

~DECLARATION OF INCONTESTABILITY OF MARK UNDER §15 (15 U.S.C. § 1065)~

NOTE: The following form complies with the provisions of the Trademark Law Treaty Implementation Act (TLTIA).

WHEN TO FILE: To claim that a mark registered on the Principal Register is now incontestable, you must file a Section 15 declaration once the mark has been in continuous use in commerce for a period of five (5) years after the date of registration, or date of publication under § 12(c), *and* the mark is still in use in commerce. (Section 15 does NOT apply to marks on the Supplemental Register). You may file this declaration within one (1) year after the expiration of either any five-year period of continuous use following registration, or any five-year period of continuous use after publication under § 12(c). For more information, please see *Basic Facts about Maintaining a Trademark Registration* (for a copy, call the Trademark Assistance Center, at 703-308-9000).

BASIC INSTRUCTIONS

The following form is written in a “scannable” format that will enable the U.S. Patent and Trademark Office (USPTO) to scan paper filings and capture application data automatically using optical character recognition (OCR) technology. Information is to be entered next to identifying data tags, such as <MARK>. OCR software can be programmed to identify these tags, capture the corresponding data, and transmit this data to the appropriate data fields in the Trademark databases, largely bypassing manual data entry processes.

Please enter the requested information in the blank space that appears to the right of each tagged (< >) element. However, do not enter any information immediately after the section headers (the bolded wording appearing in all capital letters). Some of the information requested *must* be provided. Other information is either required only in certain circumstances, or provided only at your discretion. **Please consult the “Help” section following the form for detailed explanations as to what information should be entered in each blank space.**

To increase the effectiveness of the USPTO scanners, it is recommended that you use a typewriter to complete the form.

MAILING INFORMATION

Send the completed form; appropriate fee (The filing fee for the § 15 Declaration of Incontestability is \$100.00 per class, made payable to “The Commissioner of Patent and Trademarks”); and any other required materials to:

Box Post Reg
Fee
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

You may also wish to include a self-addressed stamped postcard with your submission, on which you identify the mark and registration number, and list each item being submitted (e.g., declaration, fee, specimen, etc.). We will return this postcard to you to confirm receipt of your submission.

~DECLARATION OF INCONTESTABILITY OF MARK UNDER §15 (15 U.S.C. § 1065)~

~To the Assistant Commissioner for Trademarks~

<TRADEMARK/SERVICE MARK INFORMATION>

<Mark>

<Registration Number>

<Registration Date>

<OWNER INFORMATION>

<Name>

<Street>

<City>

<State>

<Country>

<Zip/Postal Code>

<GOODS AND/OR SERVICES INFORMATION>

<All Goods and/or Services in Existing Registration>~The owner has used the mark in commerce for five (5) consecutive years after the date of registration, or the date of publication under § 12(c), and is still using the mark in commerce on or in connection with all goods and/or services listed in the existing registration. If not, list in the next section the goods and/or services not covered.~

<Goods and/or Services **Not Covered**>~In the following space, list only those goods and/or services (or entire classes(es)) appearing in the registration for which either the owner has NOT used the mark in commerce for five (5) consecutive years or is NO LONGER using the mark in commerce. **LEAVE THIS SPACE BLANK IF THE OWNER HAS USED THE MARK IN COMMERCE FOR FIVE (5) CONSECUTIVE YEARS AFTER THE DATE OF REGISTRATION, OR THE DATE OF PUBLICATION UNDER § 12(C), AND IS STILL USING THE MARK IN COMMERCE ON OR IN CONNECTION WITH ALL GOODS/SERVICES IN THE EXISTING REGISTRATION.**~

<FEE INFORMATION>

\$100.00 x <Number of Classes> = <Total Filing Fee Paid>

<SIGNATURE AND OTHER INFORMATION>

~The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration, or the date of publication under § 12(c), and is still in use in commerce on or in connection with all goods and/or services listed in the existing registration. There has been no final decision adverse to the owner's claim of ownership of such mark for such goods and/or services, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts.~

The undersigned, being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.~

~Signature~ _____

<Date Signed>

<Name>

<Title>

<CONTACT INFORMATION>

<Name>

<Company/Firm Name>

<Street>

<City>

<State>

<Country>

<Zip/Postal Code>

<Telephone Number>

<Fax Number>

<e-Mail Address>

<CERTIFICATE OF MAILING>~Recommended to avoid lateness due to mail delay.~

~I certify that the foregoing is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on~

<Date of Deposit>

~Signature~ _____

<Name>

LINE-BY-LINE HELP INSTRUCTIONS

TRADEMARK/SERVICE MARK INFORMATION

Mark: Enter the word mark in typed form; or, in the case of a design or stylized mark, a brief description of the mark (e.g., "Design of a fanciful cat").

