

IMPORTANT INFORMATION - PLEASE READ

The Secretary of State's Office registers and renews trademarks and service marks in the State of South Carolina. Applications may be sent by mail or submitted in person at the Secretary of State's Office.

Please mail your completed application, specimens and payment to: South Carolina Secretary of State's Office
Attn: Trademarks Division
1205 Pendleton Street, Suite 525
Columbia, SC 29201

The Secretary of State's Office cannot offer legal advice. If you have a legal question about this application or about trademarks and service marks generally, you should seek counsel with a licensed attorney.

FEE NOTICE

Application fees submitted to the Secretary of State's Office with a trademark or service mark application are not refundable, as provided under S.C. Code § 39-15-1185.

Checklist for submission of a trademark or service mark application:

- Application must be completed in its entirety and signed by the applicant.
- Application must include the proper filing fee.
 - The fee for a new application is \$15.00 per class selected.
 - The fee for a renewal application, regardless of the number of classes already registered with the SC Secretary of State, is \$5.00; however, if the applicant seeks to add additional classes that were not previously registered, then the applicant must submit new applications for those classes along with a \$15.00 fee for each new class. The list of classes to choose from are listed in the last two pages of this application packet.
 - Payment may be made by cash, check, or money order made payable to the SC Secretary of State's Office. The exact fee amount must be provided as we cannot provide change for payment. Starter checks are not accepted.
 - All application fees are nonrefundable.
- Application must have three (3) specimens (examples of the mark in use) attached.
 - Examples of acceptable specimens are listed in paragraph 11 of the application.

Rejected applications:

If the Trademarks Division rejects an application, the applicant may amend the application within thirty (30) days. In some instances, amendments may be made to the application by the Division with the applicant's written consent, or the applicant may be required to submit an amended application. If an application is rejected, the Division will inform the applicant of the reasons for rejection, and the applicant will have thirty (30) days from the date of the initial rejection to amend the application and resubmit it to the Division. Please note that if the application is not successfully amended within this thirty (30) day period, then the application will be deemed to have abandoned pursuant to S.C. Code § 33-15-1120. Any resubmitted or subsequent application submitted more than thirty (30) days after the date of the initial rejection must be accompanied by a separate application fee.

Conflicting marks:

It is the responsibility of the Applicant to confirm that the mark the Applicant intends to file is not already in use. To view a current listing of marks registered with the state of South Carolina, please go to <https://sos.sc.gov/services-and-filings/trademarks>. To search federally registered marks, go to www.uspto.gov and select "Trademarks." For questions regarding federal registration of trademarks and service marks, please call 1-800-786-9199.

If you would like a stamped copy of your application returned to you, you must provide one additional copy of the application and a self-addressed stamped envelope. Please mail your application using a tracking method to confirm delivery of the application.

State of South Carolina
Application for Registration of a Trademark or Service Mark

Part 1: Type of Application

- ☐ New mark: \$15.00 for each class provided in question #8 Check only one: ☐ Trademark **OR** ☐ Service Mark
- ☐ Renewal of existing mark: \$5.00 flat fee for application
- Renewals may be filed up to six (6) months prior to the expiration date.
- Renewals received after the expiration date are considered a new mark and will require the \$15.00 fee for each class.

Part 2: Applicant Information and Mark

1. Name of Applicant: _____

Only one individual or business entity may be the owner of a mark. Do not list more than one individual or business entity. Please note that the applicant name must match the applicant type noted in question 2.

2. Applicant is: ☐ an individual or sole proprietor
- Choose only one. ☐ a corporation duly organized under the laws of the State of
 ☐ South Carolina or ☐ State: _____
- ☐ a limited liability company duly organized under the laws of the State of
 ☐ South Carolina or ☐ State: _____
- ☐ a partnership duly organized under the laws of the State of
 ☐ South Carolina or ☐ State: _____
- Names of General Partners: _____
- ☐ other _____

Please note that the applicant type must match the applicant name noted in question 1. For example, applicant John Smith would be an individual or sole proprietor, while ABC Company, Inc. would be a corporation.

3. Applicant's principal place of business address:

4. Applicant's mailing address (if different):

5. Describe the look of the mark, including any wording and/or graphics: _____

If you are registering a word mark only, simply provide the word(s) you wish to register. If the mark includes a logo or image, the description should include instructions on the placement of the design elements and any wording. The description you enter for question 5 must match exactly the mark as it appears on the specimens you provide. Variations of a mark are considered separate marks that would require separate trademark or service mark applications.

6. What are the actual goods or services being provided in connection with the mark? (For example, a realtor applying for a service mark may list "real estate services." A fashion designer applying for a trademark may list "clothing.") _____

7. What is the mode or manner in which the mark is used? (For example, a realtor may use the service mark on signs and business cards. A fashion designer may apply a trademark to labels attached to clothing.) _____

Additional examples of how marks may be used are provided in paragraph 11. Because trademarks and service marks require separate applications, goods and services cannot be combined in answer to question 7. Specimens provided should show one or more of the ways the mark is used as listed here.

