

~TRADEMARK/SERVICE MARK APPLICATION (15 U.S.C. §§ 1051, 1126(d)&(e))~

**NOTE: The following form complies with the provisions of the Trademark Law Treaty Implementation Act (TLTIA) and the fee increase effective January 10, 2000.**

**BASIC INSTRUCTIONS**

The following form is written in a “scannable” format that will enable the U.S. Patent and Trademark Office (USPTO) to scan paper filings and capture application data automatically using optical character recognition (OCR) technology. Information is to be entered next to identifying data tags, such as <DATE OF FIRST USE IN COMMERCE>. OCR software can be programmed to identify these tags, capture the corresponding data, and transmit this data to the appropriate data fields in the Trademark databases, largely bypassing manual data entry processes.

Please enter the requested information in the blank space that appears to the right of each tagged (< >) element. However, do not enter any information immediately after the section headers (the bolded wording appearing in all capital letters). If you need additional space, first, in the space provided on the form, enter “See attached.” Then, please use a separate piece of paper on which you first list the data tag (e.g., <LISTING OF GOODS AND/OR SERVICES>), followed by the relevant information. Some of the information requested *must* be provided. Other information is either required only in certain circumstances, or provided only at your discretion. **Please consult the “Help” section following the form for detailed explanations as to what information should be entered in each blank space.**

To increase the effectiveness of the USPTO scanners, it is recommended that you use a typewriter to complete the form.

For additional information, please see the *Basic Facts about Trademarks* booklet, available at <http://www.uspto.gov/web/offices/tac/doc/basic/>, or by calling the Trademark Assistance Center, at 703-308-9000. You may also wish to file electronically, from <http://www.uspto.gov/teas/index.html>.

**MAILING INFORMATION**

Send the completed form, appropriate fee(s) (made payable to “The Commissioner of Patent and Trademarks”), and any other required materials to:

Box New App  
Fee  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

The filing fee for this application is \$325.00 *per class* of goods and/or services. You must include at least \$325.00 with this application; otherwise the papers and money will be returned to you. Once your application meets the minimum filing date requirements, this processing fee becomes **non-refundable**. This is true even if the USPTO does not issue a registration certificate for this mark.

You may also wish to include a self-addressed stamped postcard with your submission, on which you identify the mark and list each item being submitted (e.g., application, fee, specimen, etc.). We will return this postcard to you, stamped with your assigned serial number, to confirm receipt of your submission.

**~TRADEMARK/SERVICE MARK APPLICATION (15 U.S.C. §§ 1051, 1126(d)&(e))~**

~To the Assistant Commissioner for Trademarks~

**<APPLICANT INFORMATION>**

<Name>

<Street>

<City>

<State>

<Country>

<Zip/Postal Code>

<Telephone Number>

<Fax Number>

<e-mail Address>

**<APPLICANT ENTITY INFORMATION>~Select only ONE~**

<Individual: Country of Citizenship>

<Corporation: State/Country of Incorporation>

<Partnership: State/Country under which Organized>

<Name(s) of General Partner(s) & Citizenship/Incorporation>

<Other Entity Type: Specific Nature of Entity>

<State/Country under which Organized>

**<TRADEMARK/SERVICE MARK INFORMATION>**

<Mark>

<Typed Form>~Enter YES, if appropriate~

~**DISPLAY THE MARK** that you want to register on a separate piece of paper (even if simply a word(s)). Please see additional **HELP instructions.**~

**<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>**

<Use in Commerce: Section 1(a)>~Applicant is using or is using through a related company the mark in commerce on or in connection with the below-identified goods and/or services (15 U.S.C § 1051(a)).~

<International Class Number(s)>

<Listing of Goods and/or Services>~List in ascending numerical class order. Please see sample in **HELP instructions.**~

<Date of First Use Anywhere>

<Date of First Use in Commerce>

~Submit one (1) **SPECIMEN** for each international class showing the mark as used in commerce.~

