

PTO/TM/4.16 (Rev. 6/05)
 OMB No. 0651-XX (EYP XX/KX)

FORM WIZARD

Declaration of Incontestability of a Mark under Section 15

TEAS

Version 2.11 : 11/02/2003



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).

NOTE: This form has a session time limit of 60 minutes. A session begins once you create and enter the form via the Form Wizard. If you exceed the 60 minute time limit, the form will not validate and you must begin the entire process again. Therefore, you should have all information required to complete the form available prior to starting your session.

* Enter a Registration Number: (required)

1. Does the Section 15 Declaration cover more than one class?

Yes No

If the answer is Yes, enter the number of classes

NOTE: If the original registration covered more than one class, but you intend this declaration to cover fewer classes, enter the proper number of classes here.

2. Is there one applicant but more than one signatory?

Yes No

If the answer is Yes, enter the number of signatories

3. Is an attorney filing this form?

Yes No

4. What signature approach do you want to use? Choose one from below.

- Sign electronically directly on this application
- E-mail Text Form to *second* party for electronic signature
- Handwritten pen-and-ink signature

NEXT

CLEAR

Privacy Policy Statement

The information collected on this form allows an applicant to demonstrate that it has commenced use of the mark in commerce. Responses to the request for information are required to obtain the benefit of a registration on the Principal or Supplemental register. 15 U.S.C. § 1065 and 37 CFR Part 2, 2.167 and 2.168. All information collected will be made public. Gathering and providing the information will require an estimated 6 minutes. Please direct comments on the time needed to complete this form, and/or suggestions for reducing this burden to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. Please note that the USPTO may not conduct or sponsor a collection of information using a form that does not display a valid OMB control number.

Declaration of Incontestability of a Mark under Section 15

(15 U.S.C. § 1065)

Version 2.11 : 11/02/2003

Each field name links to the relevant section of the "HELP" instructions that will appear at the bottom of the screen. Fields containing the symbol "*" **must** be completed; all other relevant fields should be completed if the information is known. If there are multiple owners, click on the Form Wizard.

Important: ONCE AN APPLICATION IS SUBMITTED ELECTRONICALLY, THE OFFICE WILL IMMEDIATELY PROVIDE THE SENDER WITH AN ELECTRONIC ACKNOWLEDGMENT OF RECEIPT OF THE APPLICATION. Please contact TEAS@uspto.gov within 24 hours of transmission (or by the next business day) if you do not receive this acknowledgment.

i

Contact Points:

For **general** trademark information, please e-mail TrademarkAssistanceCenter@uspto.gov, or telephone 1-800-786-9199. If you need help in resolving **technical** glitches, please e-mail TEAS@uspto.gov. Please include your telephone number in your e-mail, so we can talk to you directly, if necessary. For **status** information on an application that has an assigned serial number, use <http://tarr.uspto.gov>.

NOTE: Do NOT attempt to check status until at least 45 days after submission of a filing, to allow sufficient time for our databases to be updated.

Instructions

To file the Declaration of Incontestability of a Mark under Section 15 electronically, please complete the following steps:

1. Fill out all fields for which information is known. Fields with a red * symbol are mandatory for filing purposes and must be completed.
2. Validate the form, using the "button" at the end of the form. If there are errors, go back to step 1.
3. If the desired signatory is not available to sign the eclaration of Incontestability of a Mark under Section 15, save the partially completed form (Download Portable Form, from the Validation Page) to forward to the signatory. When you receive the eclaration of Incontestability of a Mark under Section 15 back, return to step 2.
4. Use the Pay/Submit button at the bottom of the Validation Screen. This will allow you to choose from 3 different payment methods: credit card, automated deposit account, or electronic funds transfer. After accessing the proper screen for payment, and making the appropriate entries, you will receive a confirmation screen if your transmission is successful.
5. You will receive an e-mail acknowledgement of your submission.

Mark:	
Registration Number:	
Registration Date:	

Owner Information			
Current Owner	<input type="checkbox"/> Check this box to modify the owner name that appears below if the name does not identify the current owner of the registration. Note: If this change relates to a change in the correspondence address or e-mail, please use the Change of Correspondence Address Form.		
	<table border="1" style="width: 100%;"> <tr> <td style="width: 35%;">*Name of current owner of registration</td> <td> <input style="width: 95%;" type="text"/> Note: If the entity or person whose name appears immediately above is not the current owner of the registration, you must (1) check the box above that appears to the left of the words "Check this box to modify the owner name;" (2) delete the name that appears immediately above; and (3) type in the name of the current owner of the registration. </td> </tr> </table>	*Name of current owner of registration	<input style="width: 95%;" type="text"/> Note: If the entity or person whose name appears immediately above is not the current owner of the registration, you must (1) check the box above that appears to the left of the words "Check this box to modify the owner name;" (2) delete the name that appears immediately above; and (3) type in the name of the current owner of the registration.
	*Name of current owner of registration	<input style="width: 95%;" type="text"/> Note: If the entity or person whose name appears immediately above is not the current owner of the registration, you must (1) check the box above that appears to the left of the words "Check this box to modify the owner name;" (2) delete the name that appears immediately above; and (3) type in the name of the current owner of the registration.	
	* Street Address	<input style="width: 95%;" type="text"/>	
	Internal Address	<input style="width: 95%;" type="text"/>	
	*City	<input style="width: 95%;" type="text"/>	
	State/Province	<input style="width: 95%;" type="text"/>	
	* Country	<input style="width: 95%;" type="text"/>	
	Zip/Postal Code	<input style="width: 95%;" type="text"/>	
	Phone Number	<input style="width: 95%;" type="text"/>	
Fax Number	<input style="width: 95%;" type="text"/>		
Internet	<input style="width: 95%;" type="text"/> While the application may list an e-mail address for the owner, owner's attorney, and/or owner's domestic representative, only one e-mail address may be used for correspondence, in accordance with Office policy. The owner must keep this address current in the		

