

## **Instructions for Registration of a Trademark or Service Mark**

**Please read these instructions carefully. All applications must be filled out completely, signed, and notarized. Incomplete applications will not be processed and will be returned to the applicant. The Secretary of State's Office cannot offer legal advice. The following instructions are guidelines to assist you with the completion of the application and should not be considered legal assistance. If you have a legal question about this application or about trademarks and service marks in general, you should consult with your attorney.**

### **Check the box that corresponds to the type of application.**

**Original** - If you are submitting a trademark or service mark application for initial registration, check "original." The fee for registering a mark is \$15.00 per class. (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." Renewals are \$5.00 regardless of the number of classes.

**Assignment** - If you are assigning the rights to the mark to another person, check "assignment." Each assignment is \$3.00.

**Check Trademark OR Service Mark.** You may only check one per form. If you are applying for a Trademark and Service Mark, you must submit separate applications. **Trademarks and Service Marks offer the same level of protection; one is simply for goods and the other is for services.** The word "mark" used throughout these instructions refers to both Trademarks and Service marks.

**Trademark:** a word, name, symbol, or device or any combination of these used by a person to identify and distinguish the **goods** of that person, including a unique product, from those manufactured and sold by others and to indicate the source of the goods, even if that source is unknown. "Trademark" also means, but is not limited to, the symbol, emblem, sign, insignia, or any combination thereof, of the United States Olympic Committee or the International Olympic Committee (S.C. Code of Laws §39-15-1105(9)).

**Service Mark:** a word, name, symbol, or device or any combination of these used by a person to identify and distinguish the **services** of one person, including a unique service, from the services of others and to indicate the source of the services, even if that source is unknown. 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)).

- (1) **Enter the name of the applicant.** The applicant is the owner of the mark. The applicant can be an individual, corporation, limited liability company, partnership, association, or other juristic person.
- (2) **Enter the complete address of the applicant's principal place of business.** 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.** If the applicant is a corporation, partnership, or limited liability company, please enter the state in which the entity was organized.
- (5) **Enter a complete description of the mark.** The description should include any literal 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 have the company name and a complete description 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 or words that you wish to register. The description that you enter in number 5 must match the mark as it appears on the specimens that you provide. The only information entered in number 5 should be language that is part of the description.

- (6) **Enter the 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. The goods or services described in this section should be the same as the class that you designate in number 8. Classes are defined in the following “Classes of Goods and Services” pages.
- (7) **Enter the 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 your Website.
- (8) **Enter the class or classes in which the good or service falls.** Please see the attached Classes of Goods and Services. If you are registering a trademark, you will use the classes found in subsection B. If you are registering a service mark, you will use the classes found in subsection C. Remember, there will be a \$15.00 fee for each class that you indicate in this space.
- (9) **Enter the date that the mark was first used anywhere and the date that the mark was first used in South Carolina.** Both dates must include the month, day, and year. A mark must be in use in the ordinary course of trade in South Carolina before it can be registered.
- (10) **Registration with the United States Patent and Trademark Office** - If you have ever submitted an application to register any portion of the mark with the United States Patent and Trademark Office, please check “yes.” If you check “yes” you must provide complete information regarding the filing date, serial number, and status of each application. If the application was refused registration or was not registered for some other reason, please explain. If you have never submitted an application to the United States Patent and Trademark Office, check “no.”
- (11) **Specimens** - Three specimens of the mark as actually used in trade must be attached to this application. Specimens must be clear and legible. The specimens must reflect the mark as described in number 5 on this application. Please submit three identical specimens (three identical brochures, three identical business cards, three identical labels) that show the mark as actually used in trade.

**The following specimens are acceptable for a trademark:**

- a tag or label for the goods;
- a container for the goods;
- a display associated with the goods;
- a photograph of the goods that show use of the mark on the goods

**\*Letterhead, business cards, or invoices are not acceptable specimens for a trademark.**

**The following specimens are acceptable for a service mark:**

- a sign;
- a brochure about the service (including menus);
- an advertisement for the service (including advertisements from newspapers or magazines);
- a color print-out of the mark used on the applicant’s Website;
- a business card or letterhead showing the mark in connection with the service;
- a photograph that shows the mark as used in advertising the service (example: a photograph of a billboard)

(12) **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 sign the application 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 section. Please read this section carefully to make sure that you understand it completely.

