

By Senator Martin

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A bill to be entitled

An act relating to the registration and protection of trademarks; providing a short title; amending s. 495.111, F.S.; requiring the Department of State to annually adopt the United States Patent and Trademark Office's system of classification of goods and services that is in effect by a specified date; requiring that such classification be published as part of the trademark registration form; deleting specific general classes of goods and services; creating s. 495.029, F.S.; requiring the department, by a certain date, to establish and maintain a secure online registration system for a specific purpose; requiring the system to perform certain tasks for all applicants; amending s. 495.031, F.S.; providing construction; requiring that every paper application, rather than every application, be accompanied by a specified number of specimens or facsimiles showing the mark as actually used; requiring that every electronic application be accompanied by an electronic copy of a specimen showing the mark as actually used; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be referred to as the "Technical Trademark Amendments Act of 2026."

Section 2. Subsection (1) of section 495.111, Florida Statutes, is amended to read:

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495.111 Classification.—

(1) The department shall, no later than July 1 of every year, adopt the United States Patent and Trademark Office's system of classification of goods and services in effect on June 1 of that year as the Florida classification system. The classification must be published as part of the trademark registration form ~~following general classes of goods and services, conforming to the classification adopted by the United States Patent and Trademark Office, are established for convenience of administration of this chapter:~~

~~(a) Goods:~~

~~1. Class 1 Chemicals for use in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; fire extinguishing and fire prevention compositions; tempering and soldering preparations; substances for tanning animal skins and hides; adhesives for use in industry; putties and other paste fillers; compost, manures, fertilizers; biological preparations for use in industry and science.~~

~~2. Class 2 Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants, dyes; inks for printing, marking and engraving; raw natural resins; metals in foil and powder form for use in painting, decorating, printing and art.~~

~~3. Class 3 Non-medicated cosmetics and toiletry preparations; non-medicated dentifrices; perfumery, essential oils; bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations.~~

~~4. Class 4 Industrial oils and greases, wax; lubricants;~~

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59 ~~dust absorbing, wetting and binding compositions; fuels and~~
60 ~~illuminants; candles and wicks for lighting.~~

61 ~~5. Class 5 Pharmaceuticals, medical and veterinary~~
62 ~~preparations; sanitary preparations for medical purposes;~~
63 ~~dietetic food and substances adapted for medical or veterinary~~
64 ~~use, food for babies; dietary supplements for humans and~~
65 ~~animals; plasters, materials for dressings; material for~~
66 ~~stopping teeth, dental wax; disinfectants; preparations for~~
67 ~~destroying vermin; fungicides, herbicides.~~

68 ~~6. Class 6 Common metals and their alloys, ores; metal~~
69 ~~materials for building and construction; transportable buildings~~
70 ~~of metal; non-electric cables and wires of common metal; small~~
71 ~~items of metal hardware; metal containers for storage or~~
72 ~~transport; safes.~~

73 ~~7. Class 7 Machines, machine tools, power-operated tools;~~
74 ~~motors and engines, except for land vehicles; machine coupling~~
75 ~~and transmission components, except for land vehicles;~~
76 ~~agricultural implements, other than hand-operated hand tools;~~
77 ~~incubators for eggs; automatic vending machines.~~

78 ~~8. Class 8 Hand tools and implements, hand-operated;~~
79 ~~cutlery; side arms, except firearms; razors.~~

80 ~~9. Class 9 Scientific, nautical, surveying, photographic,~~
81 ~~cinematographic, optical, weighing, measuring, signaling,~~
82 ~~checking (supervision), life-saving and teaching apparatus and~~
83 ~~instruments; apparatus and instruments for conducting,~~
84 ~~switching, transforming, accumulating, regulating or controlling~~
85 ~~electricity; apparatus for recording, transmission or~~
86 ~~reproduction of sound or images; magnetic data carriers,~~
87 ~~recording discs; compact discs, DVDs and other digital recording~~

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88 ~~media; mechanisms for coin-operated apparatus; cash registers,~~
89 ~~calculating machines, data processing equipment, computers,~~
90 ~~computer software; fire-extinguishing apparatus.~~

