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PTO-1573

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Declaration of Incontestability of a Mark under Section 15

(15 U.S.C. § 1065)

TEAS - Version 7.6

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: You must complete any field preceded by the symbol "*".

TIMEOUT WARNING: You're required to log back in after 30 minutes of [inactivity](#). This ensures the USPTO complies with [mandatory federal information security standards](#) and protects user information. After 25 minutes of inactivity, you will be prompted to continue your session. If you do not continue within 5 minutes, the session will end, you will be logged out of your USPTO.gov account, and you will lose any unsaved data in the form. Please have all of your information ready before you start.

*** [Enter a Registration Number:](#)**

(required only if completing the form for the first time)

WARNING: Be sure you are entering a registration number and NOT a serial number.

OR

To upload a previously saved form file, first review the [TEAS Help instructions for accessing previously saved data](#) and then use the "Browse..." button below to access the form file saved on your computer. **WARNING:** Failure to follow the TEAS Help instructions will result in the inability to edit your data.

CONTACT:

For **general trademark information or help navigating the forms**, email TrademarkAssistanceCenter@uspto.gov, or telephone 1-800-786-9199 (press 1).

If you need help resolving **technical glitches**, email TEAS@uspto.gov. Please include in your email your phone number, serial or registration number, and a screenshot of any error message you may have received.

Status Check:

The status of the filing is available in the [Trademark Status & Document Retrieval System \(TSDR\)](#) 72 hours after filing

Instructions:

To file this form, please complete the following steps:

1. Fill out all fields for which information is known. Fields with a * symbol are mandatory for filing purposes and must be completed.
2. Validate the form, using the "Validate" button at the end of the form. If there are errors, go back to step 1.

Registration Number

Mark

Owner/Holder Information

Email Address:

Attorney
Information

Email Address:

Primary Email Address
for Correspondence

Warning: This is the email address currently of record in the USPTO database. If it is not the email address of either the appointed attorney, if any, otherwise the owner, it must be updated.

Secondary Email Address(es)
(Courtesy Copies)

Registration Date

Updates to the owner's/holder's and appointed attorney's address(es) can be made within this form. If no attorney is appointed, the owner's/holder's email address is the Primary Email Address for Correspondence.

The Attorney Information page will **automatically display** within this form for editing or removing the attorney information appearing above.

Power of Attorney: The USPTO considers the power of attorney to end: (1) upon the date of registration; or (2) the final acceptance or denial of a required post-registration filing. Filing this form will automatically update the Attorney of Record and the Primary Email Address for Correspondence in the USPTO's [Trademark Status & Document Retrieval \(TSDR\)](#) database. It is not necessary to file a separate appointment form.

Foreign-domiciled owners/holders must have a U.S.-licensed attorney represent them before the USPTO in any application-or registration-related filing. [Information about hiring a U.S.-licensed attorney](#) can be found on the USPTO website.

Owner Information

Instructions:

Update the mailing address, if needed. The address entered on this page is publicly viewable in the USPTO's [TSDR](#) database and is presumed to be the owner's/holder's domicile.

* [Owner](#)

Check this box only if the owner listed above does not identify the current trademark owner. The trademark owner is the legally recognized entity or individual that owns the trademark.

If there has been a change in ownership or legal name of the owner, you must enter the new owner in this form. Instructions will be provided when you check the box. For more information, see our [webpage on modifying owner information in online forms](#).

DBA (doing business as)
AKA (also known as)
 TA (trading as) **Formerly**

Legal Entity Type: Corporation
Citizenship/State, Country, Region, or Jurisdiction Where Organized: Indiana

Check this box only if no information is listed in the field/s or if the information listed is not correct for the current owner of the trademark.

Instructions will be provided when you check the box.

Internal Address

*** Mailing Address**
(Entered address is publicly viewable in the USPTO's

TSDR database. This address must be capable of receiving mail and may be your street address, a P.O. box, or a "care of" address.) **NOTE:** You must limit your entry here, and for all remaining fields within this overall section, to no more than 40 characters (the storage limit for the USPTO database). You may need to abbreviate some words, e.g., St. instead of Street. Failure to do so may result in an undeliverable address, due to truncation at the 40 character limit.