Please submit the completed Application for Registration of a Trademark or Service Mark, the proper filing fee, and three specimens to the proper address below. Do not submit the “Instructions” and “Classes of Goods and Services” attachment with your Application. These should be maintained for your records. If you would like a stamped copy of your Application returned to you, you must provide the office with two copies of the Application.

Payment may be made by check or cash only. Please do not mail cash. If you are hand delivering the registration and paying with cash, you must have the exact amount. The Secretary of State’s Office cannot make change. Starter checks are not accepted by the office.

For Regular Mail:

South Carolina Secretary of State  
Attn: Trademarks Division  
Post Office Box 11350  
Columbia, SC 29211

For FedEx or UPS Delivery:

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

Questions concerning the Application may be directed to Renéé Daggerhart at (803) 734-0629. The Trademarks Division acts in an administrative function only and cannot provide legal advice.

**STATE OF SOUTH CAROLINA**

**APPLICATION FOR REGISTRATION  
OF A TRADEMARK OR SERVICE MARK**

Original: \$15 per mark, per class  
Renewal: \$5  
Assignment: \$3

Check one:  
 Trademark or  Service 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 partnership duly organized under the laws of the State of \_\_\_\_\_

Names of General Partners: \_\_\_\_\_

a Limited Liability Company duly organized under the laws of the State of \_\_\_\_\_

other \_\_\_\_\_

5. Describe the mark, including any literal and/or design elements if claimed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. The actual goods or services in connection with which the mark is used (i.e., shoe laces, cat food, heating repair services, baby-sitting services, etc.): \_\_\_\_\_

\_\_\_\_\_

7. The mode or manner in which the mark is used (i.e., labels, advertisements, brochures, etc.): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. The class(es) in which the goods or services fall (see attached): \_\_\_\_\_

\_\_\_\_\_

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: \_\_\_\_\_ Date of first use in South Carolina: \_\_\_\_\_

10. Has the applicant, or any predecessor in interest, ever filed an application to register the mark or portions of the mark or a composite of the mark with the United States Patent and Trademark Office?

YES  NO

If you answered "YES", please provide the full particulars including 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.

### 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 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 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.

Sworn to and subscribed before me

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public of South Carolina

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
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 DOES NOT 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.

## NOTES

The term "mark" includes a trademark or service mark entitled to registration. The term "trademark" means any word, name, symbol, or device or any combination of these used by a person to identify and distinguish goods of that person, including a unique product, from those manufactured and sold by others and to indicate the source of the goods, even if that source is unknown. The term "service mark" means a word, name, symbol, or device or any combination of these used by a person to identify and distinguish the services of one person, including a unique service, from the services of others and to indicate the source of the services, even if the source is unknown. Titles, character names used by a person, and other distinctive features of radio or television programs, motion picture(s), newspapers, or magazines may be registered as service marks notwithstanding that they or the programs, may advertise the goods of the sponsor.

## CLASSES OF GOODS AND SERVICES

Section 39-15-1150 of the 1976 South Carolina Code of Laws: The general classification of goods and services provided for in subsections (B) and (C) are established for convenience of administration of this article but does not limit or extend the applicant's or registrant's rights, and a single application for registration of a mark may include goods upon which or services with which the mark is actually being used indicating the appropriate class or classes of goods or services. When a single application includes goods or services which fall within multiple classes, the secretary may require payment of a fee for each class. To the extent practical, the classification of goods and services shall conform to the classification adopted by the United State Patent and Trademark Office.

(B) The following is the international schedule of classes of goods:

(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; manure (natural and artificial); fire extinguishing composition; tempering 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, mordant, natural resins; metals in foil 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; dentifrice;

(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 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, ribbons, and braid; buttons, press buttons, hooks, 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 tree;

(29) meats, fish, poultry, and games; 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 cereal; 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.

(C) The following is the international schedule of classes of services:

(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.