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SENATE BILL 5066

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State of Washington

55th Legislature

1997 Regular Session

By Senators Roach, Haugen, Johnson and Winsley; by request of Secretary of State

Read first time 01/13/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to trademarks; and amending RCW 19.77.030.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 **Sec. 1.** RCW 19.77.030 and 1994 c 60 s 1 are each amended to read  
4 as follows:

5 (1) Subject to the limitations set forth in this chapter, any  
6 person who has adopted and is using a trademark in this state may file  
7 in the office of the secretary of state, on a form to be furnished by  
8 the secretary of state, an application for registration of that  
9 trademark setting forth, but not limited to, the following information:

10 ~~((1))~~ (a) The name and business address of the applicant, and, if  
11 the applicant is a corporation, its state of incorporation;

12 ~~((2))~~ (b) The particular goods or services in connection with  
13 which the trademark is used and the class in which such goods or  
14 services fall;

15 ~~((3))~~ (c) The manner in which the trademark is placed on or  
16 affixed to the goods or containers, or displayed in connection with  
17 such goods, or used in connection with the sale or advertising of the  
18 services;

1       ~~((4))~~ (d) The date when the trademark was first used with such  
2 goods or services anywhere and the date when it was first used with  
3 such goods or services in this state by the applicant or his  
4 predecessor in business;

5       ~~((5))~~ (e) A statement that the trademark is presently in use in  
6 this state by the applicant;

7       ~~((6))~~ (f) A statement that the applicant believes himself to be  
8 the owner of the trademark and believes that no other person has the  
9 right to use such trademark in connection with the same or similar  
10 goods or services in this state either in the identical form or in such  
11 near resemblance thereto as to be likely, when used on or in connection  
12 with the goods or services of such other person, to cause confusion or  
13 mistake or to deceive; and

14       ~~((7))~~ (g) Such additional information or documents as the  
15 secretary of state may reasonably require.

16       (2) A single application for registration of a trademark may  
17 specify all goods or services in a single class or in multiple classes  
18 for which the trademark is actually being used(~~(, but may not specify~~  
19 ~~goods or services in different classes)~~)).

20       (3) The application shall be signed by the applicant individual, or  
21 by a member of the applicant firm, or by an officer of the applicant  
22 corporation, association, union or other organization.

23       (4) The application shall be accompanied by three specimens or  
24 facsimiles of the trademark for ~~((at least one))~~ each of the goods or  
25 services for which its registration is requested, and a filing fee, as  
26 set by rule by the secretary of state, payable to the secretary of  
27 state. The fee established by the secretary may vary based upon the  
28 number of categories listed in the application.

29       (5) An applicant may correct an application previously filed by the  
30 secretary of state, within ninety days of the original filing, if the  
31 application contains an incorrect statement or the application was  
32 defectively executed, signed, or acknowledged. An application is  
33 corrected by filing a form provided by the secretary of state, and  
34 accompanied by a filing fee established by the secretary by rule. The  
35 correction may not change the mark itself. A corrected application is  
36 effective on the effective date of the document it corrects, except  
37 that it is effective on the date the correction is filed as to persons  
38 relying on the uncorrected document and adversely affected by the  
39 correction.

1       (6) An applicant may amend an application previously filed by the  
2 secretary of state if the applicant changes the categories in which it  
3 does business. An application is amended by filing a form provided by  
4 the secretary of state, accompanied by three specimens or facsimiles of  
5 the trademark for any new or additional goods or services for which the  
6 amendment is requested, and a filing fee established by the secretary  
7 by rule. The amendment or correction may not change the mark itself.  
8 An amended application is effective on the date it is filed.

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