*** City**

NOTE: You must limit your entry here to no more than 22 characters.

*** State**

(Required for U.S. owners/holders only) **NOTE:** You must include as part of the "City" entry any information related to geographical regions (e.g., provinces) not found in the dropdown lists for "States" or "Countries." Enter the city and then the geographical region, separated by a comma (e.g., Toronto, Ontario). In most instances, you will then also have to select the country within which the region is found, below.

*** Country/Region/Jurisdiction/ U.S. Territory**

*** Zip/Postal Code**
(Required for U.S. and certain international addresses)

Domicile Address Uncheck this box if the Domicile Address and mailing address of the applicant owner/holder are NOT the same.

(Entered address is not publicly viewable in the USPTO's **TSDR** database unless it is the same as the mailing address.)

If your mailing address is not your domicile, you must enter the number, street, city, state, country or U.S. territory, and if applicable, zip/postal code of your **domicile** address. In most cases, a P.O. box, "care of" address, or similar variation is not acceptable as a domicile address.)
Indicate place you reside and intend to be your principal home (for individual) or your principal place of business (for entity).

[Phone Number](#)

[Fax Number](#)

* [Email Address](#)

Confirm that the email address is correct before continuing. The owner email address is not publicly viewable in the USPTO's [TSDR](#) database.

The owner/holder is required to provide an email address and keep that address current with the USPTO. If the owner/holder is represented by a U.S.-licensed attorney, only the attorney's email address will be used for correspondence by the USPTO.

NOTE: The owner/holder or the owner's/holder's attorney acknowledges that he or she is solely responsible for receiving USPTO emails. Additionally, the owner/holder or the owner's/holder's attorney is responsible for periodically checking the status of the application/registration using the [Trademark Status & Document Retrieval \(TSDR\)](#) system. USPTO notices and office actions issued in this application/registration can be viewed online using [TSDR](#). The USPTO is not responsible for any failure to receive a USPTO-issued email due to the receiver's security or anti-spam software, or any problems with the receiver's email system

Goods/Services/Collective Membership Information

WARNING: Registration Subject to Cancellation for Fraudulent Statements

You must ensure that statements made in filings to the USPTO are accurate, as inaccuracies may result in the cancellation of a trademark registration. The lack of use on all goods/services, or to indicate membership in the collective organization for which you claim use in a post-registration filing with the USPTO could jeopardize the validity of the registration and result in its cancellation.

Enter information for the Class

* **International Class:**

Current listing of goods/services/nature of the collective membership organization:

1. **For a trademark or service mark application:** The owner/holder has continuously used 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 the mark in commerce on or in connection with **ALL** goods/**ALL** services/to indicate membership in the collective membership organization listed in the existing registration for this class; **For a collective trademark, collective service mark, or collective membership mark application:** the owner/holder has continuously exercised legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still exercising legitimate control over the use of the mark in commerce by members on or in connection with ALL goods/services, or to indicate membership in the collective membership organization listed in the existing registration for this class; **For a certification mark application:** the owner/holder has continuously exercised legitimate control over the use of the mark in commerce by authorized users on or in connection with the identified goods/services for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still exercising legitimate control over the use of the mark in commerce by authorized users on or in connection with ALL goods/services listed in the existing registration for this class. Also, there has been no final decision adverse to the owner's/holder's claim of ownership of such mark for those goods/services, or to indicate membership in the collective membership organization, or to the owner's/holder'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 in either the U.S. Patent and Trademark Office or in a court.

- The filing does **not** cover this specific class.

