



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Office of the Secretary of State

Emergency Rule Only

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: To clarify the Administrative Code Section on Trademark filings

Citation of existing rules affected by this order:

Repealed:
 Amended: 434-12-025
 Suspended:

Statutory authority for adoption: RCW 19.77.115

Other authority :

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding:

To clarify the administrative code to provide improved customer service, this rule change is necessary to resolve differences and allow a change in comparison processes. The timing is necessary to settle pending legal action and avoid legal expenses.

Date adopted: September 18, 2015

NAME (TYPE OR PRINT)

Mark Neary

SIGNATURE

TITLE

Assistant Secretary of State

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 18, 2015

TIME: 9:14 AM

WSR 15-19-106

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

| | | | | | | |
|---|-----|-------|---------|-------|----------|-------|
| Federal statute: | New | _____ | Amended | _____ | Repealed | _____ |
| Federal rules or standards: | New | _____ | Amended | _____ | Repealed | _____ |
| Recently enacted state statutes: | New | _____ | Amended | _____ | Repealed | _____ |

The number of sections adopted at the request of a nongovernmental entity:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted in the agency's own initiative:

| | | | | | |
|-----|-------|---------|----------|----------|-------|
| New | _____ | Amended | <u>1</u> | Repealed | _____ |
|-----|-------|---------|----------|----------|-------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|-------|---------|----------|----------|-------|
| New | _____ | Amended | <u>1</u> | Repealed | _____ |
|-----|-------|---------|----------|----------|-------|

The number of sections adopted using:

| | | | | | | |
|---------------------------------------|-----|-------|---------|-------|----------|-------|
| Negotiated rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Pilot rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Other alternative rule making: | New | _____ | Amended | _____ | Repealed | _____ |

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(~~(-~~

~~+2))~~; and

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

(3) Corporations division staff may reject submissions ((that do not meet these requirements)) based on the following criteria:

(a) Application is incomplete;

(b) Application is in pencil or unable to be scanned as a readable image;

(c) Trademark is not distinguishable from another on file in the secretary's office by comparing:

(i) Similarity or dissimilarity of marks in their entireties to appearance; or

(ii) Similarity or dissimilarity of goods and services classifications.