

§ 2.31

When possible, only confidential portions of filings with the Board shall be filed under seal.

[36 FR 25406, Dec. 31, 1971, as amended at 48 FR 23134, May 23, 1983; 48 FR 27225, June 14, 1983]

THE WRITTEN APPLICATION

§ 2.31 [Reserved]

§ 2.32 Requirements for a complete application.

(a) The application must be in English and include the following:

- (1) A request for registration;
 - (2) The name of the applicant(s);
 - (3)(i) The citizenship of the applicant(s); or
 - (ii) If the applicant is a corporation, association, partnership or other juristic person, the jurisdiction (usually state or nation) under the laws of which the applicant is organized; and
 - (iii) If the applicant is a partnership, the names and citizenship of the general partners;
 - (4) The address of the applicant;
 - (5) One or more bases, as required by § 2.34(a);
 - (6) A list of the particular goods or services on or in connection with which the applicant uses or intends to use the mark. In a United States application filed under section 44 of the Act, the scope of the goods or services covered by the section 44 basis may not exceed the scope of the goods or services in the foreign application or registration; and
 - (7) The international class of goods or services, if known. See § 6.1 of this chapter for a list of the international classes of goods and services.
- (b) The application must include a verified statement that meets the requirements of § 2.33.
- (c) The application must include a drawing that meets the requirements of §§ 2.51 and 2.52.
- (d) The application must include fee required by § 2.6 for each class of goods or services.
- (e) For the requirements for a multiple class application, see § 2.86.

[64 FR 48918, Sept. 8, 1999]

37 CFR Ch. I (7-1-03 Edition)

§ 2.33 Verified statement.

(a) The application must include a statement that is signed and verified (sworn to) or supported by a declaration under § 2.20 by a person properly authorized to sign on behalf of the applicant. A person who is properly authorized to sign on behalf of the applicant is:

- (1) A person with legal authority to bind the applicant; or
- (2) A person with firsthand knowledge of the facts and actual or implied authority to act on behalf of the applicant; or
- (3) An attorney as defined in § 10.1(c) of this chapter who has an actual or implied written or verbal power of attorney from the applicant.

(b)(1) In an application under section 1(a) of the Act, the verified statement must allege:

That the applicant has adopted and is using the mark shown in the accompanying drawing; that the applicant believes it is the owner of the mark; that the mark is in use in commerce; that to the best of the declarant's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when applied to the goods or services of the other person, to cause confusion or mistake, or to deceive; that the specimen shows the mark as used on or in connection with the goods or services; and that the facts set forth in the application are true.

(2) In an application under section 1(b) or section 44 of the Act, the verified statement must allege:

That the applicant has a bona fide intention to use the mark shown in the accompanying drawing in commerce on or in connection with the specified goods or services; that the applicant believes it is entitled to use the mark in commerce; that to the best of the declarant's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when applied to the goods or services of the other person, to cause confusion or mistake, or to deceive; and that the facts set forth in the application are true.

(c) If the verified statement is not filed within a reasonable time after it is signed, the Office may require the applicant to submit a substitute verification or declaration under § 2.20 of the applicant's continued use or