

901:4-6-03

**Application, registration, licensure, and market categories.**

(A) Persons wishing to participate in the Ohio proud program shall:

(1) Apply to the director of agriculture for a license on the forms provided by the department, ~~providing~~ provide all of the information required on the forms and any additional information if requested ~~by the director~~;

(2) Submit to the ~~department~~ director:

(a) A product registration application for each product they will market in conjunction with the logotype providing all of the information requested on the forms and any additional information requested by the director; and,

(b) A signed license agreement; and,

(c) The actual employment or a facsimile of the actual employment of the logotype in complete content; and

(d) The product registration fee set by rule 901:4-6-05 of the Administrative Code; and,

(e) If requested, samples of products with which the logotype will be used.

(B) Upon compliance with paragraphs (A)(1), and (A)(2) ~~(A)(2)(a), (A)(2)(b), (A)(2)(c), (A)(2)(d), and (A)(2)(e)~~ of this rule, and approval ~~by the director~~ of the actual employment of the logotype, and approval ~~of~~ the product for marketing in conjunction with the logotype, ~~the director shall issue~~ a license to the applicant, register the product, and approve the employment of the logotype will be issued. ~~Approval shall be given and a product registered if the proposed employment of the logotype and the product meet the requirements of rules 901:4-6-01 to 901:4-6-06 of the Administrative Code and the license agreement.~~

(C) ~~Registration of each~~ Each product registered under this rule shall expire on December 31 of each calendar year. To continue use of the logotype in conjunction with a product, registration must be renewed and the registration fee paid within thirty days immediately preceding the expiration date.

~~(D)~~ (D) Products, whose registration is not renewed, may, if in the channel of distribution at expiration date, continue to be marketed in conjunction with the logotype until either sold or otherwise removed from the channel of distribution, or for one year, whichever occurs first. Products which have not been sold or otherwise removed

from the channel of distribution at the end of the one year period must discontinue use of the logotype or withdrawn from distribution.

~~(2) Products which have not been sold or otherwise removed from the channel of distribution at the end of one year must either be withdrawn from the channel of distribution or discontinue use of the logotype in conjunction with marketing of the product.~~

~~(D)~~(E) Upon expiration of a product registration or termination of a license agreement, subject only to paragraphs (C)(1) and (C)(2) of this rule, except as provided in paragraph (D) of this rule, the licensee shall cease any and all use of the logotype ~~and any other confusingly similar marks~~ in conjunction with those products for which the registration has expired or the license been terminated.

~~(E)~~(F) The director of agriculture shall designate market categories for products ~~in accordance with, so far as he deems applicable, the Standard Industrial Classification Code,~~ and publish a schedule of the market categories and products within each market category.

Effective: 02/19/2008

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CERTIFIED ELECTRONICALLY

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Certification

02/05/2008

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Date

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