

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/HB 679](#)

**TITLE:** Registration of Trademarks

**SPONSOR(S):** Greco

### Committee References

[Industries & Professional](#)

[Activities](#)

15 Y, 0 N, As CS

[Transportation & Economic](#)

[Development Budget](#)

13 Y, 0 N

[Commerce](#)

## SUMMARY

### Effect of the Bill:

The bill:

- Removes the general classes for trademarks of goods and services currently set in statute.
- Mandates that the Florida Department of State adopt the United States Patent and Trademark Office's system of classification of goods and services as the state's classification.
- The adoption must be done annually, and the system that is in place on June 1 of that year must be adopted by the department by July 1.
- Directs the department to establish a website where an applicant can apply for or apply for renewal of a trademark.
- Requires the submittal of an electronic trademark specimen with the application.

### Fiscal or Economic Impact:

The bill may have an indeterminate negative fiscal impact on state expenditures; however, any costs associated with establishing a website to accept electronic trademark specimens and applications are expected to be minimal and absorbed within existing department resources.

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## ANALYSIS

### EFFECT OF THE BILL:

A person is a [trademark](#) owner as soon as he or she begins to use the trademark. However, registering a trademark provides broader rights and protections to the trademark holder.<sup>1</sup> A person can [register](#) their trademark with either the United States Patent and Trademark Office for a federal trademark registration or the Florida Department of State for a Florida trademark registration or both. Both federal and state registration requires classification, and the international classification of goods and services is the controlling classification system. The classification of goods and services is currently set in Florida statutes<sup>2</sup>; however, the [Nice Agreement](#) which sets the international class headings and is utilized by the United States Patent and Trademark Office, is updated regularly.<sup>3</sup> The bill would require that the Department of State utilize the schedule as set by 37 CFR §6.1. (Section 1)

The bill would also require that the Department of State establish a website for electronic trademark registration, and that applicants provide an electronic version of the trademark specimen when applying for state trademark

<sup>1</sup> [What is a trademark? | USPTO](#), last visited December 23, 2025.

<sup>2</sup> [S. 495.111\(1\), F.S.](#)

<sup>3</sup> [Nice Agreement current edition version - general remarks, class headings and explanatory notes | USPTO](#), last visited December 23, 2025.

**STORAGE NAME:** h0679c.TED

**DATE:** 1/29/2026

registration. Currently, trademark registration is only available through printed application mailed to the Department of State's Division of Corporations.<sup>4</sup> The department must make the online application available by July 1, 2027. (Section [2](#))

The bill adds a requirement that document verification must be made in accordance with the state law for verification of documents and that electronic signatures may be accepted. (Section [3](#))

The bill has an effective date of July 1, 2026. (Section [4](#))

## **FISCAL OR ECONOMIC IMPACT:**

### **STATE GOVERNMENT:**

The bill creates new responsibilities for the Department of State, resulting in an indeterminate negative fiscal impact. The annual adoption of the federal classification system and development of an online trademark registration system are expected to have minimal costs<sup>5</sup>, and expected to be absorbed within existing department resources. An agency analysis of this bill was requested from the Department of State on January 15, 2026, and as of the date of publication has not been received.

### **PRIVATE SECTOR:**

The fiscal impact on the private sector is indeterminate; however, any costs to Florida businesses are expected to be minimal. Businesses may need to make minor adjustments to comply with the updated trademark classification system and the new electronic application process, but these costs are expected to be insignificant.<sup>6</sup>

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

#### **TRADEMARK:**

A [trademark](#) is any word, name, symbol, or device, or any combination thereof, used by a person to identify and distinguish the goods of such person, including a unique product, from those manufactured or sold by others, and to indicate the source of the goods, even if the source is unknown.<sup>7</sup> Trademarks for goods and services are sorted into classes. The classifications are broad categories which allow the goods or services to be organized and located in database searches.<sup>8</sup>

#### [\*\*REGISTRATION:\*\*](#)

While trademark owners who do not register their trademarks still have common law rights to the trademark, the benefits of trademark registration include public notice of registration, the legal presumption of ownership and right to use, and the right to bring a lawsuit to enforce trademark protections.<sup>9</sup>

#### **NICE AGREEMENT:**

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<sup>4</sup> [Trademark and Service Mark - Division of Corporations - Florida Department of State](#), last visited December 23, 2025.

<sup>5</sup> [Trademark Modernization Amendments Act of 2026 White Paper – Florida Bar Business Law Section](#), last visited January 22, 2026.

<sup>6</sup> *Id.*

<sup>7</sup> [S. 495.011\(13\) F.S.](#)

<sup>8</sup> [Goods and services | USPTO](#), last visited December 23, 2025.

<sup>9</sup> [Why register your trademark? | USPTO](#), last visited January 8, 2026.

The [Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks](#) is a treaty signed in 1957<sup>10</sup> establishing the Nice Classification which is an international classification of goods and services applied for the registration of marks. A new edition is published every five years with a new version of each addition published annually.<sup>11</sup> The Committee of Experts of the Nice Union sets the classification, and the World Intellectual Property Organization publishes the Nice Classification on its website.<sup>12</sup> The United States has been using this classification system since 1973. It is codified in 37 CFR § 6.1.

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Industries &amp; Professional Activities Subcommittee</a>	15 Y, 0 N, As CS	1/14/2026	Anstead	Miralia
THE CHANGES ADOPTED BY THE COMMITTEE:	The amendment clarified that the Department of State shall utilize the international schedule of classes of goods and services as set by 37 CFR §6.1, as amended. The amendment also adds language stating that electronic signatures can be utilized for applications.			
<a href="#">Transportation &amp; Economic Development Budget Subcommittee</a>	13 Y, 0 N	1/29/2026	Davis	Andeara
<a href="#">Commerce Committee</a>				

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THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

<sup>10</sup> [Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks](#), last visited December 23, 2025.

<sup>11</sup> [Nice Classification](#), last visited December 23, 2025.

<sup>12</sup> [Nice Agreement current edition version - general remarks, class headings and explanatory notes | USPTO](#), last visited December 23, 2025.