<**Intent to Use: Section 1(b)**>~Applicant has a bona fide intention to use or use through a related company the mark in commerce on or in connection with the below-identified goods and/or services (15 U.S.C. § 1051(b)).~

<International Class Number(s)>

<Listing of Goods and/or Services>~List in ascending numerical class order. Please see sample in HELP instructions.~

<**Foreign Priority: Section 44(d)**>~Applicant has a bona fide intention to use the mark in commerce on or in connection with the below-identified goods and/or services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. § 1126(d).~

<International Class Number(s)>

<Listing of Goods and/or Services>~List in ascending numerical class order. Please see sample in HELP instructions.~

<Country of Foreign Filing>

<Foreign Application Number>

<Date of Foreign Filing>

<**Foreign Registration: Section 44(e)**>~Applicant has a bona fide intention to use the mark in commerce on or in connection with the below-identified goods and/or services based on registration of the mark in applicant's country of origin.~

<International Class Number(s)>

<Listing of Goods and/or Services>~List in ascending numerical class order. Please see sample in HELP instructions.~

<Country of Foreign Registration>

<Foreign Registration Number>

<Foreign Registration Date>

<Foreign Registration Renewal Date>

<Foreign Registration Expiration Date>

~Submit foreign registration certificate or a certified copy of the foreign registration, in accordance with 15 U.S.C. §1126(e).~

**<FEE INFORMATION>**

\$325.00 x <Number of Classes> = <Total Filing Fee Paid>

**<SIGNATURE INFORMATION>**

*~Applicant requests registration of the above-identified mark in the United States Patent and Trademark Office on the Principal Register established by Act of July 5, 1946 (15 U.S.C. § 1051 et seq.) for the above-identified goods and/or services.*

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. § 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.~

~Signature~ \_\_\_\_\_

<Date>

<Name>

<Title>

**<CONTACT INFORMATION>**

<Name>

<Company/Firm Name>

<Street>

<City>

<State>

<Country>

<Zip/Postal Code>

<Telephone Number>

<Fax Number>

<e-Mail Address>

## LINE-BY-LINE HELP INSTRUCTIONS

### APPLICANT INFORMATION

**Name:** Enter the full name of the applicant, i.e., the name of the individual, corporation, partnership, or other entity that is seeking registration. If a joint venture organized under a particular business name, enter that name. If joint or multiple applicants, enter the name of each. If a trust, enter the name of the trustee(s). If an estate, enter the name of the executor(s).

**Street:** Enter the street address or rural delivery route where the applicant is located.

**City:** Enter the city and/or foreign area designation where the applicant's address is located.

**State:** Enter the U.S. state or foreign province in which the applicant's address is located.

**Country:** Enter the country of the applicant's address. If the address is outside the United States, the applicant must appoint a "Domestic Representative" on whom notices or process in proceedings affecting the mark may be served.

**Zip/Postal Code:** Enter the applicant's U.S. Zip code or foreign country postal identification code.

**Telephone Number:** Enter the applicant's telephone number.

**Fax Number:** Enter the applicant's fax number.

**e-Mail Address:** Enter the applicant's e-mail address.

### APPLICANT ENTITY INFORMATION

Indicate the applicant's entity type by entering the appropriate information in the space to the right of the correct entity type. Please note that only one entity type may be selected.

**Individual:** Enter the applicant's country of citizenship.

**Corporation:** Enter the applicant's state of incorporation (or the applicant's country of incorporation if the applicant is a foreign corporation).

**Partnership:** Enter the state under whose laws the partnership is organized (or the country under whose laws the partnership is organized if the partnership is a foreign partnership).

**Name(s) of General Partner(s) & Citizenship/incorporation:** Enter the names and citizenship of any general partners who are individuals, and/or the names and state or (foreign) country of incorporation of any general partners that are corporations, and/or the names and states or (foreign) countries of organization of any general partners that are themselves partnerships. If the applicant is a limited partnership, then only provide the names and citizenship or state or country of organization or incorporation of the general partners.