	E-Mail Address	Office's records. <input type="checkbox"/> Check here to authorize the USPTO to communicate with the owner or its representative via e-mail. NOTE: By checking this box, the owner acknowledges that it is solely responsible for receipt of USPTO documents sent via e-mail. The owner should periodically check the status of its application through the Trademark Applications and Registrations Retrieval (TARR) database, to see if the assigned examining attorney has e-mailed an Office Action. If an action has been sent to the provided email address, the USPTO is not responsible for any e-mail not received due to the owner's security or anti-spam software, or any problems within the owner's email system.
--	-----------------------	--

Attorney Information	
* Correspondent Attorney Name	<input type="text"/>
Individual Attorney Docket/Reference Number	<input type="text"/>
Other Appointed Attorney(s)	<input type="text"/>
Attorney Address	* Street Address <input type="text"/>
	Internal Address <input type="text"/>
	* City <input type="text"/>
	State <input type="text" value="Select State"/> if not listed above, please select 'OTHER' and specify here: <input type="text"/>
	* Country <input type="text" value="Select Country"/> If not listed above, please select 'OTHER' and specify here: <input type="text"/>
	Zip/Postal Code <input type="text"/>
Firm Name	<input type="text"/>
Phone Number	<input type="text"/>
FAX Number	<input type="text"/>
Internet E-Mail Address	<input type="text"/> While the application may list an e-mail address for the owner, owner's attorney, and/or owner's domestic representative, only one e-mail address may be used for correspondence, in accordance with Office policy. The owner must keep this address current in the Office's records. <input type="checkbox"/> Check here to authorize the USPTO to communicate with the owner or its representative via e-mail. NOTE: By checking this box, the owner acknowledges that it is solely responsible for receipt of USPTO documents sent via e-mail. The owner should periodically check the status of its application through the Trademark Applications and Registrations Retrieval (TARR) database, to see if the assigned examining attorney has e-mailed an Office Action. If an action has been sent to the provided e-mail address, the USPTO is not responsible for any e-mail not received due to the owner's security or anti-spam software, or any problems within the owner's e-mail system.

***Goods and/or Services Information**

Click on ONE circle below.

*International Class	<input checked="" type="checkbox"/> Enter class number 001 - 045, A, B, or 200
<input type="radio"/>	The owner is using or is using through a related company or licensee the mark in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still using or is using through a related company the mark in commerce on or in connection with <u>all goods and/or services listed in the existing registration.</u>
<input type="radio"/>	The owner is using or is using through a related company or licensee the mark in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still using or is using through a related company the mark in commerce on or in connection with all goods and/or services listed in the existing registration, except the goods and/or services listed below. If there are goods and/or services (and/or entire class(es)) appearing in the registration for which either the owner or a related company has not used the mark in commerce for five (5) consecutive years or is no longer using the mark in commerce, list those <u>goods and/or services not covered.</u> 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 IN THE EXISTING REGISTRATION. <div style="border: 1px solid black; height: 50px; width: 100%;"></div>

Fee Information

Section 15 Filing Fee : \$200

Number of Classes 1

Note: The filing fee is computed based on the Number of Classes in which the goods and/or services associated with the mark are classified.

Total fee paid **\$ 200**

Amount (Number of Classes x \$200 (per class) =

NOTE: Three payment options (credit card, automated deposit account, and Electronic Funds Transfer) will appear after clicking on the PAY/SUBMIT button, which is available on the bottom of the Validation Page after completing and validating this form.

Declaration

The owner is using or is using through a related company or licensee the mark in commerce on or in connection with the goods/services identified above. The mark has been in continuous use in commerce for five consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with all goods and/or services as identified above. 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.

Electronic Signature

The form will not be "signed" in the sense of a traditional paper document. To verify the contents of the application, the signatory must enter any alpha/numeric character(s) or combination thereof of his or her choosing, preceded and followed by the forward slash (/) symbol. The USPTO does not determine or pre-approve what the entry should be, but simply presumes that this specific entry has been adopted to serve the function of the signature. Most signatories simply enter their names between the two forward slashes, although acceptable "signatures" could include /john doe/; /jd/; or /123-4567/.

*Signature	<input type="text"/>	*Date Signed	<input type="text"/>
			MM/DD/YYYY
Signatory's Name	<input type="text"/>		
Signatory's Position	<input type="text"/>		

Click on the desired action:

The "Validate Form" function allows you to run an automated check to ensure that all mandatory fields have been completed. You will receive an "error" message if you have not filled in one of the five (5) fields that are considered "minimum filing requirements" under the Trademark Law Treaty Implementation Act of 1998. For other fields that the USPTO believes are important, but not mandatory, you will receive a "warning" message if the field is left blank. This warning is a courtesy, if non-completion was merely an oversight. If you so choose, you may by-pass that "warning" message and validate the form (however, you cannot by-pass an "error" message).

Note: To either print the completed application, in whole or in part, download and save the validated application, or electronically submit the application to the USPTO, click on the Validate Form button.

[Privacy Policy Statement](#)

The information collected on this form allows an applicant to demonstrate that it has commenced use of the mark in commerce. Responses to the request for information are required to obtain the benefit of a registration on the Principal or Supplemental register. 15 U.S.C. § 1065 and 37 CFR Part 2, 2.167 and 2.168. All information collected will be made public. Gathering and providing the information will require an estimated 6 minutes. Please direct comments on the time needed to complete this form, and/or suggestions for reducing this burden to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. Please note that the USPTO may not conduct or sponsor a collection of information using a form that does not display a valid OMB control number.