8. The class(es) in which the goods or services fall: _____

Please make your selection of classes from the "Classes of Goods and Services" attached to this application. Trademark classes are listed under Section 39-15-1150(B), while service mark classes are listed under Section 39-15-1150(C). Trademark and service mark classes cannot be combined in answer to question 8; only trademark classes can be listed on a trademark application, and only service mark classes can be listed on a service mark application. You must choose a specific class(es) for your application in order for it to be accepted. Each class selected increases the required fee by \$15.00.

9. The mark, with respect to the goods or services identified above, was first used by applicant or predecessor in interest as follows (include month, day, and year):

Date of first use anywhere: ____/____/____
month day year

Date of first use in South Carolina: ____/____/____
month day year

Both blanks must be completed, and dates must include the month, day, and year. The date of first use cannot be a future date because the mark must already be in use before it can be registered. The date of first use anywhere may or may not be the same as the date of first use in South Carolina.

10. Has the Applicant, or any predecessor in interest, ever filed an application to register this mark or portions of this mark or a composite of this mark with the **United States Patent and Trademark Office**? ☐ YES ☐ NO

This question DOES NOT relate to previous filings and registrations with the South Carolina Secretary of State's Office.

If you answered "YES", please list the filing date, serial number and status of each application with the United States Patent and Trademark Office. If an application was finally refused registration or has otherwise not resulted in registration, please state the reason for this: _____

11. You must submit three (3) specimens (examples) of the mark as actually used in trade with this application. These can be three different examples or three identical specimens. The specimens must match the description of the mark in your answer to question 5 of this application. If specific colors are claimed as a part of the mark, the specimens provided must be in color. **Please remember that the mark must currently be in use prior to registration. Computer generated images and printer's proofs are not acceptable specimens for either trademarks or service marks.**

The following specimens (examples) are acceptable for a trademark:

- 3 photographs of the goods that show use of the mark on the goods; OR
- 3 tags or labels for the goods; OR
- 3 photos of containers for the goods; OR
- 3 photos of a display associated with the goods.

Please note that letterhead, business cards, or invoices are not acceptable examples for a trademark.

The following specimens (examples) are acceptable for a service mark:

- 3 actual business cards showing the mark in connection with the service; OR
- 3 photos of a sign; OR
- 3 original brochures about the service (including menus); OR
- 3 actual advertisements for the service (including advertisements from newspapers or magazines); OR
- 3 color print-outs of the mark used on the applicant's Website, including the URL; OR
- 3 photographs of a billboard or other form of advertising for which originals cannot physically be provided.

Part 3: Declaration of Ownership

Applicant herewith declares that he/she has read the above and foregoing application and knows the contents thereof and that the facts set out herein are true and correct, that the three (3) specimens of the mark submitted are true and correct, that the applicant is the owner of the mark, and that the mark is in use. Additionally, to the knowledge of the person verifying this application, no other person has registered this mark either federally or in this State, or has the right to use this mark in its identical form or in near resemblance as to be likely, when applied to the goods or services of another person, to cause confusion or to cause mistake or to deceive.

By signing this form, the Applicant is agreeing to all of the language in the "Declaration of Ownership," and affirming that all information given is truthful under penalty of perjury pursuant to the laws of South Carolina and the United States of America.

Signature of Applicant

Printed Name of Applicant

Title (if signing on behalf of an entity)

Telephone Number

Date

Email Address

NOTE: THE ACCEPTANCE OF A TRADEMARK OR SERVICE MARK FOR REGISTRATION BY THE OFFICE OF THE SECRETARY OF STATE PROVIDES THE OWNER WITH A RIGHT TO USE SUCH MARK IN THE STATE OF SOUTH CAROLINA ON THE GOODS OR SERVICES IDENTIFIED IN THE REGISTRATION APPLICATION. HOWEVER, THE OFFICE OF THE SECRETARY OF STATE IS NOT REQUIRED TO SEARCH OTHER STATE OR FEDERAL REGISTRATIONS, INTERNET DOMAIN NAMES OR OTHER COMMON LAW (UNREGISTERED) USERS; THEREFORE, RIGHTS GRANTED BY THIS REGISTRATION MAY BE AFFECTED OR PREEMPTED BY PRIOR USE OR OTHER REGISTRATION OF THE MARK.

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You may contact the Trademarks Division of the Secretary of State's Office at trademarks@sos.sc.gov.

Classes of Goods and Services

[for use in completing question (8) of the application]

The classes listed below are set forth in Section 39-15-1150(B) and (C) of the South Carolina Code of Laws. If the application for a mark includes goods or services that fall under multiple classes, **the application fee will be \$15.00 for each class selected**. If the same mark is to be used as both a trademark and a service mark, the applicant must submit a separate application for the trademark and service mark and include the applicable classes for each on the corresponding application.

