

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

950 CMR 64.00: REQUISITES AND PROCEDURES FOR THE REGISTRATION OF TRADEMARKS AND SERVICE MARKS

Section

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64.01 Application for Registration

- (1) The application for initial or renewal registration of a trademark shall contain the information specified in the appropriate application form and shall be accompanied by the following:
 - (a) The filing fee
 - (b) Duplicate copy to be returned to applicant
 - (c) Three specimens or facsimiles of the trademark.
- (2) The application for initial or renewal registration of a service mark shall contain the information specified in the appropriate form and shall be accompanied by the following:
 - (a) The filing fee
 - (b) Duplicate copy to be returned to applicant
 - (c) Three specimens or facsimiles of the service mark. If the service mark is a word spoken and no specimens are possible this absence of specimens shall be explained in the appropriate blank on the application form.

64.02: Application for Assignment

- (1) The application for the assignment of a trademark or service mark shall contain the information specified in the appropriate form and shall be accompanied by the following:
 - (a) The filing fee
 - (b) A copy of the assignment agreement
- (2) An assignment of any registration under M.G.L. c. 110B shall be void as against any subsequent purchaser for valuable consideration without notice, unless it is recorded with the Secretary of the Commonwealth within three months after the date thereof or prior to such subsequent purchase.

64.03: Registration Restrictions

M.G.L. c. 110B, § 3 established certain restrictions as to the registration of a trademark or service mark. No person may register a mark which violates any one or more of the aforesaid restrictions.

64.04: Certificate of Registration

- (1) Upon compliance with the requirements of M.G.L. c. 110B a certificate of registration shall be issued and delivered to the applicant.
- (2) The certificate of registration shall contain the following information:
 - (a) The name and business address of person claiming ownership of the trademark or service mark. If it is a corporation then the state of incorporation shall be so listed.
 - (b) The date claimed for the first use of the trademark or service mark anywhere.
 - (c) The date claimed for the first use of the trademark or service mark in the Commonwealth.
 - (d) The class of goods or services on which the trademark or service is used and a description of the goods or services.
 - (e) A reproduction of the trademark or service mark.
 - (f) The registration date and term of registration.

64.05: Term of Registration and Renewal

- (1) Proper registration of a trademark or service mark under the provisions of M.G.L. c. 110B shall be effective for a term of ten years from the date of registration.
- (2) Application for renewal of registration of a trademark or service mark shall be filed within six months prior to the expiration of the term on the appropriate form. The registration may be so renewed for successive periods of ten years.
- (3) Notification of the necessity of renewal shall be sent by the State Secretary to the last known address of the registrants within the year next preceding the expiration of the ten year term.

64.06: Cancellation of Registration

The State Secretary shall have the power to cancel certain trademarks or service marks as set out in M.G.L. c. 110B, § 8.

REGULATORY AUTHORITY

950 CMR 64.00: M.G.L. c. 110B, § 15.