

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 allow two (2) weeks for the processing of your application.

Trademark and service mark applications must be completed in their entirety prior to being submitted to the Secretary of State's Trademarks Division. **If you have any questions regarding submission of a trademark or service mark application, you should seek counsel from a licensed attorney. The Trademarks Division acts solely in an administrative capacity and cannot provide legal advice to customers.**

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 www.sos.sc.gov/trademark. 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.

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.

Any fee submitted with an application will not be refunded in the event of refusal or abandonment of the application. Upon the filing of a trademark or service mark application and payment of the application fee, the Trademarks Division will examine the application. If the Trademarks Division determines that the mark is not entitled to registration, the Trademarks Division will notify the applicant of the reasons why the application was denied. The applicant will then have fifteen (15) days to amend and resubmit the application. If the applicant fails to amend and resubmit the application within fifteen (15) days, then the application will be deemed abandoned and the application fee forfeited. Any subsequent application must be accompanied by a separate application fee.

Instructions for Registration of a Trademark or Service Mark

This application must be filled out completely, signed, and notarized. Incomplete applications will be rejected and returned to the applicant. **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.**

The following notes correspond to the each part of the application, beginning on the first page of the application.

Part 1: Type of Application

- **Check whether the Trademark/Service Mark Application is "New" or a "Renewal."**
New - If you are submitting a trademark or service mark application for a new mark, check "New." The fee for registering a new mark is \$15.00 per class (for example, if you are submitting an application for a mark in three classes, the fee will be \$45.00.) Classes are defined in the following "Classes of Goods and Services" pages.
Renewal - If you are renewing an active mark that has already been registered with our office, check "Renewal." Renewal applications are \$5.00 regardless of the number of classes, and may be filed up to six (6) months prior to the expiration date.
- **Check Trademark OR Service Mark.** You may check only one per form. If you are applying for a trademark and a service mark, you must submit two (2) separate applications. Trademarks and service marks offer the same level of protection; one is simply for goods and the other is for services.

A **trademark** is a word, name, symbol, or device and/or combination of these used by a person to identify and distinguish the **products or goods** of that person from those manufactured and sold by others, and to indicate the source of the goods, even if that source is unknown [S.C. Code of Laws §39-15-1105(9)].

A **service mark** is a word, name, symbol, or device and/or combination of these used by a person to identify and distinguish the **services provided** by one person, including a unique service, from the services of others and to indicate the source of the services. Titles, character names used by a person, and other distinctive features of radio or television programs, motion pictures, newspapers, or magazines may be registered as service marks notwithstanding that they or the programs may advertise the goods of the sponsor [S.C. Code of Laws §39-15-1105(7)].

Part 2: Applicant Information and Mark

- (1) **Name of Applicant.** The Applicant is the **owner** of the mark. The Applicant can be an individual, corporation, limited liability company, partnership, association, or other person. Only one individual or business entity may be the owner of a mark.
- (2) **Applicant's principal place of business address.** This does not have to be a South Carolina address.
- (3) **If the Applicant has a business address in South Carolina, enter that address here.** If the address is the same as the address in number 2, enter "same." If the Applicant does not have a business address in South Carolina, enter "none."
- (4) **Check the box that corresponds to the type of Applicant.** Your answer to question (4) must match the entity given in answer to question (1). If the applicant is a corporation, partnership, or limited liability company, please enter the state in which the entity was organized.
- (5) **Describe the mark.** The description should include any wording and/or design elements if claimed. For example, if you are registering a service mark that includes the company name with logo, your description should state the company name and a complete description of the "look" of the logo. The description should include instructions on the placement of the words with the logo. If you are registering a word mark only, simply provide the word(s) you wish to register. **The description you enter for question (5) must match exactly the mark as it appears on the specimens you provide.**
- (6) **Actual goods or services with which the mark will be used.** For example, if you are submitting an application for a logo that will be used on a line of clothing, you will state that the trademark will be used on "clothing." If you are submitting an application for a service mark for a plumbing service, you will state that the "service is a plumbing service."
- (7) **Mode or manner in which you will use the mark.** If you are registering a trademark to be used on clothing, you may wish to state that the "mark will be directly applied to the goods," or that it will be "used on tags or labels attached to the clothing." If you are registering a service mark that is your business name, you may wish to state that the mark will be used for "letterhead, business cards, advertising, pens, or Website." Because trademarks and service marks require separate applications, goods and services cannot be combined in answer to question (7). Goods and products are classed as trademarks; services offered are classed as service marks.
- (8) **Class(es) in which the good/service falls.** Please see the list of "Classes of Goods and Services" on page (4) of this form. If you are registering a trademark, you will use the classes found in **S.C. Code of Laws §39-15-1150(B)**. If you are registering a service mark, you will use the classes found in **S.C. Code of Laws §39-15-1150(C)**. Please note that applicants selling clothing for profit should complete a trademark application, and applicants using clothing as uniforms to indicate services provided should complete a service mark application. There will be a **\$15.00 fee for each class** that you indicate in this space. **Since the applicant must submit separate applications for a trademark and service mark, trademark and service mark classes cannot be combined in answer to question (8).**