Registration Number: Enter the USPTO registration number.

Registration Date: Enter the date on which the registration was issued.

OWNER INFORMATION

Name: Enter the full name of the current owner of the registration, i.e., the name of the individual, corporation, partnership, or other entity that owns the registration. If joint or multiple owners, enter the name of each of these owners.

Note: If ownership of the registration has changed, you must establish current ownership, either by (1) recording the appropriate document(s) with the USPTO Assignment Branch; or (2) submitting evidence with this declaration, such as a copy of a document transferring ownership from one party to another.

Street: Enter the street address or rural delivery route where the owner is located.

City: Enter the city and/or foreign area designation where the owner's address is located.

State: Enter the U.S. state or foreign province in which the owner's address is located.

Country: Enter the country of the owner's address.

Zip/Postal Code: Enter the owner's U.S. Zip code or foreign country postal identification code.

GOODS AND/OR SERVICES INFORMATION

All Goods and/or Services in Existing Registration: If the owner has NOT used the mark in commerce for five (5) consecutive years after the date of registration, or the date of publication under § 12(c), or is NOT still using the mark in commerce on all the goods and/or services identified in the registration, complete the next section. Otherwise, we will presume such use on or in connection with ALL goods and/or services.

Goods and/or Services Not Covered: List the goods and/or services (if any), or an entire class(es) (e.g., Classes 9 & 42), identified in the registration that the Section 15 does NOT cover, i.e., those goods and/or services, or entire class(es), in connection with which the owner has NOT used the mark in commerce for five (5) consecutive years after the date of registration, or the date of publication under § 12(c), or is no longer using the mark in commerce.

FEE INFORMATION

Section 15 Filing Fee: The fee for the § 15 Declaration of Incontestability is \$100.00 per class.

Number of Classes: Enter the total number of classes (*not* the international class number(s)) to which the § 15 Declaration applies. For example, if the § 15 Declaration applies to Classes 1, 5 and 25, then the number "3" should be entered.

Total Filing Fee Paid: Enter the total of the Filing Fee multiplied by the number of classes; e.g., \$100.00 x 3 = \$300.00. This amount must either be enclosed (in the form of a check or money order in U.S. currency, made payable to "Commissioner of Patents and Trademarks"), or charged to a USPTO deposit account.

REQUIRED SIGNATURE AND OTHER INFORMATION

Signature: The appropriate person must sign the form. A person who is properly authorized to sign on behalf of the owner is: (1) a person with legal authority to bind the owner; or (2) a person with firsthand knowledge of the facts and actual or implied authority to act on behalf of the owner; or (3) an attorney who has an actual or implied written or verbal power of attorney from the owner.

Date Signed: Enter the date the form is signed.

Name: Enter the name of the person signing the form.

Title: Enter the signatory's title, if applicable, e.g., Vice-President, General Partner, etc.

CONTACT INFORMATION

Although this may be the same as provided elsewhere in the document, please enter the following required information for where the USPTO should mail correspondence. (Please note that correspondence will only be mailed to an address in the U.S. or Canada).

Name: Enter the full name of the contact person.

Company/Firm Name: Enter the name of the contact person's company or firm.

Street: Enter the street address or rural delivery route where the contact person is located.

City: Enter the city and/or foreign area designation where the contact person's address is located.

State: Enter the U.S. state or Canadian province in which the contact person's address is located.

Country: Enter the country of the contact person's address.

Zip Code: Enter the U.S. Zip code or Canadian postal code.

Telephone Number: Enter the appropriate telephone number.

Fax Number: Enter the appropriate fax number, if available.

e-mail Address: Enter the appropriate e-mail address, if available.

CERTIFICATE OF MAILING

Although optional, use of this section is recommended to avoid lateness due to mail delay. Papers are considered timely filed if deposited with the United States Postal Service with sufficient postage as first class mail on or before the due date and accompanied by a signed Certificate of Mailing attesting to timely deposit. The USPTO will look to the date shown on the Certificate of Mailing, rather than the date of actual receipt, to determine the timeliness of this document.

Date of Deposit: Enter the date of deposit with the United States Postal Service as first class mail.

Signature: The person signing the certificate should have a reasonable basis to expect that the correspondence will be mailed on or before the indicated date.

Name: Enter the name of the person signing the Certificate of Mailing.