91 ~~10. Class 10 Surgical, medical, dental and veterinary~~
92 ~~apparatus and instruments; artificial limbs, eyes and teeth;~~
93 ~~orthopaedic articles; suture materials; therapeutic and~~
94 ~~assistive devices adapted for the disabled; massage apparatus;~~
95 ~~apparatus, devices and articles for nursing infants; sexual~~
96 ~~activity apparatus, devices and articles.~~

97 ~~11. Class 11 Apparatus for lighting, heating, steam~~
98 ~~generating, cooking, refrigerating, drying, ventilating, water~~
99 ~~supply and sanitary purposes.~~

100 ~~12. Class 12 Vehicles; apparatus for locomotion by land,~~
101 ~~air or water.~~

102 ~~13. Class 13 Firearms; ammunition and projectiles;~~
103 ~~explosives; fireworks.~~

104 ~~14. Class 14 Precious metals and their alloys; jewellery,~~
105 ~~precious and semi-precious stones; horological and chronometric~~
106 ~~instruments.~~

107 ~~15. Class 15 Musical instruments.~~

108 ~~16. Class 16 Paper and cardboard; printed matter;~~
109 ~~bookbinding material; photographs; stationery and office~~
110 ~~requisites, except furniture; adhesives for stationery or~~
111 ~~household purposes; drawing materials and materials for artists;~~
112 ~~paintbrushes; instructional and teaching materials; plastic~~
113 ~~sheets, films and bags for wrapping and packaging; printers'~~
114 ~~type, printing blocks.~~

115 ~~17. Class 17 Unprocessed and semi-processed rubber, gutta-~~
116 ~~percha, gum, asbestos, mica and substitutes for all these~~

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117 ~~materials; plastics and resins in extruded form for use in~~
118 ~~manufacture; packing, stopping and insulating materials;~~
119 ~~flexible pipes, tubes and hoses, not of metal.~~

120 ~~18. Class 18 Leather and imitations of leather; animal~~
121 ~~skins and hides; luggage and carrying bags; umbrellas and~~
122 ~~parasols; walking sticks; whips, harness and saddlery; collars,~~
123 ~~leashes and clothing for animals.~~

124 ~~19. Class 19 Building materials (non-metallic); non-~~
125 ~~metallic rigid pipes for building; asphalt, pitch and bitumen;~~
126 ~~non-metallic transportable buildings; monuments, not of metal.~~

127 ~~20. Class 20 Furniture, mirrors, picture frames;~~
128 ~~containers, not of metal, for storage or transport; unworked or~~
129 ~~semi-worked bone, horn, whalebone or mother-of-pearl; shells;~~
130 ~~meerschauum; yellow amber.~~

131 ~~21. Class 21 Household or kitchen utensils and containers;~~
132 ~~cookware and tableware, except forks, knives and spoons; combs~~
133 ~~and sponges; brushes, except paintbrushes; brush-making~~
134 ~~materials; articles for cleaning purposes; unworked or semi-~~
135 ~~worked glass, except building glass; glassware, porcelain and~~
136 ~~earthenware.~~

137 ~~22. Class 22 Ropes and string; nets; tents and tarpaulins;~~
138 ~~awnings of textile or synthetic materials; sails; sacks for the~~
139 ~~transport and storage of materials in bulk; padding, cushioning~~
140 ~~and stuffing materials, except of paper, cardboard, rubber or~~
141 ~~plastics; raw fibrous textile materials and substitutes~~
142 ~~therefor.~~

143 ~~23. Class 23 Yarns and threads, for textile use.~~

144 ~~24. Class 24 Textiles and substitutes for textiles;~~
145 ~~household linen; curtains of textile or plastic.~~

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146 ~~25. Class 25 Clothing, footwear, headgear.~~

147 ~~26. Class 26 Lace and embroidery, ribbons and braid;~~
148 ~~buttons, hooks and eyes, pins and needles; artificial flowers;~~
149 ~~hair decorations; false hair.~~

150 ~~27. Class 27 Carpets, rugs, mats and matting, linoleum and~~
151 ~~other materials for covering existing floors; wall hangings~~
152 ~~(non-textile).~~

153 ~~28. Class 28 Games, toys and playthings; video game~~
154 ~~apparatus; gymnastic and sporting articles; decorations for~~
155 ~~Christmas trees.~~

