

TRADEMARK RENEWAL REVISIONS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

70-3a-305. Duration and renewal.

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

(2) A registration may be renewed for an additional five years from the date a 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; and
- 43 (II) in accordance with rules made by the division pursuant to Section 70-3a-201; and
- 44 (B) paying the required renewal fee determined by the division in accordance with
- 45 Section 70-3a-203.
- 46 (b) If a registration in effect before May 6, 2002, is renewed in accordance with this
- 47 Subsection (4), the registration shall be renewed for a term of five years.
- 48 (5) Any application for renewal under this chapter, whether a registration made under
- 49 this chapter or a registration made under a prior Utah statute, shall include:
- 50 (a) a verified statement that the mark has been and is still in use; and
- 51 (b) (i) a specimen showing actual use of the mark on or in connection with the goods or
- 52 services; or
- 53 (ii) a verified statement that the mark has not changed.