

1 **TRADEMARK RENEWAL REVISIONS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brian S. King**

5 Senate Sponsor: John L. Valentine

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7 **LONG TITLE**

8 **General Description:**

9 This bill modifies a provision relating to the renewal of a trademark registration.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies the required time for filing a trademark registration renewal application.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 AMENDS:

19 **70-3a-305**, as last amended by Laws of Utah 2009, Chapter 368

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21 *Be it enacted by the Legislature of the state of Utah:*

22 Section 1. Section **70-3a-305** is amended to read:

23 **70-3a-305. Duration and renewal.**

24 (1) The registration of a mark under this chapter expires five years after the date the  
25 division certifies the registration under Section 70-3a-304.

26 (2) A registration may be renewed for an additional five years from the date a  
27 registration expires if the registrant:

28 (a) files an application with the division:

29 (i) ~~[at least]~~ no sooner than six months before the expiration of the registration and no

30 later than six months after the expiration of the registration; and

31 (ii) in accordance with the requirements made by rule by the division:

32 (A) pursuant to Section 70-3a-201; and

33 (B) consistent with this section; and

34 (b) pays a renewal fee determined by the division in accordance with Section  
35 70-3a-203.

36 (3) If a registrant complies with this section, the registrant may renew a mark at the  
37 expiration of each five-year term.

38 (4) (a) A registration in effect before May 6, 2002:

39 (i) shall continue in full force and effect for the registration's unexpired term; and

40 (ii) may be renewed by:

41 (A) filing an application for renewal with the division:

42 (I) within [~~six months before the expiration of the registration~~] the time prescribed in  
43 Subsection (2)(a)(i); and

44 (II) in accordance with rules made by the division pursuant to Section 70-3a-201; and

45 (B) paying the required renewal fee determined by the division in accordance with  
46 Section 70-3a-203.

47 (b) If a registration in effect before May 6, 2002, is renewed in accordance with this  
48 Subsection (4), the registration shall be renewed for a term of five years.

49 (5) Any application for renewal under this chapter, whether a registration made under  
50 this chapter or a registration made under a prior Utah statute, shall include:

51 (a) a verified statement that the mark has been and is still in use; and

52 (b) (i) a specimen showing actual use of the mark on or in connection with the goods or  
53 services; or

54 (ii) a verified statement that the mark has not changed.