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CS/CS/HB 679

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1
 2 An act relating to registration of trademarks;
 3 amending s. 495.111, F.S.; removing provisions
 4 relating to the classification of goods and services
 5 for trademark purposes; requiring the Department of
 6 State to use the international schedule of classes of
 7 goods and services; creating s. 495.0315, F.S.;
 8 requiring the department to establish and maintain a
 9 secure Internet website that allows submission of an
 10 online trademark registration application and renewal
 11 application; providing website requirements; requiring
 12 the department to make the online application system
 13 available by a specified date; amending s. 495.031,
 14 F.S.; providing online application requirements;
 15 providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:
 18

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

21 495.111 Classification.—

22 (1) The department shall use the international schedule of
 23 classes of goods and services as set forth in 37 C.F.R. s. 6.1,
 24 as amended, as the state classification system for trademarks.
 25 ~~The following general classes of goods and services, conforming~~

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26 ~~to the classification adopted by the United States Patent and~~
 27 ~~Trademark Office, are established for convenience of~~
 28 ~~administration of this chapter:~~

29 ~~(a) Goods:~~

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

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

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

47 ~~4. Class 4 Industrial oils and greases, wax; lubricants;~~
 48 ~~dust absorbing, wetting and binding compositions; fuels and~~
 49 ~~illuminants; candles and wicks for lighting.~~

50 ~~5. Class 5 Pharmaceuticals, medical and veterinary~~

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51 ~~preparations; sanitary preparations for medical purposes;~~
52 ~~dietetic food and substances adapted for medical or veterinary~~
53 ~~use, food for babies; dietary supplements for humans and~~
54 ~~animals; plasters, materials for dressings; material for~~
55 ~~stopping teeth, dental wax; disinfectants; preparations for~~
56 ~~destroying vermin; fungicides, herbicides.~~

57 ~~6. Class 6 Common metals and their alloys, ores; metal~~
58 ~~materials for building and construction; transportable buildings~~
59 ~~of metal; non-electric cables and wires of common metal; small~~
60 ~~items of metal hardware; metal containers for storage or~~
61 ~~transport; safes.~~

62 ~~7. Class 7 Machines, machine tools, power-operated tools;~~
63 ~~motors and engines, except for land vehicles; machine coupling~~
64 ~~and transmission components, except for land vehicles;~~
65 ~~agricultural implements, other than hand-operated hand tools;~~
66 ~~incubators for eggs; automatic vending machines.~~

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

69 ~~9. Class 9 Scientific, nautical, surveying, photographic,~~
70 ~~cinematographic, optical, weighing, measuring, signaling,~~
71 ~~checking (supervision), life-saving and teaching apparatus and~~
72 ~~instruments; apparatus and instruments for conducting,~~
73 ~~switching, transforming, accumulating, regulating or controlling~~
74 ~~electricity; apparatus for recording, transmission or~~
75 ~~reproduction of sound or images; magnetic data carriers,~~

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76 ~~recording discs; compact discs, DVDs and other digital recording~~
 77 ~~media; mechanisms for coin-operated apparatus; cash registers,~~
 78 ~~calculating machines, data processing equipment, computers;~~
 79 ~~computer software; fire extinguishing apparatus.~~

80 ~~10. Class 10 Surgical, medical, dental and veterinary~~
 81 ~~apparatus and instruments; artificial limbs, eyes and teeth;~~
 82 ~~orthopaedic articles; suture materials; therapeutic and~~
 83 ~~assistive devices adapted for the disabled; massage apparatus;~~
 84 ~~apparatus, devices and articles for nursing infants; sexual~~
 85 ~~activity apparatus, devices and articles.~~

86 ~~11. Class 11 Apparatus for lighting, heating, steam~~
 87 ~~generating, cooking, refrigerating, drying, ventilating, water~~
 88 ~~supply and sanitary purposes.~~

89 ~~12. Class 12 Vehicles; apparatus for locomotion by land,~~
 90 ~~air or water.~~

91 ~~13. Class 13 Firearms; ammunition and projectiles;~~
 92 ~~explosives; fireworks.~~

93 ~~14. Class 14 Precious metals and their alloys; jewellery,~~
 94 ~~precious and semi-precious stones; horological and chronometric~~
 95 ~~instruments.~~

96 ~~15. Class 15 Musical instruments.~~

97 ~~16. Class 16 Paper and cardboard; printed matter;~~
 98 ~~bookbinding material; photographs; stationery and office~~
 99 ~~requisites, except furniture; adhesives for stationery or~~
 100 ~~household purposes; drawing materials and materials for artists;~~

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101 ~~paintbrushes; instructional and teaching materials; plastic~~
102 ~~sheets, films and bags for wrapping and packaging; printers'~~
103 ~~type, printing blocks.~~

104 ~~17. Class 17 Unprocessed and semi-processed rubber,~~
105 ~~gutta-percha, gum, asbestos, mica and substitutes for all these~~
106 ~~materials; plastics and resins in extruded form for use in~~
107 ~~manufacture; packing, stopping and insulating materials;~~
108 ~~flexible pipes, tubes and hoses, not of metal.~~

109 ~~18. Class 18 Leather and imitations of leather; animal~~
110 ~~skins and hides; luggage and carrying bags; umbrellas and~~
111 ~~parasols; walking sticks; whips, harness and saddlery; collars,~~
112 ~~leashes and clothing for animals.~~

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

116 ~~20. Class 20 Furniture, mirrors, picture frames;~~
117 ~~containers, not of metal, for storage or transport; unworked or~~
118 ~~semi-worked bone, horn, whalebone or mother-of-pearl; shells;~~
119 ~~meerschaum; yellow amber.~~

