



PAUL D. PATE
Secretary of State
State of Iowa

Application for Registration of Mark

One actual specimen of use of mark or facsimile of specimen of use of mark must accompany this application

Pursuant to *Iowa Code Chapter 548*, the undersigned applies for registration of a trademark or service mark entitled to registration under this chapter in the state of Iowa.

READ THE INSTRUCTIONS CAREFULLY BEFORE STARTING THE APPLICATION.

All items must be completed before the application will be considered. Attach additional pages as needed to provide the requested information. Other documents or materials may also be attached to support the application.

1. Name of applicant:

2. Business address of applicant:

3. The applicant is (check one):

an individual

a corporation

a limited liability company

other (please specify) _____

3a. If a corporation or other business entity, the state of incorporation or registration:

3b. If the applicant is a partnership, the state in which the partnership is organized:

If the applicant is a partnership, the names of the general partners:

4. The type of business engaged in by the applicant:

5. Goods or services the mark is meant to indicate the source of:

6. The class number and title of the good or service (only one class per application):

Class number:

Class title:

7. Mode or manner in which the mark is being used with the goods or services:

8. A complete description of the mark:

9. Any components of the mark of which the applicant disclaims exclusive use:

10. Date of first use by applicant or applicant's predecessor in interest (must be at least one time prior to this filing):

In Iowa:

Outside of Iowa (specify where and the date):

11. Has an application to register the mark, or portions or a composite of the mark, been filed in the United States Patent and Trademark Office by the applicant or a predecessor in interest? (check one):

YES NO

If "YES", please state:

Date of filing:

Serial Number of application:

Status of application:

Has application been refused?: YES NO

Has otherwise not resulted in registration: YES NO

Reason:

12. If the proposed mark has acquired a secondary meaning, so that if the mark would otherwise be unregistrable, it could still be considered for registration, explain how the secondary meaning developed and attach documents or other evidence that supports the existence of secondary meaning as provided in Iowa Code section 548.102(5)(b).

I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct, that applicant is the owner of the mark, that the mark is in use, and that, to the knowledge of the applicant and the person verifying the application, no other person has registered, either federally or in this state, or has the right to use such mark either in the identical form or in such resemblance to the form as to be likely, when applied to the goods or services of such other person, to cause confusion or mistake, or to deceive.

Signed _____ Title _____

Date _____

NOTES:

1. The application fee is \$10.00. Make checks payable to SECRETARY OF STATE.
2. Include the required specimen of current use in commerce with this application.
3. The information you provide will be open for public inspection under Iowa Code section 22.11.

**SECRETARY OF STATE
Business Services Division
Lucas Building, 1st Floor
Des Moines, IA 50319**

Phone: (515) 281-5204
FAX: (515) 242-5953
Website: sos.iowa.gov



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State of Iowa

INSTRUCTIONS for Application for Registration of Mark

IT IS IMPORTANT that you read and understand these instructions before you begin to complete the application form. Failure to complete the form correctly or to provide all the requested information will result in the application being returned.

All items must be completed before the application will be considered. If there is insufficient space on the form to provide all requested information, use additional pages as required, numbering to correspond to the item. Other documents or materials may be attached to the application. In such cases the material or documents should be referenced in the form and clearly marked for ease of identification.

An application for registration of trademark or service mark must include one specimen demonstrating current use of the mark in commerce at the point of sale of the applied-for class of goods or in the sale or advertising of the applied-for class of services. Specimens of use are required because they show that the mark is actually in use in commerce and demonstrate the manner in which the mark is being seen by the public. Artwork not clearly connected to any use in commerce does not constitute a specimen of use. Applications submitted with only such artwork meant to satisfy the specimen of use requirement will be rejected.

Item 1 Print the name of the applicant. If the applicant is other than a natural person, the complete legal name of the business entity must be provided.

Item 2 Print the business address of the applicant.

Item 3 Check the box that describes the applicant. If "other" is checked, state the type of entity; for example: "partnership."

3a If the applicant is a corporation or other business entity, print the name of the state in which the entity is incorporated or registered.

3b If the applicant is a partnership or limited partnership, print the name of the state under whose laws the partnership was organized, and the legal name of each of the general partners.