(9) **Date of first use.** Both blanks must be completed, and dates must include the **month, day, and year. A mark must be currently in use before it can be registered.**

(10) **Registration with the United States Patent and Trademark Office (USPTO)** - If you have ever submitted an application to register any portion of this mark with the USPTO, please check “yes.” If so, you must provide complete information regarding the filing date, serial number, and status of each application. If the application was refused or was not registered for some other reason, please explain. If you have never submitted an application to the USPTO for this mark, check “no.”

(11) **Specimens** - Three specimens of the mark as actually used in trade must be submitted with this application. The specimens must reflect the mark as described in answer to question (5) of this application. If specific colors are being claimed as a part of the mark, the specimens must be in color. Please submit three (3) identical specimens that show the mark as actually used in trade. ***Please note that letterhead, business cards, or invoices are not acceptable specimens for a trademark. Computer generated images and printer’s proofs are not acceptable specimens for either trademarks or service marks.***

The following specimens are acceptable for a trademark:

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

The following specimens are acceptable for a service mark:

- 3 actual business cards or pieces of letterhead showing the mark in connection with the service; OR
- 3 identical photos of a sign; OR
- 3 original brochures about the service (including menus); OR
- 3 advertisements for the service (including advertisements from newspapers or magazines); OR
- 3 color print-outs of the mark used on the applicant’s Website; OR
- 3 identical photographs that show the mark as used in advertising the service (e.g. photos of a billboard).

Part 3: Declaration of Ownership

Signature and Notarization - The Applicant (owner of the mark) must sign the application and include his or her printed name, title, telephone number and date. **The Applicant must complete the Declaration of Ownership in the presence of a notary public. The date that the Applicant signs the form and the date on which the form is notarized MUST BE THE SAME.** 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.

Submit the completed application, the proper filing fee, and three (3) identical specimens to the address below. If you would like a stamped copy of your application returned to you, you must provide one additional copy of the application. Payment may be made by cash or check made payable to the SC Secretary of State’s Office. **Do not mail cash.** If you are hand delivering the registration and paying with cash, **you must have the exact amount.** Starter checks are not accepted by the office.

Please mail your completed application, specimens and payment to:

**South Carolina Secretary of State
Attn: Trademarks Division
1205 Pendleton Street, Suite 525
Columbia, SC 29201**

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 counterfreed 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 cliches (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.

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

Part 1: Type of Application

New mark: \$15.00 per class Check one: Trademark **OR** Service Mark
 Renewal of existing mark: \$5.00 flat fee for application (Trademarks/Service Marks cannot be combined on same form)

Part 2: Applicant Information and Mark

1. Name of Applicant: _____

2. Applicant's principal place of business address: _____

3. Applicant's place of business address in South Carolina, if any: _____

4. Applicant is: an individual or sole proprietor
 a corporation duly organized under the laws of the State of _____
 a limited liability company duly organized under the laws of the State of _____
 a partnership duly organized under the laws of the State of _____
Names of General Partners: _____
 other _____

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

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

The mark described must be present on the three (3) identical specimens submitted with the application.

6. The actual goods or services in connection with which the mark is used (*for example, a social club, heating repair services, perfume, BBQ sauce*): _____

7. The mode or manner in which the mark is used (*please see paragraphs (7) and (11) of the instructions for additional information*): _____

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

Please make your selection of classes from the "Classes of Goods and Services" provided in the instructions. Trademark classes are listed under Section 39-15-1150(B), while service mark classes are listed under Section 39-15-1150(C).

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

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

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

11. Please enclose three (3) original, identical specimens showing the mark as actually used in promoting the product, good or service (for example, three (3) identical brochures OR three (3) identical photos of a T-shirt). The specimens must reflect the mark as described in answer to question (5) of this application. **Letterhead, business cards, or invoices are not acceptable specimens for a trademark. Computer generated images and printer's proofs are not acceptable specimens for a trademark or a service mark.**

The following specimens are acceptable for a trademark:

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

The following specimens are acceptable for a service mark:

- 3 actual business cards or pieces of letterhead showing the mark in connection with the service; OR
- 3 identical 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; OR
- 3 identical photographs that show the mark as used in advertising the service (example: a photograph of a billboard).

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.

Do not complete the "Declaration of Ownership" until you are in the presence of a notary public. Please note that the "Notary" date and the "Signature" date must be the same; if not, the application will be rejected.

Sworn to and subscribed before me

this _____ day of _____, 20_____.

Signature of Notary

Notary Public of State of _____

My Commission Expires: _____

Signature of Applicant

Printed Name of Applicant

Title

Telephone Number

Date

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 AND 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.

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**