120 ~~21. Class 21 Household or kitchen utensils and~~
121 ~~containers; cookware and tableware, except forks, knives and~~
122 ~~spoons; combs and sponges; brushes, except paintbrushes; brush-~~
123 ~~making materials; articles for cleaning purposes; unworked or~~
124 ~~semi-worked glass, except building glass; glassware, porcelain~~
125 ~~and earthenware.~~

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126 ~~22. Class 22 Ropes and string; nets; tents and~~
 127 ~~tarpaulins; awnings of textile or synthetic materials; sails;~~
 128 ~~sacks for the transport and storage of materials in bulk;~~
 129 ~~padding, cushioning and stuffing materials, except of paper,~~
 130 ~~cardboard, rubber or plastics; raw fibrous textile materials and~~
 131 ~~substitutes therefor.~~

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

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

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

136 ~~26. Class 26 Lace and embroidery, ribbons and braid;~~
 137 ~~buttons, hooks and eyes, pins and needles; artificial flowers;~~
 138 ~~hair decorations; false hair.~~

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

142 ~~28. Class 28 Games, toys and playthings; video game~~
 143 ~~apparatus; gymnastic and sporting articles; decorations for~~
 144 ~~Christmas trees.~~

145 ~~29. Class 29 Meat, fish, poultry and game; meat extracts;~~
 146 ~~preserved, frozen, dried and cooked fruits and vegetables;~~
 147 ~~jellies, jams, compotes; eggs; milk and milk products; oils and~~
 148 ~~fats for food.~~

149 ~~30. Class 30 Coffee, tea, cocoa and artificial coffee;~~
 150 ~~rice; tapioca and sago; flour and preparations made from~~

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151 ~~cereals; bread, pastries and confectionery; edible ices; sugar,~~
152 ~~honey, treacle; yeast, baking powder; salt; mustard; vinegar,~~
153 ~~saucers (condiments); spices; ice (frozen water).~~

154 ~~31. Class 31 Raw and unprocessed agricultural,~~
155 ~~aquacultural, horticultural and forestry products; raw and~~
156 ~~unprocessed grains and seeds; fresh fruits and vegetables, fresh~~
157 ~~herbs; natural plants and flowers; bulbs, seedlings and seeds~~
158 ~~for planting; live animals; foodstuffs and beverages for~~
159 ~~animals; malt.~~

160 ~~32. Class 32 Beers; mineral and aerated waters and other~~
161 ~~non-alcoholic beverages; fruit beverages and fruit juices;~~
162 ~~syrops and other preparations for making beverages.~~

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

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

165 ~~(b) Services:~~

166 ~~1. Class 35 Advertising; business management; business~~
167 ~~administration; office functions.~~

168 ~~2. Class 36 Insurance; financial affairs; monetary~~
169 ~~affairs; real estate affairs.~~

170 ~~3. Class 37 Building construction; repair; installation~~
171 ~~services.~~

172 ~~4. Class 38 Telecommunications.~~

173 ~~5. Class 39 Transport; packaging and storage of goods;~~
174 ~~travel arrangement.~~

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

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176 ~~7. Class 41 Education; providing of training;~~
 177 ~~entertainment; sporting and cultural activities.~~

178 ~~8. Class 42 Scientific and technological services and~~
 179 ~~research and design relating thereto; industrial analysis and~~
 180 ~~research services; design and development of computer hardware~~
 181 ~~and software.~~

182 ~~9. Class 43 Services for providing food and drink;~~
 183 ~~temporary accommodation.~~

184 ~~10. Class 44 Medical services; veterinary services;~~
 185 ~~hygienic and beauty care for human beings or animals;~~
 186 ~~agriculture, horticulture and forestry services.~~

187 ~~11. Class 45 Legal services; security services for the~~
 188 ~~physical protection of tangible property and individuals;~~
 189 ~~personal and social services rendered by others to meet the~~
 190 ~~needs of individuals.~~

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

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

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

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

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

199 Section 2. Section 495.0315, Florida Statutes, is created
 200 to read:

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201 495.0315 Online application for registration.—
 202 (1) The department shall establish and maintain a secure
 203 Internet website that allows an applicant to submit an online
 204 trademark registration application in accordance with ss.
 205 495.031 and 495.035 and a renewal application in accordance with
 206 s. 495.071. The website must safeguard the applicant's
 207 information to ensure data integrity and allow the applicant to:
 208 (a) Provide an electronic version of a required specimen
 209 of use.
 210 (b) Provide an electronic version of a drawing of the
 211 mark.
 212 (c) Pay the fee required by s. 495.191.
 213 (d) Complete the verification required by s. 495.031(5).
 214 (2) The department shall make the online application
 215 system required by this section available no later than December
 216 31, 2027.
 217 Section 3. Subsections (5) and (6) of section 495.031,
 218 Florida Statutes, are amended to read:
 219 495.031 Application for registration.—
 220 (5) Every application under this section shall be signed
 221 and verified by the applicant or by a member of the firm or an
 222 officer or other authorized representative of the business
 223 entity applying. Verification must be made in accordance with s.
 224 92.525 and may be accomplished electronically in compliance with
 225 ss. 668.001-668.006.

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226 (6) Every paper application under this section shall be
227 accompanied by three specimens or facsimiles showing the mark as
228 actually used. Every online application under this section must
229 be accompanied by an electronic copy of a specimen, complying
230 with the requirements of the department, showing the mark as
231 actually used.

232 Section 4. This act shall take effect July 1, 2026.