§ 34.05. Production. 1. No performing group shall use, advertise or promote a live musical performance or production through the use of a false, deceptive or misleading affiliation, connection or association between a recording group and a performing group where such performing group is seeking to use the same or a substantially similar name as such recording group.

2. The provisions of subdivision one of this section shall not apply if:

(a) the performing group is the authorized registrant and owner of a federal service mark for that recording group registered in the United States Patent and Trademark Office;

(b) at least one member of the performing group was a member of the recording group and has a legal right by virtue of use or operation under the group name without having abandoned the name or affiliation with the group;

(c) the live musical performance or production is identified in all advertising and promotion as a salute or tribute;

(d) the advertising does not relate to a live musical performance or production taking place in this state; or

(e) the performance or production by the performing group with the same or substantially similar name of a specific recording group is expressly authorized by that recording group.