



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Office of the Secretary of State

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 15-13-004 _____ ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____ ; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Trademarks.

Hearing location(s):

Corporations & Charities
Division
801 Capitol Way South
Olympia, WA
(360) 725-0378

Date: October 15, 2015 Time: 11:00 a.m.

Submit written comments to:

Name: Pam Floyd Director, Corporations Division
Address: Office of the Secretary of State
PO Box 40234
Olympia, WA 98504
e-mail pam.floyd@sos.wa.gov
fax (360) 586-4989 by (date) _____

Assistance for persons with disabilities: Contact

Pam Floyd by October 14, 2015

TTY () _____ or (360) 725-0378

Date of intended adoption: October 16, 2015
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Update classifications of goods and services.

WAC 434-12 – Trademarks – Changes include updating the method of delivery of registrations to include “online” when the system is available, and updating the classifications of goods and services to match the federal classifications.

Reasons supporting proposal:

Statutory authority for adoption RCW 19.77.115

Statute being implemented:

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **August 27, 2015**

TIME: **1:22 PM**

WSR 15-18-061

DATE
August 27, 2015

NAME (type or print)
Mark Neary

SIGNATURE

TITLE
Assistant Secretary of State

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Office of the Secretary of State

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Pam Floyd	P.O. Box 40234 Olympia, WA 98504-0234	(360) 725-0378
Implementation.... Pam Floyd	P.O. Box 40234 Olympia, WA 98504-0234	(360) 725-0378
Enforcement..... Pam Floyd	P.O. Box 40234 Olympia, WA 98504-0234	(360) 725-0378

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

Not applicable.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: Not applicable.

AMENDATORY SECTION (Amending WSR 10-04-045, filed 1/28/10, effective 2/28/10)

WAC 434-12-005 Trademark filing—Fees(~~(—Office hours—Location)~~)). (1) Trademarks are filed with the corporations division of the secretary of state and may be delivered in person, by mail, and when available, online.

(2) Filing and other fees for trademarks are set forth in WAC 434-112-080 through 434-112-090.

(3) Photocopy fees for trademarks are per WAC 434-12A-100.

(4) Certified copies of trademarks are ten dollars for each certification plus the photocopy fee.

AMENDATORY SECTION (Amending WSR 10-04-045, filed 1/28/10, effective 2/28/10)

WAC 434-12-015 Classification of goods and services. (1) The corporations division adopts the following table for classification of goods and services:

Goods

1. Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins; unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.

2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.

3. Cosmetics and cleaning preparations, bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

4. Lubricants and fuels, industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles, wicks.

5. Pharmaceuticals, veterinary, and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

6. Metal goods, common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; nonelectric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.

7. Machinery, machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs.

8. Hand tools and implements (hand-operated); cutlery; side arms; razors.
9. Electrical and scientific apparatus, scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire extinguishing apparatus.
10. Medical apparatus, surgical, medical, dental, and veterinary apparatus and instruments, artificial limbs, eyes, and teeth; orthopedic articles; suture materials.
11. Environmental control apparatus, apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply, and sanitary purposes.
12. Vehicles; apparatus for locomotion by land, air, or water.
13. Firearms; ammunition and projectiles; explosives; fireworks.
14. Jewelry, precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewelry, precious stones; horological and chronometric instruments.
15. Musical instruments.
16. Paper goods and printed matter, paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); playing cards; printers' type; printing blocks.
17. Rubber goods, rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.
18. Leather goods, leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and traveling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.
19. Nonmetallic building materials, building materials (nonmetallic); nonmetallic rigid pipes for building; asphalt, pitch and bitumen; nonmetallic transportable buildings; monuments, not of metal.
20. Furniture and articles not otherwise classified, furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.
21. Housewares and glass, household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush making materials; articles for cleaning purposes; steel wool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.
22. Cordage and fibers, ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.

23. Yarns and threads, for textile use.
24. Fabrics, textiles and textile goods, not included in other classes; beds and table covers.
25. Clothing, footwear, headgear.
26. Fancy goods, lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.
27. Floor coverings, carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (nontextile).
28. Toys and sporting goods, games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.
29. Meats and processed foods, meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats.
30. Staple foods, coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard; vinegar, sauces (condiments); spices; ice.
31. Natural agricultural products, agricultural, horticultural and forestry products and grains not included in other classes; ((live)) living animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals; malt.
32. Light beverages, beers; mineral and aerated waters and other nonalcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.
33. Wine and spirits, alcoholic beverages (except beers).
34. Smokers' articles, tobacco; smokers' articles; matches.

Services

35. Advertising and business, advertising; business management; business administration; office functions.
36. Insurance and financial, insurance; financial affairs; monetary affairs; real estate affairs.
37. Building construction and repair; installation services.
38. Telecommunications.
39. Transportation and storage, transport; packaging and storage of goods; travel arrangement.
40. Treatment of materials.
41. Education and entertainment; providing of training; entertainment; sporting and cultural activities.
42. Computer ((and)) scientific((+)) and legal, scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; legal services.
43. Hotels and restaurants; services for providing food and drink; temporary accommodations.
44. Medical, beauty and agricultural; medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.
45. Personal ((and legal)); personal and social services rendered by others to meet the needs of individuals; security services for the protection of property and individuals.

(2) This table is adopted from the schedule for classification of goods and services published by the United States Patent and Trademark Office.

AMENDATORY SECTION (Amending WSR 04-04-018, filed 1/23/04, effective 2/23/04)

WAC 434-12-025 Document and specimen standards for trademark filing. (1) ~~((In addition to the requirements of WAC 434-112-040, the following rules apply to trademark filings.~~

~~((a))~~ Specimens submitted in support of a trademark filing must:

~~((i))~~ (a) Be of sufficient quality, size and clarity to allow the ~~((corporations))~~ division to create and maintain an accurate digital image of the specimen; and

~~((ii))~~ (b) Demonstrate that the trademark is in use in commerce; preliminary design artwork is not acceptable.

~~((b))~~ (c) Be in pdf (portable document format), if filing online.

(2) Specimens submitted in support of a trademark reservation:

~~((i))~~ (a) Must be of sufficient quality, size and clarity to allow the ~~((corporations))~~ division to create and maintain an accurate digital image of the specimen; and

~~((ii))~~ (b) May be in the form of preliminary design artwork so long as the design clearly describes the trademark to be reserved; and

(c) Must be in pdf format, if filing online.

~~((2))~~ (3) Corporations division staff may reject submissions that do not meet these requirements.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-12-190 Intervention.