Trademark Classes—Section 39-15-1150(B)

(1) chemical products used in industry, science, photography, agriculture, horticulture, forestry; artificial and synthetic resins; plastics in the form of powders, liquids, or pastes for industrial use; manures (natural and artificial); fire extinguishing compositions; tempering substances and chemical preparations for soldering; chemical substances for preserving foodstuffs, tanning substances, adhesive substances used in industry;

(2) paints, varnishes, lacquers; preservatives against rust and against deterioration of wood, coloring matters, dyestuffs, mordants, natural resins; metals in foil and powder form for painters and decorators;

(3) bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices;

(4) industrial oils and greases (other than oils and fats and essential oils); lubricants; dust laying and absorbing compositions; fuels (including motor spirit) and illuminants; candles, tapers, night lights, and wicks;

(5) pharmaceutical, veterinary, and sanitary substances; infants' and invalids' foods; plasters, material for bandaging; material for stopping teeth, dental wax, disinfectants; preparations for killing weeds and destroying vermin;

(6) unwrought and partly wrought common metals and their alloys, anchors, anvils, bells, rolled and cast building materials, rails and other metallic materials for railway tracks, chains (except driving chains for vehicles), cables and wires (nonelectric), locksmiths' work; metallic pipes and tubes; safes and cash boxes, steel balls; horseshoes; nails and screws; other goods in nonprecious metal not included in other classes; ores;

(7) machines and machine tools; motors (except for land vehicles); machine couplings and belting (except for land vehicles); large size agricultural implements; incubators;

(8) hand tools and instruments; cutlery, forks, and spoons; side arms;

(9) scientific, nautical, surveying and electrical apparatus and instruments (including wireless), photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; coin or counterfeited apparatus; talking machines; cash registers; calculating machines; fire extinguishing apparatus;

(10) surgical, medical, dental, and veterinary instruments and apparatus (including artificial limbs, eyes and teeth);

(11) installations for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply, and sanitary purposes;

(12) vehicles; apparatus for locomotion by land, air, or water;

(13) firearms; ammunition and projectiles; explosive substances; fireworks;

(14) precious metals and their alloys and goods in precious metals or coated therewith (except cutlery, forks, and spoons); jewelry, precious stones, horological and other chronometric instruments;

(15) musical instruments (other than talking machines and wireless apparatus);

(16) paper and paper articles, cardboard and cardboard articles; printed matter, newspaper and periodicals, books; bookbinding material; photographs; stationery, adhesive materials (stationery); artists' materials; paint brushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus); playing cards; printers' type and clichés (stereotype);

(17) gutta percha, india rubber, balata and substitutes, articles made from these substances and not included in other classes; plastics in the form of sheets, blocks and rods, being for use in manufacture, materials for packing, stopping, or insulating; asbestos, mica and their products; hose pipes (nonmetallic);

(18) leather and imitations of leather, and articles made from these materials and not included in other classes; skins, hides; trunks and traveling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery;

- (19) building materials, natural and artificial stone, cement, lime, mortar, plaster and gravel; pipes of earthenware or cement; roadmaking materials; asphalt, pitch and bitumen, portable buildings; stone monuments; chimney pots;
- (20) furniture, mirrors, picture frames; articles (not included in other classes) of wood, cork, reeds, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, celluloid, substitutes for all these materials, or of plastics;
- (21) small domestic utensils and containers (not of precious metals, or coated therewith); combs and sponges, brushes (other than paint brushes); brushmaking materials, instruments and material for cleaning purposes, steel wool; unworked or semi-worked glass (excluding glass used in building); glassware, porcelain and earthenware, not included in other classes;
- (22) ropes, string, nets, tents, awnings, tarpaulins, sails, sacks, padding and stuffing materials (hair, kapok, feathers, seaweed, etc.); raw fibrous textile materials;
- (23) yarns, threads;
- (24) tissues (piece goods); bed and table covers; textile articles not included in other classes;
- (25) clothing (including boots, shoes, and slippers);
- (26) lace and embroidery, ribands, and braid; buttons, press buttons, hooks and dyes, pins and needles; artificial flowers;
- (27) carpets, rugs, mats, and matting; linoleum and other materials for covering existing floors; wall hangings (nontextile);
- (28) games and playthings; gymnastic and sporting articles (except clothing); ornaments and decorations for Christmas trees;
- (29) meats, fish, poultry, and game; meat extracts; preserved, dried, and cooked fruits and vegetables; jellies, jams; eggs, milk, and other dairy products; edible oils and fats; preserves, pickles;
- (30) coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes; flour and preparations made from cereals; bread, biscuits, cakes, pastry, and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard, pepper, vinegar, sauces, spices; ice;
- (31) agricultural, horticultural, and forestry products and grains not included in other classes; living animals; fresh fruits and vegetables; seeds; live plants and flowers; foodstuffs for animals, malt;
- (32) beer, ale, and porter; mineral and aerated waters and other nonalcoholic drinks; syrups and other preparations for making beverages;
- (33) wines, spirits, and liqueurs;
- (34) tobacco, raw, or manufactures; smokers' articles; matches.

Service Mark Classes—Section 39-15-1150(C)

- (1) advertising and business;
- (2) insurance and financial;
- (3) construction and repair;
- (4) communication;
- (5) transportation and storage;
- (6) material treatment;
- (7) education and entertainment;
- (8) miscellaneous.