



# ARIZONA HOUSE OF REPRESENTATIVES

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House: COM DP 10-0-0

## **HB 2103: trademarks; service marks; trade names**

**Sponsor: Representative Griffin, LD 14**

**House Engrossed**

### **Overview**

Includes additional requirements for applicants registering a trademark or trade name.

### **History**

Any person who adopts and uses a trademark or service mark may file an application with the Secretary of State to register the mark. Statute outlines the minimum information that an application must contain, including: 1) the name and email and business address of the person applying for the registration; 2) the goods or services the mark is used for, how the mark is used and the class in which the goods or services fall; 3) the date when the mark was first used; and 4) a statement that the applicant is the owner and sole user of the mark ([A.R.S. § 44-1443](#)).

Any person, association, or corporation doing business in Arizona may register a trade name, title or designation with the Secretary of State. Statute outlines the minimum information that must be provided for registration, including: 1) the name, email and business address of the applicant; 2) the name, title or designation being registered; 3) the general nature of the business; and 4) the length of time during which the name, title or designation has been used by the applicant ([A.R.S. § 44-1460](#)).

### **Provisions**

1. Requires a trademark registration form to include a statement that the applicant has conducted a search and found that the trademark or service mark:
  - a) Is not likely to cause confusion or to deceive; and
  - b) Does not consist of a mark that resembles an Arizona registered mark or one previously used in Arizona by another and not abandoned. (Sec. 1)
2. Requires a trademark registration form to include a statement whether the applicant has previously sought to register the mark with the U.S. Patent and Trademark Office, and if denied, the reasons for denial. (Sec. 1)
3. Requires a trade name registration form to include a statement that the applicant has conducted a search and found that the trade name is distinguishable from:
  - a) Any other previous name on record with the Secretary of State; and
  - b) An existing corporation name or reserved name. (Sec. 2)
4. Makes technical changes. (Sec. 1, 2)

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note