Item 4 Describe the type of business engaged in by applicant. Be as specific as possible; e.g. a company in the business of manufacturing and selling track mounted earth moving equipment; or a business providing dental services for children.

Item 5 Describe what goods or services the mark is meant to indicate the source of. Be as specific as possible.

For example:

- do not just say "lawn services" - instead, specify the types of services being provided: "mowing, edging, leaf removal, and snow removal";
- do not just say "schools" - instead, specify "school sports programs";
- do not just say "food" - instead, specify the types of food being promoted: "hamburgers, hot dogs, salads, and traditional side dishes".

Item 6 Indicate the class number **and** the class title of goods or services that will carry the mark. This information can be found further on in these instructions, or may be obtained from the Secretary of State by calling 515-281-5204.

ONLY ONE CLASS MAY APPEAR ON THE APPLICATION If multiple classes are sought, each class must appear on a separate application.

Item 7 Provide a brief description of the way applicant is using the proposed mark. Be specific and include all ways the mark is being used. The specimen of current use that applicant includes with the application must demonstrate at least one of the listed associations.

For example:

- “as a brand name to appear on the tags of women’s fashion clothing”;
- “as a logo to appear on a website, on the sides of service trucks, and on staff apparel to promote lawn services”;
- “as a logo to appear on product packaging”;
- “as a slogan to introduce or promote the sports segment of a TV news program”;
- “as an insignia on signage, t-shirts, sweatshirts, jackets, coolers, pennants, and additional promotional items to promote school sports programs”

Item 8 Describe the proposed mark in sufficient detail such that a person who has not seen the mark would be able to comprehend what it looks like after reading the description. The description should include any colors which will be used, any specific fonts applied to words, or any specific designs, shapes or borders.

Item 9 List any word, phrase, design or shape included in the proposed mark for which exclusive use is disclaimed or not being sought.

Item 10 State the date the mark was first used in commerce in the state of Iowa. For advice on what kinds of uses constitute use of a mark "in commerce" for goods or services, please consult an attorney who is experienced in trademark application prosecution. If the first use of the mark in commerce was outside the State of Iowa, then also give the date of that first use and the name of the state in which it occurred.

Item 11 If an application to register the proposed mark, any portion of the mark, or any composite including all or part of the proposed mark has been filed in the United States Patent and Trademark Office, this section must be completed.

Item 12 In reviewing the proposed mark, if the possibility exists that the mark may be rejected as descriptive or misdescriptive of the goods or services, the applicant may submit with the application such documentation or other evidence, as provided in Iowa Code section 548.102(5)(b), to establish that the mark has acquired "secondary meaning" - in other words, that the public has come to associate the applied-for mark with a single source or producer.

***REMEMBER TO SIGN AND DATE THE APPLICATION ON THE BOTTOM OF THE 2ND PAGE.**

NOTES: The application fee is \$10.00. Make checks payable to SECRETARY OF STATE

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State of Iowa

**Registration and
 Protection of Marks
 (Admin. Rule 721 - 40.6)**

Pursuant to the authority of Chapter 548.103 and 548.110 *Code of Iowa*, the following rules are promulgated:

721 - 40.6 (1)(548) Classification:

The following general classes of goods and services are established, but do not limit or extend the applicant's or registrant's rights, and a single application for registration of a mark may include any or all goods upon which, or services with which, the mark is actually being used comprised in a single class, but in no event shall a single application include goods or services upon which the mark is being used which fall within different classes of goods or services. The said classes are as follows:

