

~COMBINED DECLARATION OF USE & INCONTESTIBILITY UNDER §§ 8 & 15 (15 U.S.C. §§ 1058 & 1065)~

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

WHEN TO FILE: You may file a Combined Declaration of Use & Incontestability under Sections 8 & 15 only if you have continuously used a mark registered on the Principal (*not* Supplemental) Register in commerce for five (5) consecutive years after the date of registration. You must file the Combined Declaration, specimen, and fee on a date that falls on or between the fifth and sixth anniversaries of the registration (or, for an extra fee of \$100.00 per class, you may file within the six-month grace period following the sixth-anniversary date). If you have NOT continuously used the mark in commerce for five (5) consecutive years, you must *still* file a Section 8 Declaration. You must subsequently file a Section 8 declaration, specimen, and fee on a date that falls on or between the ninth (9th) and tenth (10th) anniversaries of the registration, and each successive ten-year period thereafter (or, for an extra fee of \$100.00 per class, you may file within the six-month grace period). *FAILURE TO FILE THE SECTION 8 DECLARATION WILL RESULT IN CANCELLATION OF THE REGISTRATION.* **Note:** Because the time for filing a ten-year Section 8 declaration coincides with the time for filing a Section 9 renewal application, a combined §§ 8 & 9 form exists. 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 Combined Declaration of Use & Incontestability under §§ 8 & 15 is \$200.00 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 list each item being submitted (e.g., declaration, fee, specimen, etc.). We will return this postcard to you to confirm receipt of your submission.

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~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>

<DOMESTIC REPRESENTATIVE>~Required ONLY if the owner's address is outside the United States.~

<Name>

~is hereby appointed the owner's representative

upon whom notice or process in the proceedings affecting the mark may be served.~

<Street>

<City>

<State>

<Zip 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 THE GOODS AND/OR SERVICES LISTED IN THE EXISTING REGISTRATION.**~

<FEE INFORMATION>

~Combined §§ 8 & 15 Filing Fee~

\$200.00 x <Number of Classes> = <Filing Fee Due>

~Grace Period Fee: If filing during the six-month grace period, enter § 8 Grace Period Fee~

\$100.00 x <Number of Classes> = <Grace Period Fee Due>

~Filing Fee Due + Grace Period Fee Due = <Total Fees Paid>

<SPECIMEN AND SIGNATURE INFORMATION>

~The owner is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as currently used in commerce. 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. **(You MUST ATTACH A SPECIMEN showing the mark as currently used in commerce for at least one product or service in each international class covered.)**

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 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. To have the USPTO databases reflect the current owner, you must choose option (1).

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. If the address is outside the United States, the owner must appoint a “Domestic Representative” on whom notices or process in proceedings affecting the mark may be served. See “Domestic Representative” section, below.

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

DOMESTIC REPRESENTATIVE

Complete this section **only** if the address of the current owner is outside the U.S. or one of its territories.

Name: Enter the name of the domestic representative.

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

City: Enter the city where the domestic representative’s address is located.

State: Enter the U.S. state in which the domestic representative’s address is located.

Zip Code: Enter the U.S. Zip 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 the owner is NOT still using the mark in commerce on all goods/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 Combined Sections 8 & 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. **Note:** If the owner is not currently using the mark in commerce on or in connection with some or all of the identified goods/services, but expects to resume use, *and* the nonuse is due to special circumstances that excuse the nonuse, you must submit a Declaration of Excusable Nonuse under § 8.

FEE INFORMATION

Combined Sections 8 & 15 Filing Fee: Filing fee for Combined §§ 8 & 15 Declaration is \$200.00 per class.

Number of Classes: Enter the total number of classes (*not* the international class number(s)) to which the §§ 8 & 15 Declaration applies. For example, if the §§ 8 & 15 Declaration applies to Classes 1, 5 and 25, then enter the number “3.”

Filing Fee Due: Enter the total of \$200.00 multiplied by the number of classes; e.g., \$200.00 x 3 = \$600.00.
Grace Period Fee: If filed during six-month grace period, a late fee of \$100.00 per class must be submitted.
Number of Classes: See above.
Grace Period Fee Due: Enter total of \$100.00 multiplied by number of classes; e.g., \$100.00 x 3 = \$300.00.
Total Fee Paid: Enter the total of the Filing Fee Due plus the Grace Period Fee Due; e.g., \$600.00 + \$300.00 = \$900.00. 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 an already-existing USPTO deposit account.
Note: If the filing is deficient, additional fees may be required.

SPECIMEN AND SIGNATURE INFORMATION

Specimen(s): Attach a specimen showing current use of the registered mark in commerce for at least one product or service in each class that the § 8 Declaration covers; e.g., tags or labels for goods, and advertisements for services. Please print the registration number directly on the specimen (or on a label attached thereto). Specimens must be flat and no larger than 8½ inches (21.6 cm.) wide by 11.69 inches (29.7 cm.) long.
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 is recommended to avoid lateness due to mail delay. Papers are considered timely filed if deposited with the U.S. 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 timeliness.
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.