**Other Entity Type:** Enter a brief description of the applicant's entity type (e.g., joint or multiple applicants, joint venture, limited liability company, association, Indian Nation, state or local agency, trust, estate). The following sets forth the information required with respect to the most common types of "other" entities:

For *joint or multiple applicants*, enter the name and entity type of each joint applicant. Also, enter the citizenship of those joint applicants who are individuals, and/or the state or (foreign) country of incorporation of those joint applicants that are corporations, and/or the state or (foreign) country of organization- and the names and citizenship of the partners- of those joint applicants that are partnerships. The information regarding each applicant should be preceded by a separate heading tag (<APPLICANT INFORMATION>).

For *sole proprietorship*, enter the name and citizenship of the sole proprietor, and indicate the state where the sole proprietorship is organized.

For *joint venture*, enter the name and entity type of each entity participating in the joint venture. Also, enter the citizenship of those joint venture participants who are individuals, and/or the state or (foreign) country of incorporation of those joint venture participants that are corporations, and/or the state or (foreign) country of organization (and the names and citizenship of the partners) of those joint venture participants that are partnerships. The information regarding each entity should be preceded by a separate heading tag (<APPLICANT INFORMATION>).

For *limited liability company or association*, enter the state or (foreign) country under whose laws the entity is established.

For *state or local agency*, enter the name of the agency and the state and/or locale of the agency (e.g., Maryland State Lottery Agency, an agency of the State of Maryland).

For *trusts*, identify the trustees and the trust itself, using the following format: The Trustees of the XYZ Trust, a California trust, the trustees comprising John Doe, a U.S. citizen, and the ABC Corp., a Delaware corporation. (Please note that the trustees, and not the trust itself, must be identified as the applicant in the portion of the application designated for naming the applicant).

For *estates*, identify the executors and the estate itself using the following format: The Executors of the John Smith estate, a New York estate, the executors comprising Mary Smith and John Smith, U.S. citizens. (Please note that the executors, and not the estate itself, must be identified as the applicant in the portion of the application designated for naming the applicant).

**State/Country under Which Organized:** Enter the state or country under whose laws the entity is organized.

#### **TRADEMARK/SERVICE MARK INFORMATION**

**Mark:** A mark may consist of words alone; a design or logo; or a combination of words and a design or logo. However, an application may consist of only *one* mark; separate marks must be filed in separate applications. In this space, enter the word mark in typed form (e.g., THE CAT'S MEOW); or, in the case of a non-word mark or a combination mark, a brief description of the mark (e.g., Design of a fanciful cat or Design of a fanciful cat and the words THE CAT'S MEOW). Do NOT include quotation marks around the mark itself, unless the mark actually features these quotation marks. Also, do NOT include any information related to a "pseudo mark" in this field, because only the USPTO controls this field. If the USPTO determines that a pseudo mark is necessary for your particular mark, it will enter this information in the search system.

**Typed Form:** Enter YES if the mark applied for is in a "typed" format (i.e., if the mark consists of *only* typed words, letters or numbers, and does *not* include any special stylization or design element(s)). Please note that a registration for a mark based on a typed drawing affords protection not only for the typed version of the mark, but for all other renderings of the mark as long as those renderings do not contain any design elements.

**Display the Mark:** Regardless of whether the mark consists of words alone; a design or logo; or a combination of words and a design or logo, submit on a separate piece of paper a display (drawing) of what the mark is.

At the top of the page, include a heading consisting of (1) the applicant's name and address; (2) a listing of the goods and/or services on which or in connection with which the mark is used; and (3) a listing of the basis for filing (and any relevant information related thereto). Then, in the middle of the page, show the mark:

If the mark is to be in a "typed" form, simply type the mark in the middle of the page *in all capital letters*. For a mark in stylized form or design, in the middle of the page display an image of the mark in black and white, in an area no greater than 4x4 inches.

