

Chapter 434-12 WAC

TRADEMARKS

WAC

434-12-005	Trademark filing—Fees—Office hours—Location.
434-12-015	Classification of goods and services.
434-12-025	Document and specimen standards for trademark filing.
434-12-190	Intervention.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-12-010	Authority and purpose. [Regulation 1, § 1, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
434-12-020	Applicable statute. [Regulation 1, § 2, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
434-12-030	Definitions. [Regulation 1, § 3, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
434-12-040	Form of papers. [Regulation 1, § 4, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
434-12-050	Caption. [Regulation 1, § 5, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
434-12-060	Signing papers. [Regulation 1, § 6, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
434-12-070	Verification. [Regulation 1, § 7, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
434-12-080	Computation of time. [Regulation 1, § 8, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
434-12-090	Appearance and practice before secretary. [Regulation 1, § 9, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
434-12-100	Service of process. [Regulation 1, § 10, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
434-12-110	Joinder, consolidation. [Regulation 1, § 11, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
434-12-120	Withdrawal of petition. [Regulation 1, § 12, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
434-12-130	Notice of hearing. [Regulation 1, § 13, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
434-12-140	Hearing examiner. [Regulation 1, § 14, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
434-12-150	Motions. [Regulation 1, § 15, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
434-12-160	Discovery. [Regulation 1, § 16, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
434-12-170	Subpoenas. [Regulation 1, § 17, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
434-12-180	Prehearing conference. [Regulation 1, § 18, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
434-12-200	Hearings are public. [Regulation 1, § 20, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
434-12-210	Rules of evidence. [Regulation 1, § 21, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
434-12-220	Record. [Regulation 1, § 22, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

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Form and content of decision. [Regulation 1, § 23, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

WAC 434-12-005 Trademark filing—Fees—Office hours—Location. (1) Trademarks are filed with the corporations division of the secretary of state.

(2) Filing and other fees for trademarks are set forth in WAC 434-112-080 through 434-112-090.

(3) Photocopy fees for trademarks are per WAC 434-12A-100.

(4) Certified copies of trademarks are ten dollars for each certification plus the photocopy fee.

[Statutory Authority: RCW 19.77.090, 19.77.115. WSR 10-04-045, § 434-12-005, filed 1/28/10, effective 2/28/10. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].-315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-12-005, filed 1/23/04, effective 2/23/04.]

WAC 434-12-015 Classification of goods and services. (1) The corporations division adopts the following table for classification of goods and services:

Goods

1. Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins; unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.

2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.

3. Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

4. Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles, wicks.

5. Pharmaceutical, veterinary, and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

6. Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; nonelectric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.

7. Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmis-

sion components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs.

8. Hand tools and implements (hand-operated); cutlery; side arms; razors.

9. Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire extinguishing apparatus.

10. Surgical, medical, dental, and veterinary apparatus and instruments, artificial limbs, eyes, and teeth; orthopedic articles; suture materials.

11. Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply, and sanitary purposes.

12. Vehicles; apparatus for locomotion by land, air, or water.

13. Firearms; ammunition and projectiles; explosives; fireworks.

14. Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewelry, precious stones; horological and chronometric instruments.

15. Musical instruments.

16. Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); playing cards; printers' type; printing blocks.

17. Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.

18. Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and traveling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

19. Building materials (nonmetallic); nonmetallic rigid pipes for building; asphalt, pitch and bitumen; nonmetallic transportable buildings; monuments, not of metal.

20. Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.

21. Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush making materials; articles for cleaning purposes; steel wool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.

22. Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and

stuffing materials (except of rubber or plastics); raw fibrous textile materials.

23. Yarns and threads, for textile use.

24. Textiles and textile goods, not included in other classes; beds and table covers.

25. Clothing, footwear, headgear.

26. Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

27. Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (nontextile).

28. Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

29. Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats.

30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard; vinegar, sauces (condiments); spices; ice.

31. Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals; malt.

32. Beers; mineral and aerated waters and other nonalcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.

33. Alcoholic beverages (except beers).

34. Tobacco; smokers' articles; matches.

Services

35. Advertising; business management; business administration; office functions.

36. Insurance; financial affairs; monetary affairs; real estate affairs.

37. Building construction and repair; installation services.

38. Telecommunications.

39. Transport; packaging and storage of goods; travel arrangement.

40. Treatment of materials.

41. Education and entertainment; providing of training; entertainment; sporting and cultural activities.

42. Computer and scientific; scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; legal services.

43. Hotels and restaurants; services for providing food and drink; temporary accommodations.

44. Medical, beauty and agricultural; medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.

45. Personal and legal; personal and social services rendered by others to meet the needs of individuals; security services for the protection of property and individuals.

(2) This table is adopted from the schedule for classification of goods and services published by the United States Patent and Trademark Office.

[Statutory Authority: RCW 19.77.090, 19.77.115. WSR 10-04-045, § 434-12-015, filed 1/28/10, effective 2/28/10. Statutory Authority: RCW 19.77-115. WSR 04-05-041, § 434-12-015, filed 2/12/04, effective 3/14/04.]

WAC 434-12-025 Document and specimen standards for trademark filing. (1) In addition to the requirements of WAC 434-112-040, the following rules apply to trademark filings.

(a) Specimens submitted in support of a trademark filing must:

(i) Be of sufficient quality, size and clarity to allow the corporations division to create and maintain an accurate digital image of the specimen; and

(ii) Demonstrate that the trademark is in use in commerce; preliminary design artwork is not acceptable.

(b) Specimens submitted in support of a trademark reservation:

(i) Must be of sufficient quality, size and clarity to allow the corporations division to create and maintain an accurate digital image of the specimen; and

(ii) May be in the form of preliminary design artwork so long as the design clearly describes the trademark to be reserved.

(2) Corporations division staff may reject submissions that do not meet these requirements.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-12-025, filed 1/23/04, effective 2/23/04.]

WAC 434-12-190 Intervention. The secretary in his discretion may permit a person other than the petitioner and registrant to intervene in a trademark case.

[Regulation 1, § 19, filed 2/15/66.]