

### **365.571 Application for registration.**

- (1) Subject to the limitations set forth in KRS 365.561 to 365.613, any person who uses a mark in this state may file an application for registration of that mark in the office of the Secretary, in a manner prescribed by the Secretary as set out in administrative regulations promulgated by the Secretary. The filing shall include, but not be limited to, the following:
  - (a) The name and business address of the person applying for the registration and, if a corporation, the state of incorporation, or if a partnership, the state in which the partnership is organized and the names of the general partners;
  - (b) The goods or services on or in connection with which the mark is used, the mode or manner in which the mark is used on or in connection with the goods or services, and the class comprising the goods or services;
  - (c) The date when the mark was first used anywhere and the date when it was first used in this state by the applicant or his predecessor-in-interest; and
  - (d) A statement that the applicant is the owner of the mark, that the mark is in use in this state, and that, to the knowledge of the person verifying the application, no other person has registered, either federally or in this state, or has the right to use the mark in this state in an identical form or in such near resemblance as to be likely, when used on or in connection with the goods or services of the other person, to cause confusion or mistake, or to deceive.
- (2) The Secretary may require a statement as to whether any applications to register the mark or portions or a composite of it have been filed by the applicant or his predecessor-in-interest in the United States Patent and Trademark Office. The Secretary may require applicants who have or whose predecessors have filed with the United States Patent and Trademark Office to include the filing date and serial number of each application, the status of the application and, whether the application was finally refused registration or has otherwise not resulted in a registration and the reasons therefor.
- (3) The Secretary may also require that a drawing of the mark, complying with requirements specified by the Secretary, accompany the application.
- (4) The application shall be signed by the applicant or a person authorized to sign on behalf of the applicant. The application shall contain a statement, under oath, that the information provided is true, complete and correct. Any person who makes a material false statement which he does not believe to be true in the application shall be in violation of KRS 523.030.
- (5) The application shall be accompanied by three (3) specimens showing the mark as actually used.
- (6) The application shall be accompanied by an application fee of ten dollars (\$10), payable to the Secretary.

**Effective:** July 15, 1994

**History:** Created 1994 Ky. Acts ch. 468, sec. 3, effective July 15, 1994.