- For a trademark or service mark application:** The owner/holder has continuously used 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 the mark in commerce on or in connection with **ALL** goods/services listed in the existing registration for this class; **For a collective trademark, collective service mark, or collective membership mark application:** the owner/holder has continuously exercised legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still exercising legitimate control over the use of the mark in commerce by members on or in connection with ALL goods/services listed in the existing registration for this class; **For a certification mark application:** the owner/holder has continuously exercised legitimate control over the use of the mark in commerce by authorized users on or in connection with the identified goods/services for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still exercising legitimate control over the use of the mark in commerce by authorized users on or in connection with ALL goods/services listed in the existing registration for this class. Also, there has been no final decision adverse to the owner's/holder's claim of ownership of such mark for those goods/services or to the owner's/holder'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 in either the U.S. Patent and Trademark Office or in a court.

IN THE FOLLOWING SPACE, PROPOSE HOW THE **COMPLETE** "FINAL" LISTING SHOULD APPEAR, ONLY SPECIFY THOSE GOODS/SERVICES TO WHICH THE SECTION 15 AFFIDAVIT/DECLARATION PERTAINS. ALTHOUGH SOME GOODS/SERVICES MAY BE OMITTED FROM THE LISTING, NO OTHER MODIFICATION OF ANY WORDING IN THE IDENTIFICATION IS PERMITTED.



Attorney Information

* [Attorney Name](#)

[Firm Name](#)

[Docket/Reference Number](#)

NOTE: You must limit your entry here to no more than 12 characters.

* [Year of Admission](#)

* [U.S. State/Commonwealth/Territory](#)

* [Membership Number](#)

* [Bar Membership](#)

You must enter "N/A" or a membership/registration number if your U.S. state, commonwealth, or territory issues one. This number is not viewable in TSDR.

You must limit your entry here to no more than 40 alphanumeric characters.

* The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

[Other Appointed Attorney\(s\)](#)

[Recognized Canadian](#)

[Attorney/Agent](#)

[Internal Address](#)

* [Street Address](#)

NOTE: You must limit your entry here, and for all remaining fields within this overall section (except City, see *below*), to no more than 40 characters (the storage limit for the USPTO database). You may need to abbreviate some words, e.g., St. instead of Street. Failure to do so may result in an undeliverable address, due to truncation at the 40 character limit.

* [City](#)

NOTE: You must limit your entry here to no more than 22 characters.

*** State** **(Required for U.S. addresses)** **NOTE:** You must include as part of the "City" entry any information related to geographical regions (e.g., provinces) not found in the dropdown lists for "States" or "Countries." Enter the city and then the geographical region, separated by a comma (e.g., Toronto, Ontario). In most instances, you will then also have to select the country within which the region is found, below.

*** Country/Region/Jurisdiction/ U.S. Territory**

*** Zip/Postal Code** **(Required for U.S. and certain international addresses)**

Phone Number

Fax Number

The appointed attorney's email address must be provided and kept current with the USPTO.

*** Email Address**

NOTE: The owner/holder or the owner's/holder's attorney acknowledges that he or she is solely responsible for receiving USPTO emails. Additionally, the owner/holder or the owner's/holder's attorney is responsible for periodically checking the status of the application/registration using the [Trademark Status & Document Retrieval \(TSDR\)](#) system. USPTO notices and office actions issued in this application/registration can be viewed online using [TSDR](#). The USPTO is not responsible for any failure to receive a USPTO-issued email due to the receiver's security or anti-spam software, or any problems with the receiver's email system.

Correspondence Information

To make changes to the **Primary Email Address for Correspondence** below, either
(1) return to the Owner Information section (if no attorney has been appointed) and enter the change, or
(2) use the Attorney Information section of the form to enter the change (if an attorney has been appointed).

Name

Primary Email Address for Correspondence:

Secondary Email Address(es) (Courtesy Copies)

Email Address

Enter up to 4 addresses, separated by either a **semicolon** or a **comma**.

Only the Primary Email Address is used for official communication by the USPTO. The owner/holder or the owner's/holder's appointed attorney must keep this email address current. The owner/holder or the owner's/holder's appointed attorney may provide Secondary Email Addresses for receiving courtesy copies.

Miscellaneous Information

To attach your file, please note that:

*Click on the 'Attach' button to select the file in JPG/PDF format (not exceeding 5 megabytes per attachment for JPG or 30 megabytes per attachment for PDF) or .WAV, .WMV, .WMA, .MP3, .MPG, or .AVI format (not exceeding 5 megabytes for sound files or 30 megabytes for motion files).

