

(3) Consists of or comprises 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; or

(4) Consists of or comprises the name, signature or portrait of any living individual, except with his written consent; or

(5) Consists of a mark which, (a) when applied to the goods *or services* of the applicant, is merely descriptive or deceptively misdescriptive of them, or (b) when applied to the goods *or services* of the applicant is primarily geographically descriptive or deceptively misdescriptive of them, or (c) is primarily merely a surname provided, however, that nothing in this paragraph 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 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; or

(6) Consists of or comprises a **[trade-mark] mark** which so resembles a **[trade-mark] mark** registered in this State or a **[trade-mark] mark** or trade name previously used in this State 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.

92.

(a) Subject to the limitations set forth in this subheading, any person who adopts and uses a **[trade-mark] mark** in this State may file in the office of the Secretary of State, on a form to be furnished by the Secretary of State, an application for registration of that **[trade-mark] mark** setting forth, but not limited to, the following information:

(1) The name and business address of the person applying for such registration; and, if a corporation, the state of incorporation,

(2) The goods *or services* in connection with which the mark is used and the mode or manner in which the mark is used in connection with such goods *or services* and the class in which such goods *or services* fall,

(3) The date when the **[trade-mark] mark** was first used anywhere and the date when it was first used in this State by the applicant or his predecessor in business, and

(4) A statement that the applicant is the owner of the **[trade-mark] mark** and that no other person has the right to use such **[trade-mark] mark** in this State either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

(c) The application shall be accompanied by a specimen or facsimile of such **[trade-mark] mark** in triplicate.

93.

(a) Upon compliance by the applicant with the requirements of this subheading, the Secretary of State shall cause a certificate of registration to be issued and delivered to the applicant. The certifi-