City of Carroll

112 E. 5th Street Carroll, Iowa 51401-2799 (712) 792-1000 FAX: (712) 792-0139

MEMO TO: Honorable Mayor and City Council Members

FROM: Mike Pogge-Weaver, City Manager MJP-W

DATE: February 20, 2019

SUBJECT: Application for Registration of Mark for "Merchants Park"

The Carroll Athletic Association is trademarking the "Carroll Merchants" name to protect that name now and into the future. As part of that process they have prepared a trademark application for the City Council to consider for "Merchants Park".

In simple terms, the purpose of a trademark is to prevent unfair competition by protecting the use of a symbol, word, logo, slogan, design, domain name, etc. that uniquely distinguishes the goods or services of an organization.

Carroll Athletic Association has paid for the preparation of the application and will pay all fees associated with its registration.

RECOMMENDATION: Mayor and City Council should consider adoption of a resolution approving the application for registration of mark for "Merchants Park"

1869 Carroll 2019 150 YEARS

RESOLUTION NO. _____

A RESOLUTION APPROVING AN APPLICATION FOR REGISTRATION OF MARK FOR "MERCHANTS PARK"

WHEREAS, Chapter 17, of the Code of Ordinances of the City of Carroll, Iowa, provides that all contracts made by the City be approved by the City Council by resolution; and

WHEREAS, the Application for Registration of Mark for "Merchants Park" with the Secretary of State of the State of Iowa is attached hereto as Exhibit "A"; and

WHEREAS, it is determined that the approval of the attached Application for Registration of Mark for "Merchants Park" is in the best interest of the City of Carroll, Iowa;

NOW, THEREFORE, BE IT RESOLVED that the Registration of Mark for "Merchants Park" with the Secretary of State of the State of Iowa, attached as Exhibit "A", be authorized and approved, and that the Mayor and City Clerk are authorized to execute the contract on behalf of the City of Carroll.

PASSED AND APPROVED by the City Council of the City of Carroll, Iowa, this 25th day of February, 2019.

CITY COUNCIL OF THE
CITY OF CARROLL, IOWA

BY:_____
Eric P. Jensen, Mayor

ATTEST:

By:_____
Laura A. Schaefer, City Clerk

PAUL D. PATE
Secretary of State
State of Iowa

Application for Registration of Mark

One actual facsimile or specimen of mark must accompany this application

Pursuant to *Iowa Code* Chapter 548, the undersigned applies for registration of a trademark or service mark entitled to registration under this chapter in the state of Iowa.

READ THE INSTRUCTIONS CAREFULLY BEFORE STARTING THE APPLICATION.

All items must be completed before the application will be considered. Attach additional pages as needed to provide the requested information. Other documents or materials may also be attached to support the application.

1. Name of applicant: City of Carroll, Iowa

2. Business address of applicant: 112 E. 5th Street, Carroll, Iowa 51401

3. The applicant is (check one):

- [ ] an individual
- [ ] a corporation
- [ ] a partnership
- [x] other (please specify) Municipality

3a. If a corporation or other business entity, the state of incorporation or registration: Iowa

3b. If the applicant is a partnership, the state in which the partnership is organized:

The names of the general partners:

4. The type of business engaged in by the applicant:

Government Municipality

5. Goods or services with which the proposed mark is to be attached:

baseball stadium

6. The class number and title of the good or service (only one class per application):

107 Education and Entertainment

7. Manner in which the proposed mark will be used in conjunction with the good or service:

"Merchants Park" is the name of the baseball stadium

8. A complete description of the mark:

The word "Merchants Park"

(continued on the reverse)

9. Any components of the mark which the applicant disclaims exclusive use:

10. Date of first use by applicant or applicant's predecessor in interest (must be at least one time prior to this filing):

In Iowa: 12/31/1949

Anywhere (specify where and the date):

11. Has an application to register the mark, or portions or a composite of the mark, been filed in the United States Patent and Trademark Office by the applicant or a predecessor in interest? (check one):

☐ YES ☑ NO

If "YES", please state:

Date of filing:

Serial Number of application:

Status of application:

Has application been refused?: ☐ YES ☐ NO

Has otherwise not resulted in registration: ☐ YES ☐ NO

Reason:

12. If the proposed mark has acquired a secondary meaning so that if the mark would otherwise be unregisterable, it could still be considered for registration, explain how the secondary meaning developed and attach any documents or evidence to support the existence of the secondary meaning.

I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the preceding is true and correct, that applicant is the owner of the mark, that the mark is in use, and that, to the knowledge of the applicant and the person verifying the application, no other person has registered, either federally or in this state, or has the right to use such mark either in the identical form or in such resemblance to the form as to be likely, when applied to the goods or services of such other person, to cause confusion or mistake, or to deceive.

Signed _____ Title _____

Date _____

NOTES:

1. The application fee is $10.00. Make checks payable to SECRETARY OF STATE
2. The information you provide will be open for public inspection under *Iowa Code* section 22.11

SECRETARY OF STATE
Business Services Division
Lucas Building, 1st Floor
Des Moines, IA 50319

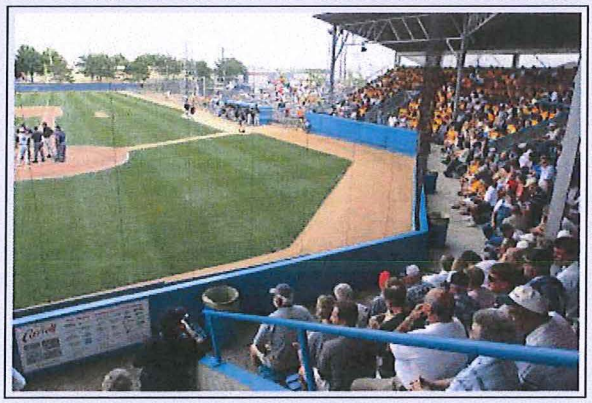
Phone: (515) 281-5204
FAX: (515) 242-5953
Website: sos.iowa.gov

← Recreation

Merchants Park

The Park

Constructed in 1949, Carroll Merchants Park has a rich history with America's greatest pastime. The diamond originally hosted Carroll's first semi-pro baseball team, the Merchants, from the late 1940s and the early 1950s. Merchants Park later served as a venue for the Iowa high school state baseball championship from the 1990s until 2005. Merchants Park now hosts a Merchants baseball team that plays in the Pioneer Collegiate Baseball League.



The Merchants' Beginnings

The Carroll Merchants were originally founded by Bill Farner, who was also the president of the Iowa State League. The semi-professional team help produce Major League Baseball players such as Johnny Blanchard and Sammy Esposito. Johnny Blanchard won two World Series rings while playing for the New York Yankees. After Sammy Esposito played for the Merchants he went on to have a successful Major League Career with White Sox.

The Merchants Today

In 2015 Carroll saw the return of the Merchants, not as a semi-pro team but as a summer collegiate the M.I.N.K. League. In 2016, the Merchants were a part of the inaugural season for the newly formed Corn Belt Summer Collegiate Baseball League consisting of four teams in the Omaha area and three from western Iowa. For the 2017 season, the Merchants became a part of the Pioneer

Collegiate Baseball League. The league provides a venue for college players that want to develop their skills to enter the Major League Baseball Amateur Draft.

Follow The Merchants

Mailing Address:
PO Box 307
Carroll, IA 51401

Physical Address:
407 West 5th Street
Carroll, IA 51401

Phone: 712-792-4383
Fax: 712-792-4384
Email: chamber@carrolliowa.com

Office Hours:
8:30 am - 5:00 pm

Website Privacy Policy

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