GOODS

<u>Class</u>	<u>Title</u>	<u>Class</u>	<u>Title</u>
1.	Raw or partly prepared materials	27.	Horological instruments
2.	Receptacles	28.	Jewelry and precious-metal ware
3.	Baggage, animal equipments, portfolio and pocketbooks	29.	Brooms, brushes and dusters
4.	Abrasives and polishing materials	30.	Crockery, earthenware and porcelain
5.	Adhesives	31.	Filters and refrigerators
6.	Chemicals and chemical compositions	32.	Furniture and upholstery
7.	Cordage	33.	Glassware
8.	Smokers' articles (not including tobacco prod.)	34.	Heating, lighting and ventilating apparatus
9.	Explosives, firearms, equipments and projectiles	35.	Belting, hose, machinery packing and nonmetallic tires
10.	Fertilizers	36.	Musical instruments and supplies
11.	Inks and inking materials	37.	Paper and stationery
12.	Construction materials	38.	Prints and publications
13.	Hardware and plumbing and steam-fitting supplies	39.	Clothing
14.	Metals and metal castings and forgings	40.	Fancy goods, furnishings and notions
15.	Oils and greases	41.	Canes, parasols and umbrellas
16.	Paints and painters' materials	42.	Knitted, netted and textile fabrics, and substitutes thereof
17.	Tobacco products	43.	Thread and yarn
18.	Medicine and pharmaceutical preparations	44.	Dental, medical and surgical appliances
19.	Vehicles	45.	Soft drinks and carbonated waters
20.	Linoleum and oiled cloth	46.	Foods and ingredients of foods
21.	Electrical apparatus, machines and supplies	47.	Wines
22.	Games, toys and sporting goods	48.	Malt beverages and liquors
23.	Cutlery, machinery and tools, and parts thereof	49.	Distilled alcoholic liquors
24.	Laundry appliances and machines	50.	Merchandise not otherwise classified
25.	Locks and safes	51.	Cosmetics and toilet preparations
26.	Measuring and scientific appliances	52.	Detergents and soaps

SERVICES

100.	Miscellaneous	104.	Communication
101.	Advertising and Business	105.	Transportation and Storage
102.	Insurance and Financial	106.	Material Treatment
103.	Construction and Repair	107.	Education and Entertainment

40.6 (2) Assistance in applications.

The secretary of state cannot give legal advice as to the nature and extent of the protection afforded by law nor advise as to the registrability of a specific mark except as questions may arise in connection with pending applications.

40.6 (3) Incomplete or defective applications.

An application will not be filed unless the application and accompanying facsimiles or specimens are in proper form, comply with the statutory requirements and are accompanied by the statutory fee. Specimens which are metal need not be submitted, a facsimile being preferable in order to avoid filing problems. Documents not filed will be returned with a statement of the reason therefor.

40.6 (4) Registration dates.

The registration date is the date on which the mark is actually posted in the registration indices of the office of the secretary of state, after the application has been examined and found acceptable.

40.6 (5) Form of application.

The application shall be on a current form supplied by the secretary of state, be completed in the English language and plainly written or typed. If the mark or any part thereof is not in the English language, it must be accompanied by a sworn translation.

40.6 (6) Withdrawal of application.

Prior to actual registration of the mark, the applicant, by written request, may withdraw the application.

40.6 (7) Plurality of goods in a single application.

A single application may recite a plurality of goods, or a plurality of services, comprised in a single class, provided the particular identification of each of these goods or services be stated and the mark is used or has been actually used on or in connection with all of the goods or in connection with all of the services specified.

40.6 (8) Single class in one application.

A single application to register a mark for both goods and services or for goods or services in different classes will be rejected. Applications must be restricted to goods or services comprised in a single class.

40.6 (9) Conflicts.

Whenever application is made for registration of a mark or trade name which so resembles a mark registered in this state or a mark previously used in this state by another and not abandoned, as to be likely, when applied to the goods or services of the applicant, to cause confusion or mistake or to deceive, a conflict shall be declared to exist and registration denied.

40.6 (10) Conflicts between applications.

Conflicts between pending applications will be resolved on the basis of the claimed date of first use. The secretary of state may require affidavits and other proof of first use.

40.6 (11) Record change on automatic transfer.

In the event of mergers or consolidations of corporations, a certified copy of such documents may be accepted to transfer ownership of marks. If the name of the owner of record of a mark is changed, and request for a change of the records is made, then written proof of such change can be made by sworn affidavit showing the manner or mode by which the change of ownership was made.

40.6 (12) Change of address.

If the registered owner of a mark changes the address set forth on the registration, then written notice of such change of address must be given to the secretary of state. Such notice must clearly identify the mark or marks involved and must request that the change of address be noted on the records of the registration on file.

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