#### **BASIS FOR FILING AND GOODS/SERVICES INFORMATION**

**Use in Commerce:** Section 1(a): Use this section only if you have actually used the mark in commerce or on in connection with *all* of the goods and/or services listed.

**International Class Number(s):** Enter the International Class number(s) of the goods and/or services associated with the mark; e.g., 14; 24; 25. If unknown, leave blank and the USPTO will assign the number(s).

**Listing of Goods and/or Services:** Enter the *specific* goods and/or services associated with the mark. Do NOT enter the broad class number here, such as 9 or 42 (this information belongs in the field above, namely International Class Number(s)). If the goods and/or services are classified in more than one class, the goods and/or services should be listed in ascending numerical class order, with both the class number and the specific goods and/or services. For example, 14: jewelry

24: towels

25: pants, shirts, jackets, shoes

For more information about acceptable wording for the goods/services, see the USPTO's on-line *Acceptable Identification of Goods and Services Manual*, at [http://www.uspto.gov/web/offices/tac/doc/gsmannual/](http://www.uspto.gov/web/offices/tac/doc/gsmmanual/).

**Date of First Use Anywhere:** Enter the date on which the goods were first sold or transported or the services first rendered under the mark if such use was in the ordinary course of trade. For every applicant (foreign or domestic), the date of first use is the date of the first such use *anywhere*, in the United States or elsewhere. Please note this date may be earlier than, or the same as, the date of the first use of the mark in commerce.

**Date of First Use in Commerce:** Enter the date on which the applicant first used the mark in commerce, i.e., in interstate commerce, territorial commerce, or commerce between the United States and a foreign country.

**Specimen:** You must submit one (1) specimen showing the mark as used in commerce on or in connection with any item listed in the description of goods and/or services; e.g., tags or labels for goods, and/or advertisements for services. If the goods and/or services are classified in more than one international class, a specimen must be provided showing the mark used on or in connection with at least one item from each of these classes. The specimen must be flat and no larger than 8½ inches (21.6 cm.) wide by 11.69 inches (29.7 cm.) long.

**Intent to Use:** Section 1(b): Use this section if the applicant only has a bona fide intention to use the mark in commerce in the future as to all or some of the goods and/or services, rather than having actually already made use of the mark in commerce as to *all* of the goods and/or services.

**International Class Number(s):** Enter the International Class number(s) of the goods and/or services associated with the mark; e.g., 14; 24; 25. If unknown, leave blank and the USPTO will assign the number(s).

**Listing of Goods and/or Services:** Enter the *specific* goods and/or services associated with the mark. Do NOT enter the broad class number here, such as 9 or 42 (this information belongs in the field above, namely International Class Number(s)). If the goods and/or services are classified in more than one class, the goods and/or services should be listed in ascending numerical class order, with both the class number and the specific goods and/or services. For example, 14: jewelry

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**Foreign Priority:** Section 44(d): Use this section if you are filing the application within six (6) months of filing the first foreign application to register the mark in a defined treaty country.

**International Class Number(s):** Enter the International Class number(s) of the goods and/or services associated with the mark; e.g., 14; 24; 25. If unknown, leave blank and the USPTO will assign the number(s).

**Listing of Goods and/or Services:** Enter the *specific* goods and/or services associated with the mark. Do NOT enter the broad class number here, such as 9 or 42 (this information belongs in the field above, namely International Class Number(s)). If the goods and/or services are classified in more than one class, the goods and/or services should be listed in ascending numerical class order, with both the class number and the specific goods and/or services. For example, 14: jewelry

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For more information about acceptable wording for the goods/services, see the USPTO's on-line *Acceptable Identification of Goods and Services Manual*, at <http://www.uspto.gov/web/offices/tac/doc/gsmannual/>.

**Country of Foreign Filing:** Enter the country where the foreign application upon which the applicant is asserting a claim of priority has been filed.

