CHAPTER 80

HOUSE BILL 2103

AN ACT

AMENDING SECTIONS 44-1443 AND 44-1460, ARIZONA REVISED STATUTES; RELATING TO TRADEMARKS, SERVICE MARKS AND TRADE NAMES.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 44-1443, Arizona Revised Statutes, is amended to read:

44-1443. Application for registration

A. Subject to the limitations set forth in this article, any person who is domiciled in this state and who adopts and uses a trademark or service mark, or any person who adopts and uses a trademark or service mark in this state, may file in the office of the secretary of state, on a form to be furnished by the secretary of state, an application for registration of that mark setting forth, but not limited to, AT LEAST the following information:

1. The name and e-mail and business address of the person applying for such registration and, if a corporation, the state of incorporation.

2. The goods or services in connection with which the mark is used, the mode or manner in which the mark is used in connection with such goods or services and the class in which such goods or services fall.

3. The date when the mark was first used anywhere, and the date when it was first used in this state by the applicant or his predecessor in business.

4. A statement that the applicant is the owner of the mark and that no other person has the right to use such mark in this state either in the identical form thereof or in such near resemblance thereof as might be calculated to deceive or to be mistaken for the mark.

5. A statement that the applicant has conducted a search and found that the trademark or service mark does not consist of or comprise a mark that so resembles a mark registered in this state or a mark or trade name previously used in this state by another and not abandoned and that, when applied to the goods or services of the applicant, the mark is not likely to cause confusion or mistake or to deceive.

6. A statement whether the applicant previously sought to register the trademark or service mark with the United States Patent and Trademark Office and, if so and the registration was denied, the reasons for the denial.

B. The application shall be:

1. Signed by the applicant, or by a member of the firm or any officer of the corporation or association applying.

2. Accompanied by a specimen or facsimile of such mark in a format specified by the secretary of state by rule.

Sec. 2. Section 44-1460, Arizona Revised Statutes, is amended to read:

44-1460. Registration of trade name, title or designation

A. Any person, partnership, corporation, firm, association, society, foundation, federation or organization doing business in this
state, or any foreign corporation licensed to exercise its corporate powers in this state, may register with the secretary of state, on a form to be furnished by the secretary of state, the name, title or designation under which such THE applicant is operating, setting forth, but not limited to, AT LEAST the following information:

1. The name and e-mail EMAIL and business address of the applicant for such registration. If the applicant is a corporation, the state of its incorporation shall be disclosed.

2. The name, title or designation to be registered.

3. The general nature of the business conducted by the applicant.

4. The length of time during which the name, title or designation has been used by the applicant in his THE APPLICANT'S business operations in this state.

5. A STATEMENT THAT THE APPLICANT HAS CONDUCTED A SEARCH AND FOUND THAT THE TRADE NAME, TITLE OR DESIGNATION IS DISTINGUISHABLE ON THE RECORD FROM BOTH OF THE FOLLOWING:

   (a) ANY OTHER NAME PREVIOUSLY FILED AND ON RECORD WITH THE SECRETARY OF STATE.

   (b) AN EXISTING CORPORATION NAME OR A CORPORATE NAME RESERVED PURSUANT TO TITLE 10, CHAPTERS 4, 19 AND 24 THROUGH 40.

B. The applicant or a member or officer of the firm, partnership, corporation, association, society, foundation, federation or other organization shall sign the application.

C. A single name, title or designation may be registered on each application submitted under this article.

APPROVED BY THE GOVERNOR MARCH 29, 2022.