0file(s) attached

Miscellaneous Statement: Enter information for which no other section of the form is appropriate.

[Fee Information](#)

Section 15 Filing Fee: \$200

[Number of Classes](#)

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

Section 15 Filing Fee

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

\$

Total Fee Paid

Amount Section 15 Filing Fee

\$

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.

Signature Information

Click to choose ONE [signature method](#):

- [Sign directly](#) [Email Text Form to second party for signature](#) [Handwritten pen-and-ink signature](#)

Electronic Signature

To electronically sign this document, enter any alpha/numeric characters (letters/numbers) **of your choosing**, preceded and followed by the forward slash (/) symbol. Most signatories enter their name between the two forward slashes; examples of acceptable "signatures" include: /john doe/; /jd/; or /123-4567/.

DECLARATION

Read the following statements before signing. Acknowledge the statements by checking the boxes and signing below.

- The mark has been in continuous use in commerce for five consecutive years after the date of registration, or the date of publication under 15 U.S.C. § 1062(c), and is still in use in commerce on or in connection with all goods/services, or to indicate membership in the collective membership organization, 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/services, or to indicate membership in the collective membership organization, or to the owner's right to register the same or to keep the same on the register.
- There is no proceeding involving said rights pending and not finally disposed of either in the United States Patent and Trademark Office or in a court.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- The signatory being 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 submission and the registration, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

* [Signature](#)

Examples of acceptable "signatures" include: /john doe/; /jd/; or /123-4567/.

NOTE: Must be personally signed by the individual listed in the Signatory's Name field. [37 C.F.R. §2.193\(a\)](#). The person signing may not enter someone else's signature.

* [Date Signed](#)

(MM/DD/YYYY)

* [Signatory's Name](#)

* [Signatory's Position](#)

Enter appropriate title or nature of relationship to the owner/holder.

If the signer is

- An **individual owner/holder**, enter "Owner" or "Holder" as appropriate.
- **Joint individual owners/holders**, enter "Owners" or "Holders" as appropriate.
- A **business entity** authorized signatory, enter official title; e.g., "President" (if a corporation), "General Partner" (if a partnership), or "Principal" (if a limited liability company).
- A U.S.-licensed **attorney**, enter "Attorney of record," and if not specified in the application or prior communications, specify at least one state bar admission, e.g., "Attorney of record, New York Bar member." Also, if the signing attorney is from the same U.S. firm as the attorney of record, but was not listed in the original filing and is not otherwise of record, also include law firm name, e.g., Associate Attorney, Smith, Jones & Davis, Virginia Bar member.

[Signatory's Phone Number](#)

STEP 1: Review the application data in various formats, by clicking on the phrases under Application Data. Use the print function within your browser to print these pages for your own records.

Note: It is important that you review this information for accuracy and completeness now. Corrections after submission may not be permissible, thereby possibly affecting your legal rights.

■ **STEP 2:** If any of the information is incorrect, click on the Go Back to Modify button below to make changes; then re-validate using the Validate button at the bottom of the Declaration of Incontestability of a Mark under Section 15. If there are no errors and you are ready to file electronically, first use your print function within your browser to print each of these pages for your own records. Then, click on the Pay/Submit button below. This will bring up a screen for you to enter the appropriate payment information. After successful entry of the payment information, you will be able to complete the submission to the USPTO.

■ **STEP 3:** If there are no errors and you are ready to file, confirm the **Primary Email Address for Correspondence**, displayed below. To make changes to this email address, use the navigation buttons below to return to the appropriate page in the form and update either the attorney's email address, if appointed, or the applicant owner's/holder's email address. **Courtesy copies** are also permitted and these email address(es) are displayed below. To update these addresses, use the navigation buttons below to return to the Correspondence Information page and enter the changes.