156 ~~29. Class 29 Meat, fish, poultry and game; meat extracts;~~
157 ~~preserved, frozen, dried and cooked fruits and vegetables;~~
158 ~~jellies, jams, compotes; eggs; milk and milk products; oils and~~
159 ~~fats for food.~~

160 ~~30. Class 30 Coffee, tea, cocoa and artificial coffee;~~
161 ~~rice; tapioca and sago; flour and preparations made from~~
162 ~~cereals; bread, pastries and confectionery; edible ices; sugar,~~
163 ~~honey, treacle; yeast, baking powder; salt; mustard; vinegar,~~
164 ~~saucers (condiments); spices; ice (frozen water).~~

165 ~~31. Class 31 Raw and unprocessed agricultural,~~
166 ~~aquacultural, horticultural and forestry products; raw and~~
167 ~~unprocessed grains and seeds; fresh fruits and vegetables, fresh~~
168 ~~herbs; natural plants and flowers; bulbs, seedlings and seeds~~
169 ~~for planting; live animals; foodstuffs and beverages for~~
170 ~~animals; malt.~~

171 ~~32. Class 32 Beers; mineral and aerated waters and other~~
172 ~~non-alcoholic beverages; fruit beverages and fruit juices;~~
173 ~~syrups and other preparations for making beverages.~~

174 ~~33. Class 33 Alcoholic beverages (except beers).~~

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175 ~~34. Class 34 Tobacco; smokers' articles; matches.~~

176 ~~(b) Services:~~

177 ~~1. Class 35 Advertising; business management; business~~
178 ~~administration; office functions.~~

179 ~~2. Class 36 Insurance; financial affairs; monetary~~
180 ~~affairs; real estate affairs.~~

181 ~~3. Class 37 Building construction; repair; installation~~
182 ~~services.~~

183 ~~4. Class 38 Telecommunications.~~

184 ~~5. Class 39 Transport; packaging and storage of goods;~~
185 ~~travel arrangement.~~

186 ~~6. Class 40 Treatment of materials.~~

187 ~~7. Class 41 Education; providing of training;~~
188 ~~entertainment; sporting and cultural activities.~~

189 ~~8. Class 42 Scientific and technological services and~~
190 ~~research and design relating thereto; industrial analysis and~~
191 ~~research services; design and development of computer hardware~~
192 ~~and software.~~

193 ~~9. Class 43 Services for providing food and drink;~~
194 ~~temporary accommodation.~~

195 ~~10. Class 44 Medical services; veterinary services;~~
196 ~~hygienic and beauty care for human beings or animals;~~
197 ~~agriculture, horticulture and forestry services.~~

198 ~~11. Class 45 Legal services; security services for the~~
199 ~~physical protection of tangible property and individuals;~~
200 ~~personal and social services rendered by others to meet the~~
201 ~~needs of individuals.~~

202 ~~(c) Certification and collective membership marks:~~

203 ~~1. Class 200 Collective membership marks.~~

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~~2. Class A Certification marks for goods.~~

~~3. Class B Certification marks for services.~~

~~(d) The goods and services recited in collective trademark and collective service mark applications are assigned to the same classes that are appropriate for those goods and services in general.~~

Section 3. Section 495.029, Florida Statutes, is created to read:

495.029 Online registration system.—By July 1, 2027, the department shall establish and maintain a secure online registration system to safeguard an applicant's information and ensure data integrity. The online registration system must allow an applicant to do all of the following:

(1) Submit an application in accordance with ss. 495.031 and 495.035.

(2) Submit a renewal application in accordance with s. 495.071.

(3) Submit an electronic version of a required specimen of use.

(4) Submit an electronic version of a drawing of the mark.

(5) Pay the fee required by s. 495.191.

(6) Complete the verification required by s. 495.031(5).

Section 4. Subsections (5) and (6) of section 495.031, Florida Statutes, are amended to read:

495.031 Application for registration.—

(5) Every application under this section must shall be signed and verified by the applicant or by a member of the firm or an officer or other authorized representative of the business entity applying. Verification must be made in accordance with s.

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233 92.525.

234 (6) Every paper application under this section must ~~shall~~
235 be accompanied by three specimens or facsimiles showing the mark
236 as actually used. Every electronic application filed pursuant to
237 s. 495.029 must be accompanied by an electronic copy of a
238 specimen showing the mark as actually used.

239 Section 5. This act shall take effect July 1, 2026.