



NUCOR Fastener
FQA Registered Insignia #1714991

The IFI has been asked many times about the requirements for applying a manufacturer's identification mark and how to go about registering a mark. Below are the simple rules and guides on these subjects.

Manufacturer's identification rules

Many people have the misconception that the Fastener Quality Act (FQA) requires product marking. What the FQA requires is that fasteners which are made to recognized government or industry standards must comply with the requirements of those standards. If the standard requires marking then to be in compliance with the FQA the parts must be marked.

An example of this is SAE J429 Grade 5 bolts versus ASTM A574 for socket head cap screws. All standard parts sold with the grade 5 mark of three radial lines at 120 degrees apart must also bare a mark identifying the manufacturer. On the other hand, according to ASTM A574 socket head cap screws that are through hardened to a higher strength level than grade 5 are not required to have a manufacturer's mark on them.

The standard, marked grade 5 bolts are non-compliant to SAE J429 thus non-compliant to the FQA if no manufacturer's identification mark is present on the parts. An interesting point about the FQA is that since socket head cap screws made to ASTM A574 do not require a grade mark they are not even subject to the FQA under any circumstances. The FQA applies to fasteners only when ALL of the following requirements are met:

1. The parts are made to recognized government or industrial standard.
2. The parts are made of steel.
3. The part's nominal size is ¼ inch or 6 millimeters or larger.
4. The parts have either internal or external threads.
5. The standard the parts are made to requires a grade mark on the parts.
6. The parts are NOT produced in a factory registered to ISO 9000, TS 16949, AS9100, or some other recognized quality system. Parts made in factories which are registered to a recognized quality system are exempt from all requirements of the FQA.

All of the above conditions must be true before the FQA applies. Lacking any of these requirements the parts are NOT covered by the FQA.

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Manufacturer's mark registration not required for most fastener suppliers

Manufacturers that are registered to ISO 9000 or another recognized quality system is NOT required to register their insignia with the PTO. Only if the factory making the parts are making the parts to a government or industry standard which does have internal or external threads, is made of steel, and ¼ inch (M6) or larger but is NOT registered to a recognized quality system MUST register their identification mark on the FQA Insignia Registration list in the US Patents and Trademarks Office (PTO).

Most fastener plants around the world today, which are producing steel grade marked fasteners, are registered to one or more of the recognized quality systems. Most are registered to ISO 9000. Those fastener manufacturers do NOT have to register their manufacturer's mark anywhere, with anyone. That said, I recommend all fastener suppliers register their mark in two places. Doing so makes the company seem more credible to customers and having a registered mark saves a lot of time that might otherwise be spent arguing with a customer who insists it is a legal and/or standards requirement to have a registered mark.

Registered trademark

First, manufacturers should contact an intellectual property attorney and formally file for a registered trademark with the PTO. This is a relatively simple process. The mark design is given to the attorney who does the following:

1. Conducts a trademark search to determine if the mark has been registered by another firm previously. If the mark has been registered and the registration fees have been maintained, that mark cannot be registered to another party. In that case the manufacturer will have to develop a unique stylized mark. Many artists can be found through an internet search who make a business of designing trademarks for modest fees.
2. After a mark is determined not to be in conflict with any other mark, the attorney fills out the application form and sends it to the PTO with a nominal application fee.
3. Examiners at the PTO review the application and the mark. If they do not find a conflict with another mark they will issue a "Registered Trademark".

This process can take up to a year and cost up to \$2500. The process of getting a registered trademark has become much more competitive in recent years through services offered over the internet.

FQA Insignia Registration

Secondly, fastener manufacturers should register their mark with the PTO specifically on the ***FQA Insignia Registration*** list. Individual companies can do this without the aid of an attorney. The web site for obtaining the form and application instructions is <http://www.uspto.gov/web/offices/tac/fqa/trdmk103.pdf>

The form is filled out and submitted to PTO with a \$20 registration fee. This has to be renewed every five years. Registered marks are listed on the FQA Insignia Registration List that is updated about once every twelve months. The list of registered marks can be viewed at <http://www.uspto.gov/web/offices/tac/fqa/active.pdf> . If you do not have a stylized mark to register the PTO will issue a four character alpha-numeric number you can use as your unique identification mark.

A document containing the list of FQA registered manufacturer's insignias and the mark registration form are also available from the IFI online store at www.indfast.org .

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Registration is also good protection

When a fastener is involved in a product failure, people start looking for someone to sue. If you supply products to a customer who uses more than one vendor you want to quickly be able to determine if your products are really the ones involved or not. A registered manufacturer's identification mark is a good way to distinguish your fasteners from another vendor. Some fastener manufacturers make it a practice of marking all of the fasteners they produce even when the standards do not require it. This practice always enables them to clearly determine if their products are the ones in question when a customer complaint occurs.

In short, it is seldom a requirement for a fastener manufacturer to formally register their manufacturer's mark, but it is a good practice to do so. The place to register marks is at the United States Patent and Trademark Office (PTO).

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