the production of which several persons are concerned jointly is owned by them as follows:

1. If the product is single, in equal proportions; or
2. If it is not single, in proportion to the contribution of each.

**47-07-06. Transfer of products of the mind.** The owner of any product of the mind, or of any representation or expression thereof, may transfer the owner's property in the same.

**47-07-07. Publication of products of the mind - Right to reproduce.** If the owner of a product of the mind intentionally makes it public, a copy or reproduction may be made public by any person without responsibility to the owner so far as the law of this state is concerned.

**47-07-08. Identical products of the mind - Rights of respective owners.** If the owner of a product of the mind does not make it public, any other person subsequently and originally producing the same thing has the same right therein as the prior author, and such right is exclusive to the same extent against all persons except the prior author, or those claiming under the prior author.

**47-07-09. Private communications - Ownership - Right of publication.** Letters and other private communications in writing belong to the person to whom they are addressed and delivered. They cannot be published, however, against the will of the writer except by authority of law.

**47-07-10. Goodwill defined.** The goodwill of a business is the expectation of continued public patronage, but it does not include a right to use the name of any person from whom it was acquired.

**47-07-11. Goodwill - Transferability.** The goodwill of a business is property transferable in the same manner as any other.

**47-07-12. Sale of goodwill - Warranty.** One who sells the goodwill of a business thereby warrants that the seller will not endeavor to draw off any of the customers.

**47-07-13. Title deeds - Ownership passes with title.** Instruments essential to the title of real property which are not kept in a public office as a record pursuant to law belong to the person in whom, for the time being, such title may be vested, and pass with the title.

**47-07-14. Museum records - Disposition of loaned or donated objects.** Every nonprofit or noncounty museum in this state which is loaned or receives by donation any object for public display or safekeeping must keep a record of those objects. The record must indicate the owner or owners of the loaned objects and their addresses. A duplicate of the record must be filed with the county in which the museum is located. The board of directors or any person in charge of a museum which is closing or closed must return loaned objects to the recorded owners. All unreturned or unclaimed objects must be retained for two years to ensure that individuals have the opportunity to reclaim loaned objects. After that time, unclaimed objects may be disposed of at the discretion of the board of directors or person in charge of the museum.