**Foreign Application Number:** Enter the foreign application serial number, if available.

**Filing Date of Foreign Application:** Enter the date (two digits each for both the month and day, and four digits for the year) on which the foreign application was filed. To receive a priority filing date, you must file the U.S. application within six (6) months of filing the first foreign application in a defined treaty country.

**Foreign Registration:** Use this section if applicant is relying on a foreign registration certificate or a certified copy of a foreign registration currently in force. You must submit this foreign registration certificate or a certified copy of the foreign registration.

**International Class Number(s):** Enter the International Class number(s) of the goods and/or services associated with the mark; e.g., 14; 24; 25. If unknown, leave blank and the USPTO will assign the number(s).

**Listing of Goods and/or Services:** Enter the *specific* goods and/or services associated with the mark. Do NOT enter the broad class number here, such as 9 or 42 (this information belongs in the field above, namely

International Class Number(s)). If the goods and/or services are classified in more than one class, the goods and/or services should be listed in ascending numerical class order, with both the class number and the specific goods and/or services. For example, 14: jewelry

24: towels

25: pants, shirts, jackets, shoes

For more information about acceptable wording for the goods/services, see the USPTO's on-line *Acceptable Identification of Goods and Services Manual*, at [http://www.uspto.gov/web/offices/tac/doc/gsmannual/](http://www.uspto.gov/web/offices/tac/doc/gsmmanual/).

**Country of Foreign Registration:** Enter the country of the foreign registration.

**Foreign Registration Number:** Enter the number of the foreign registration.

**Foreign Registration Date:** Enter the date (two digits each for both the month and day, and four digits for the year) of the foreign registration.

**Foreign Registration Renewal Date:** Enter the date (two digits each for both the month and day, and four digits for the year) of the foreign registration renewal.

**Foreign Registration Expiration Date:** Enter the expiration date (two digits each for both the month and day, and four digits for the year) of the foreign registration.

### FEE INFORMATION

The filing fee for this application is \$325.00 *per class* of goods and/or services. You must include at least \$325.00 with this application; otherwise the papers and money will be returned to you. Once your application meets the minimum filing date requirements, this processing fee becomes **non-refundable**. This is true even if the USPTO does not issue a registration certificate for this mark.

**Number of Classes:** Enter the total number of classes (*not* the international class number(s)) for which the applicant is seeking registration. For example, if the application covers Classes 1, 5 and 25, then enter the number "3."

**Total Filing Fee Paid:** Enter the fee amount that is enclosed (either in the form of a check or money order in U.S. currency, made payable to "Commissioner of Patents and Trademarks"), or to be charged to an already-existing USPTO deposit account.

### SIGNATURE INFORMATION

**Signature:** The appropriate person must sign the form. A person who is properly authorized to sign on behalf of the applicant is: (1) a person with legal authority to bind the applicant; or (2) a person with firsthand knowledge of the facts and actual or implied authority to act on behalf of the applicant; or (3) an attorney who has an actual or implied written or verbal power of attorney from the applicant.

**Date Signed:** Enter the date the form is signed.

**Name:** Enter the name of the person signing the form.

**Title:** Enter the signatory's title, if applicable, e.g., Vice-President, General Partner, etc.

### CONTACT INFORMATION

Although this may be the same as provided elsewhere in the document, please enter the following required information for where the USPTO should mail correspondence. (Please note that correspondence will *only* be mailed to an address in the U.S. or Canada).

**Name:** Enter the full name of the contact person.

**Company/Firm Name:** Enter the name of the contact person's company or firm.

**Street:** Enter the street address or rural delivery route where the contact person is located.

**City:** Enter the city and/or foreign area designation where the contact person's address is located.

**State:** Enter the U.S. state or Canadian province in which the contact person's address is located.

**Country:** Enter the country of the contact person's address.

**Zip Code:** Enter the U.S. Zip code or Canadian postal code.

**Telephone Number:** Enter the appropriate telephone number.

**Fax Number:** Enter the appropriate fax number, if available.

**e-mail Address:** Enter the appropriate e-mail address, if available.