

DECLARATION OF  
INCONTESTABILITY OF A MARK  
UNDER SECTION 15 OF THE  
TRADEMARK ACT OF 1946  
AS AMENDED

MARK (Identify the mark)

REGISTRATION NO.

DATE OF REGISTRATION:

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:

REGISTRANT'S NAME:<sup>1</sup>

REGISTRANT'S CURRENT MAILING ADDRESS:

GOODS AND/OR SERVICES AND USE IN COMMERCE STATEMENT:

The mark shown in **Principal Register** Registration No. \_\_\_\_\_, owned by the above-identified registrant has been in continuous use in \_\_\_\_\_ commerce for five consecutive years from \_\_\_\_\_ (type of)<sup>2</sup> \_\_\_\_\_ (date) to the present on or in connection with all of the goods and/or services identified in the registration, (*except* for the following)<sup>3</sup>

There has been no final decision adverse to registrant's claim of ownership of such mark for such goods or services, or to registrant'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.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the registrant; he/she believes the registrant to be the owner of the above identified registration; the trademark/service mark is in use in commerce; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Print or Type Name and Position  
[if applicable]<sup>4</sup>

## FOOTNOTES

1. The present owner of the Principal Register registration must file this form. If ownership of the registration has changed since the registration date, provide supporting documentation if available or a verified explanation. If the present owner is a successor to the original registrant, then the present owner should refer to itself as the registrant. **Please note that Section 15 is only applicable to Principal Register registrations.**
2. "Type of Commerce" must be specified as "interstate," "territorial," "foreign," or such other commerce as may lawfully be regulated by Congress. Foreign registrants must specify commerce which Congress may regulate, using wording such as "foreign commerce between the U.S. and a foreign country."
3. List only those goods and/or services for which registrant is no longer using the mark. You should fill in this blank **only** if you are no longer using the mark on all the goods or services in the registration.
4. If the present owner is an individual, the individual should sign the declaration.
5. If the present owner is a partnership, the declaration should be signed by a General Partner.
6. If the present owner is a corporation or similar juristic entity, the declaration should be signed by an officer of the corporation/entity. Please print or type the officer title of the person signing the declaration.

NOTE: If the registration is owned by more than one party, as joint owners, each owner must sign this declaration.

## FEES

For each declaration under Section 15, the required fee is \$100.00 per international class. Please be aware that our fees may change. Changes, if any, are normally effective October 1 of each year. If this declaration is intended to cover less than the total number of classes in the registration, please specify the classes for which the declaration is submitted. The declaration, with appropriate fee(s), should be sent to:

**BOX POST REG  
FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513**

## PTO Notification

You should receive written notification from the PTO of either the acceptance or rejection of this post registration document. If you do not receive written notification from the PTO within six months after filing, you may wish to telephone the Trademark Status Line at (703) 305-8747 or the Post Registration Division at (703) 308-9500.

## MAILING INSTRUCTION BOX

*You can ensure timely filing of this form by following the procedure described in 37 CFR 1.10 as follows: (1) on or before the due date for filing this form, deposit the completed form with the U.S. Post Office using the "Express Mail Post Office to Addressee" Service; (2) include a certificate of "Express Mail" under 37 CFR 1.10. Papers properly mailed under 37 CFR 1.10 are considered received by the PTO on the date that they are deposited with the Post Office.*

When placing the certificate directly on the correspondence, use the following language:

### **Certificate of Express Mail Under 37 CFR 1.10**

"Express Mail" mailing label number: \_\_\_\_\_

Date of Deposit: \_\_\_\_\_

I hereby certify that this paper and fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

\_\_\_\_\_  
(Typed or printed name of person mailing paper & fee)

\_\_\_\_\_  
(Signature of person mailing paper & fee)

This form is estimated to take 15 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you require to complete this form should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503. **DO NOT SEND FORMS TO EITHER OF THESE ADDRESS.**