



## Ohio Revised Code

### Section 1329.55 Limitations on trademark or service mark registration.

Effective: July 29, 1998

Legislation: House Bill 579 - 122nd General Assembly

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A trademark or service mark by which the goods or services of any applicant for registration may be distinguished from the goods or services of others shall not be registered if it consists of or comprises any one or more of the following:

(A) Immoral, deceptive, or scandalous matter;

(B) Matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt or disrepute;

(C) The flag or coat of arms or other insignia of the United States, or of any state or municipality, or of any foreign nation, or any simulation thereof;

(D) The name, signature, or portrait of any living individual, except with the individual's written consent;

(E) A mark which:

(1) When applied to the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of them;

(2) When applied to the goods or services of the applicant is primarily geographically descriptive or deceptively misdescriptive of them;

(3) Is primarily merely a surname; provided, that nothing in division (E) of this section shall prevent the registration of a mark used in this state by the applicant which has become distinctive of the applicant's goods or services. The secretary of state may accept as evidence that the mark has become distinctive, as applied to the applicant's goods or services, proof of substantially exclusive and continuous use thereof as a mark by the applicant in this state or elsewhere for the five years



next preceding the date of the filing of the application for registration.

(F) A trademark or service mark which so resembles a trademark or service mark registered in this state or a trademark, service mark, corporate name, limited liability company name, limited liability partnership name, limited partnership name, or trade name previously used in this state by another and not abandoned, as likely, when applied to the goods or services of the applicant, to cause confusion or mistake or to deceive;

(G) A trademark or service mark which so resembles a trademark or service mark registered in the United States patent office by another and not abandoned, as to be likely, when applied to the goods or services of the applicant, to cause confusion or mistake or to deceive; provided, that should the applicant prove that the applicant is the owner of a concurrent registration in the United States patent office of the applicant's trademark or service mark covering an area including this state, the applicant may register the applicant's trademark or service mark in accordance with this section.