

REFERENCE TITLE: **trademarks; service marks; trade names**

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2103

Introduced by
Representative Griffin

AN ACT

AMENDING SECTIONS 44-1443 AND 44-1460, ARIZONA REVISED STATUTES; RELATING TO TRADEMARKS, SERVICE MARKS AND TRADE NAMES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 44-1443, Arizona Revised Statutes, is amended to
3 read:

4 44-1443. Application for registration

5 A. Subject to the limitations set forth in this article, any person
6 who is domiciled in this state and who adopts and uses a trademark or
7 service mark, or any person who adopts and uses a trademark or service
8 mark in this state, may file in the office of the secretary of state, on a
9 form to be furnished by the secretary of state, an application for
10 registration of that mark setting forth, ~~but not limited to,~~ AT LEAST the
11 following information:

12 1. The name and ~~e-mail~~ EMAIL and business address of the person
13 applying for such registration and, if a corporation, the state of
14 incorporation.

15 2. The goods or services in connection with which the mark is used,
16 the mode or manner in which the mark is used in connection with such goods
17 or services and the class in which such goods or services fall.

18 3. The date when the mark was first used anywhere, and the date
19 when ~~it~~ THE MARK was first used in this state by the applicant or ~~his~~ THE
20 APPLICANT'S predecessor in business.

21 4. A statement that the applicant is the owner of the mark and that
22 no other person has the right to use ~~such~~ THE mark in this state either in
23 the identical form ~~thereof~~ OF THE MARK or in such near resemblance ~~thereto~~
24 TO THE MARK as might be calculated to deceive or to be mistaken ~~therefor~~
25 FOR THE MARK.

26 5. A STATEMENT THAT THE APPLICANT HAS CONDUCTED A SEARCH AND FOUND
27 THAT THE TRADEMARK OR SERVICE MARK DOES NOT CONSIST OF OR COMPRISE A MARK
28 THAT SO RESEMBLES A MARK REGISTERED IN THIS STATE OR A MARK OR TRADE NAME
29 PREVIOUSLY USED IN THIS STATE BY ANOTHER AND NOT ABANDONED AND THAT, WHEN
30 APPLIED TO THE GOODS OR SERVICES OF THE APPLICANT, THE MARK IS NOT LIKELY
31 TO CAUSE CONFUSION OR MISTAKE OR TO DECEIVE.

32 6. A STATEMENT WHETHER THE APPLICANT PREVIOUSLY SOUGHT TO REGISTER
33 THE TRADEMARK OR SERVICE MARK WITH THE UNITED STATES PATENT AND TRADEMARK
34 OFFICE AND, IF SO AND THE REGISTRATION WAS DENIED, THE REASONS FOR THE
35 DENIAL.

36 B. The application shall be:

37 1. Signed by the applicant, or by a member of the firm or any
38 officer of the corporation or association applying.

39 2. Accompanied by a specimen or facsimile of ~~such~~ THE mark in a
40 format specified by the secretary of state by rule.

41 Sec. 2. Section 44-1460, Arizona Revised Statutes, is amended to
42 read:

43 44-1460. Registration of trade name, title or designation

44 A. Any person, partnership, corporation, firm, association,
45 society, foundation, federation or organization doing business in this

1 state, or any foreign corporation licensed to exercise its corporate
2 powers in this state, may register with the secretary of state, on a form
3 to be furnished by the secretary of state, the name, title or designation
4 under which ~~such~~ THE applicant is operating, setting forth, ~~but not~~
5 ~~limited to,~~ AT LEAST the following information:

6 1. The name and ~~e-mail~~ EMAIL and business address of the applicant
7 for such registration. If the applicant is a corporation, the state of
8 its incorporation shall be disclosed.

9 2. The name, title or designation to be registered.

10 3. The general nature of the business conducted by the applicant.

11 4. The length of time during which the name, title or designation
12 has been used by the applicant in ~~his~~ THE APPLICANT'S business operations
13 in this state.

14 5. A STATEMENT THAT THE APPLICANT HAS CONDUCTED A SEARCH AND FOUND
15 THAT THE TRADE NAME, TITLE OR DESIGNATION IS DISTINGUISHABLE ON THE RECORD
16 FROM BOTH OF THE FOLLOWING:

17 (a) ANY OTHER NAME PREVIOUSLY FILED AND ON RECORD WITH THE
18 SECRETARY OF STATE.

19 (b) AN EXISTING CORPORATION NAME OR A CORPORATE NAME RESERVED
20 PURSUANT TO TITLE 10, CHAPTERS 4, 19 AND 24 THROUGH 40.

21 B. The applicant or a member or officer of the firm, partnership,
22 corporation, association, society, foundation, federation or other
23 organization shall sign the application.

24 C. A single name, title or designation may be registered on each
25 application submitted under this article.