

House Engrossed

trademarks; service marks; trade names

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

## 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)

1 Be it enacted by the Legislature of the State of Arizona:

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

4 44-1443. Application for registration

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

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

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

18 3. The date when the mark was first used anywhere, and the date  
19 when ~~it~~ THE MARK was first used in this state by the applicant or ~~his~~ THE  
20 APPLICANT'S predecessor in business.

21 4. A statement that the applicant is the owner of the mark and that  
22 no other person has the right to use ~~such~~ THE mark in this state either in  
23 the identical form ~~thereof~~ OF THE MARK or in such near resemblance ~~thereto~~  
24 TO THE MARK as might be calculated to deceive or to be mistaken ~~therefor~~  
25 FOR THE MARK.

26 5. A STATEMENT THAT THE APPLICANT HAS CONDUCTED A SEARCH AND FOUND  
27 THAT THE TRADEMARK OR SERVICE MARK DOES NOT CONSIST OF OR COMPRISE A MARK  
28 THAT SO RESEMBLES A MARK REGISTERED IN THIS STATE OR A MARK OR TRADE NAME  
29 PREVIOUSLY USED IN THIS STATE BY ANOTHER AND NOT ABANDONED AND THAT, WHEN  
30 APPLIED TO THE GOODS OR SERVICES OF THE APPLICANT, THE MARK IS NOT LIKELY  
31 TO CAUSE CONFUSION OR MISTAKE OR TO DECEIVE.

32 6. A STATEMENT WHETHER THE APPLICANT PREVIOUSLY SOUGHT TO REGISTER  
33 THE TRADEMARK OR SERVICE MARK WITH THE UNITED STATES PATENT AND TRADEMARK  
34 OFFICE AND, IF SO AND THE REGISTRATION WAS DENIED, THE REASONS FOR THE  
35 DENIAL.

36 B. The application shall be:

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

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

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

43 44-1460. Registration of trade name, title or designation

44 A. Any person, partnership, corporation, firm, association,  
45 society, foundation, federation or organization doing business in this

1 state, or any foreign corporation licensed to exercise its corporate  
2 powers in this state, may register with the secretary of state, on a form  
3 to be furnished by the secretary of state, the name, title or designation  
4 under which ~~such~~ THE applicant is operating, setting forth, ~~but not~~  
5 ~~limited to,~~ AT LEAST the following information:  
6 1. The name and ~~e-mail~~ EMAIL and business address of the applicant  
7 for such registration. If the applicant is a corporation, the state of  
8 its incorporation shall be disclosed.  
9 2. The name, title or designation to be registered.  
10 3. The general nature of the business conducted by the applicant.  
11 4. The length of time during which the name, title or designation  
12 has been used by the applicant in ~~his~~ THE APPLICANT'S business operations  
13 in this state.  
14 5. A STATEMENT THAT THE APPLICANT HAS CONDUCTED A SEARCH AND FOUND  
15 THAT THE TRADE NAME, TITLE OR DESIGNATION IS DISTINGUISHABLE ON THE RECORD  
16 FROM BOTH OF THE FOLLOWING:  
17 (a) ANY OTHER NAME PREVIOUSLY FILED AND ON RECORD WITH THE  
18 SECRETARY OF STATE.  
19 (b) AN EXISTING CORPORATION NAME OR A CORPORATE NAME RESERVED  
20 PURSUANT TO TITLE 10, CHAPTERS 4, 19 AND 24 THROUGH 40.  
21 B. The applicant or a member or officer of the firm, partnership,  
22 corporation, association, society, foundation, federation or other  
23 organization shall sign the application.  
24 C. A single name, title or designation may be registered on each  
25 application submitted under this article.

APPROVED BY THE GOVERNOR MARCH 29, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 29, 2022.