After you submit the form, the USPTO will send an acknowledgment of receipt to the following email address(es):

Primary Email Address for Correspondence

Secondary Email Address(es) (Courtesy Copies)

■ **STEP 4:** Read and check the following:

Important Notice:

- (1) Once you submit a Declaration of Incontestability of a Mark under Section 15, either electronically or through the mail, we will not refund your fee, because it is a processing fee for our substantive review.
- (2) All information you submit to the USPTO at any point in the application and/or registration process will become public record, including your name, phone number, email address, and street address. By filing this document, you acknowledge and agree that **YOU HAVE NO RIGHT TO CONFIDENTIALITY** in the information disclosed. The public will be able to view this information in the USPTO's on-line databases and through internet search engines and other on-line databases. This information will remain public even if the application is abandoned or any registration is surrendered, cancelled, or expired. To maintain confidentiality of banking or credit card information, only enter payment information in the secure portion of the site after validating your form. For any information that may be subject to copyright protection, by submitting it to the USPTO, the filer is representing that he or she has the authority to grant, and is granting, the USPTO permission to make the information available in its on-line database and in copies of the application or registration record.
- (3) Be aware that private companies **not** associated with the USPTO often use trademark application and registration information from the USPTO's databases to [mail or email trademark-related solicitations](#) (samples of non-USPTO solicitations included).

If you have read and understand the above notice, please check the box before you click on the **Pay/Submit** button.

■ **STEP 5:** To download and save the form data, click on the [Save Form](#) button at the bottom of this page. The information will be saved to your local drive. To begin the submission process with saved data, you must open a new form, and click on the "Browse/Choose File" button displayed on the initial form wizard page, at "[OPTIONAL] To access previously-saved data, use the "Browse/Choose File" button below to access the file from your local drive." **REMINDER:** Do **NOT** try to open the saved .obj form directly. You must return to the very first page of the form, *as if starting a brand new form*, and then use the specific "Browse/Choose File" button on that page to import the saved file. Clicking on the "Continue" button at the bottom of that first page will then properly open the saved version of your form.

■ **STEP 6:** If you are ready to file electronically:

Click on the Pay/Submit button, below, to access the site where you will select one of three possible payment methods. After successful entry of payment information, you can complete the submission to the USPTO. A valid transaction will result in a screen that says **SUCCESS!** Also, we will send an email acknowledgment within 24 hours.

WARNING: Click on the Pay/Submit button below **ONLY** if you are now entirely prepared to complete the Pay/Submit process. After clicking the button, you can **NOT** return to the form, since you will have left the TEAS site entirely. Once in the separate payment site, you must complete the Pay/Submit process within 30 minutes. If you are not prepared to complete the process now, you should select the "Save Form" option to save your form, and then complete the Pay/Submit process later. Or, if you have discovered any error, use the "Go Back to Modify" button to make a correction.

WARNING: You can **NOT** make any fee payments by *credit card* from 2 a.m. to 6 a.m. Sunday ET. To file during this specific period, you **must** use either the deposit account or electronic funds transfer payment method; or, you may use the "Save Form" option to save your form, and then complete the Pay/Submit process at a later time with the credit card payment option.

PRA Burden Statement

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995, unless the information collection has a valid OMB Control Number. The OMB Control Number for this information collection is 0651-0055. Public burden for this form is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 or email InformationCollection@uspto.gov.

Privacy Act Statement

The USPTO collects this information under authority of 35 U.S.C. 2(b)(2). The information you provide will be used to process your applications and submissions related to trademark registration. The information is protected from disclosure to third parties in accordance with the Privacy Act. However, routine uses of this information may include disclosure to the following: the public; certain foreign entities, professional organizations or associations, audit or oversight controls; law enforcement; non-federal personnel working for the agency; record and informational inquiries; coordinators of data breach response; litigation actions; Department of Justice; Office of Personnel Management; Congressional inquiries; the National Archives and Records Administration; and Office of Management and Budget. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application for trademark registration. The applicable Privacy Act System of Records Notice for this information request is COMMERCE/USPTO-26, Trademarks Application and Registration Records: [Federal Register vol. 85 February 18, 2020, p 8847](#)