

**ARTICLE V. MISCELLANEOUS MATTERS**

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**CHAPTER 91. MARKS AND INSIGNIA**

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**Subchapter A. TRADE AND SERVICE MARKS**

**GENERAL**

**Sec.**  
 91.101. General checklist for registering trade or service mark.

**FORMS**

91.151. Official forms.

**GENERAL**

**§ 91.101. General checklist for registering trade or service mark.**

- (a) The following is a checklist for registration of a trade or service mark:
  - (1) Refer to the classification in 54 Pa.C.S. § 1103 (relating to classification) and determine in which class the mark is to be registered. An application for registration of a mark is limited to a single general class of goods or services, but a mark may be made the subject of multiple registrations (that is, each submitted on a separate form with an additional fee paid) in two or more general classes.
  - (2) Prepare and submit Form DSCB: 54-1112 (Application for Registration of Mark).
  - (3) Submit a check or money order payable to the Department of State in the amount of \$52. Cash is not accepted.

(4) The application will be examined to determine whether the mark to be registered is the same as or confusingly similar to a mark currently registered in the applicable class to another registrant. If so, the registration will be denied.

(5) The registration is effective for 10 years from the date of registration. An application to renew for a similar term shall be made on Form DSCB: 54-1114 (Application for Renewal of Registration of Mark) within 6 months prior to the expiration of their term.

(6) There is no provision for amendment of a trade or service mark registration. Changes of name or address may be effected by filing Form DSCB:54-1115 (Assignment of Registration of Mark), showing the registrant as both assignor and assignee.

(b) The Department will examine the Form DSCB: 54-1112, and if the mark is registrable in the designated class, approve the application and endorse the fact and date of approval and filing thereon, and return the form to the applicant. A separate certificate will not be issued.

#### Source

The provisions of this § 91.101 adopted April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993.

## FORMS

### § 91.151. Official forms.

The following official forms have been promulgated under this subchapter and appear in Appendix A:

Form DSCB:54-1112 (Application for Registration of Mark).

Form DSCB:54-1114 (Application for Renewal of Registration of Mark).

Form DSCB:54-1115 (Assignment of Registration of Mark).

#### Source

The provisions of this § 91.151 adopted April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993.

## Subchapter B. INSIGNIA

### GENERAL

Sec.  
91.201. General checklist for registering insignia.

**FORMS**

91.251. Official forms.

**GENERAL****§ 91.201. General checklist for registering insignia.**

(a) The following is a checklist for registration of insignia:

(1) An application may be filed by an organization described in and complying with 54 Pa.C.S. § 1301 (relating to definitions). A name, badge, motto, button, decoration, charm, emblem, rosette, label or other insignia may be registered as the insignia of an organization. The term "label" means a label, symbol, mark or private stamp, including a label adopted by labor unions for the purpose of designating the product of their particular labor or workmanship.

(2) Prepare and submit Form DSCB:54-1311 (Application for Registration of Insignia).

(3) Submit a check or money order payable to the Department of State in the amount of \$52. Cash is not accepted.

(4) The application will be examined to determine whether the insignia to be registered is the same as or confusingly similar to the insignia currently registered to another organization. If so, the registration will be denied.

(5) The registration is effective until January 1, 2001, and will continue in effect for additional terms of 10 years each if Form DSCB:54-1314 (Decennial Report-Insignia) is timely filed in the year 2000 and each year thereafter divisible by 10.

(6) Changes of name or address may be effected by filing Form DSCB:54-1312 (Application for Amendment of Insignia Registration).

(b) The Department will examine the Form DSCB:54-1311, and if the insignia is registrable, approve the application and endorse the fact and date of approval and filing thereon, and return the form to the applicant. A separate certificate will not be issued.

**Source**

The provisions of this § 91.201 adopted April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993.

**FORMS****§ 91.251. Official forms.**

The following official forms have been promulgated under this subchapter and appear in Appendix A:

Form DSCB:54-1311 (Application for Registration of Insignia).

Form DSCB:54-1312 (Application for Amendment of Insignia Registration).  
Form DSCB:54-1314 (Decennial Report-Insignia).

**Source**

The provisions of this § 91.251 adopted April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993.

**Subchapter C. MARKS USED WITH ARTICLES OR SUPPLIES**

**GENERAL**

Sec.

91.301. General checklist for registering marks used with articles or supplies.

**FORMS**

91.351. Official forms.

**GENERAL**

**§ 91.301. General checklist for registering marks used with articles or supplies.**

(a) The following is a checklist for registration of a mark used with articles or supplies:

(1) A mark is “used in this Commonwealth” when the name, mark or device is produced upon articles or supplies which are loaned, rented, sold or otherwise circulated in this Commonwealth. A mark is “produced upon” articles or supplies when it is branded, stamped, stenciled, engraved, etched, blown, embossed, impressed, embroidered, sewn or otherwise permanently placed upon articles or supplies. The term “mark” means any word, name, symbol, design or device, or combination thereof. A mark used with articles or supplies may be registered if it is produced upon an item which is designed and intended for reuse in the normal course of trade by the registrant and includes items such as towels, coats, aprons, uniforms, toilet devices and accessories therefor supplied for hire or compensation, and vessels, receptacles and utensils used as packages or containers in the sale and distribution of a natural or processed product, compound, mixture or substance, or combination thereof, and parts and accessories for these vessels, receptacles and utensils.

(2) Prepare and submit Form DSCB:54-1511 (Application for Registration of Mark Used with Articles or Supplies).

(3) Submit a check or money order payable to the Department in the amount of \$52. Cash is not accepted.

(4) The application will not be examined to determine whether the mark to be registered is the same as or confusingly similar to a mark used with articles or supplies currently registered to another registrant. It is the responsibility of the applicant to determine that no conflict exists.

(5) The registration is effective until January 1, 2001, and will continue in effect for additional terms of 10 years each if Form DSCB:54-1515 (Decennial Report-Mark Used with Articles or Supplies) is timely filed in the year 2000 and each year thereafter divisible by 10.

(6) Changes of name or address may be effected by filing Form DSCB:54-1512 (Application for Amendment of Registration of Mark Used with Articles or Supplies).

(b) The Department will process the Form DSCB:54-1511, file the application and endorse the fact and date of filing thereon, and return the form to the applicant. A separate certificate will not be issued.

**Source**

The provisions of this § 91.301 adopted April 17, 1992, effective April 18, 1992, 22 Pa.B. 1993.

**FORMS**

**§ 91.351. Official forms.**

The following official forms have been promulgated under this subchapter and appear in Appendix A:

Form DSCB:54-1511 (Application for Registration of Mark Used with Articles or Supplies).

Form DSCB:54-1512 (Application for Amendment of Registration of Mark Used with Articles or Supplies).

Form DSCB:54-1515 (Decennial Report-Mark Used with Articles or Supplies).

**Source**

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