



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

- Preproposal Statement of Inquiry was filed as WSR 15-19-120 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Trademarks amending WAC 434-12-025

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

Date: Dec 22, 2015 Time: 9:00 AM

Date of intended adoption: Dec. 23, 2015
(Note: This is **NOT** the effective date)

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) Dec 22, 2015

Assistance for persons with disabilities: Contact

Pam Floyd by Dec 21, 2015
TTY () _____ or (360) 725-0378

Purpose of the proposal and its anticipated effects, including any changes in existing rules: To Clarify the Administrative Code Section on Trademark filings.

WAC 434-12 – Trademarks – Changes include allowing the comparison of classifications to be used in determining differences between trademarks proposed to be filed and those already on file. Updating the procedure will be more like the federal trademark comparison procedure and cause less confusion for customers.

Reasons supporting proposal:

Statutory authority for adoption: 19.77.115

Statute being implemented:

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **November 09, 2015**
TIME: **3:35 PM**

WSR 15-23-024

DATE
11-09-2015

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.

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.