**INSTRUCTIONS**

**COMPLETING A TRADEMARK /SERVICE MARK**

**REGISTRATION OR RENEWAL APPLICATION**

You want to register a trademark or service mark – begin by downloading a registration application under Forms at https://www.sos.nc.gov/forms/by\_title/\_trademarks.

The **Trademark Registration Or Renewal Application** consists of 11 enumerated sections in addition to the Official Capacity and Notary sections on the third page. The following are instructions on what information is to be provided in each section of the application when seeking registration of a new mark or renewal of an existing mark.

1. Check the space allotted for an Initial Registration if you’re registering a new mark. Check the space allotted for a Renewal if you’re filing a 10-year renewal of a mark already registered.
2. **Owner/Applicant:** The application to register a mark must be filed by the owner of the mark. In order to claim ownership of a trademark or service mark, the applicant must *control the nature and quality of the goods or services* with which the mark is associated.

Accordingly, list the owner/applicant applying to register the mark.

1. If the applicant is an individual, list the person’s full name only.
2. If the applicant is an incorporated business, list the legal name under which the business is incorporated.
3. If the applicant is an unincorporated business, list the name under which the business is operating.
4. If the applicant is a business operating under another name, list the business name and the “Doing Business As [“DBA”] name.
5. If the applicant is a partnership, list each partner’s full name.
6. If more than one person is applying as the owner of a mark as an “individual”, list each person’s full name.
7. If the applicant is a government institution or a division or department within a government institution, list the name of the government institution rather than the name of a division or department.
8. If the applicant is a foreign corporation [i.e., corporation formed in another state] a Certificate of Authority to transact business in North Carolina must be filed with the North Carolina Department of the Secretary of State, unless the business transactions performed by the foreign corporation in North Carolina are waived pursuant N.C.G.S. § 55-15-01.
9. If the applicant is a foreign corporation that has authorized a related North Carolina business to use its mark in the State, the name of the “related” North Carolina business must be listed on the application with the Owner/Applicant information in number 2. The “related” North Carolina business’s complete, physical address also must be listed on the application.
10. Check the box that accurately identifies the owner/applicant listed in number 2, i.e. an individual, corporation, government, etc.
11. List the owner/applicant’s complete physical business address.

In the spaces for Contact Name, Contact Mailing Address, Telephone [Number] and Contact E-mail, list the full name, complete mailing address, complete telephone number and email address of the person you want the Trademarks Registration Office to contact [orally or through written correspondence] regarding issues relating to the registration of the mark.

1. If the mark is being used and registered as a “trademark”, only complete the information in number five (5). List the complete physical address for where the goods are being made, sold or distributed in North Carolina. Check the applicable box to indicate how the trademark is being used on or in association with the goods.
2. If the mark is being used and registered as a “service mark”, only complete the information in number six (6). List the complete physical address for where the services are being advertised, provided or made available in North Carolina. Check the applicable box to indicate how the service mark is being used in association with the services.
3. There is nothing to complete in this section. However, follow the instructions regarding the submission of three (3) specimens showing how the trademark or service mark is being used in North Carolina.
4. Describe the trademark or service mark.
5. **Standard Character Mark:** A Standard Character Mark contains only words or characters, such as common punctuation (i.e., commas, periods, and exclamation marks, etc.) included in the Standard Character Set. A Standard Character Mark can be used in any font type, style, size or color but it cannot be registered with a claim of those features. Write the words comprising the Standard Character Mark in the allotted space in number eight (8) of the application.

**Note:Underlining**, **superscript**, **subscript** and **exponents**are not acceptable characters within the Standard Character Set.

1. **Design Mark:** A Design Mark can contain only a design or words and a design, which is known as a “composite mark.” Provide a clear, accurate, and concise description of all of the components comprising the mark, similarly as follows:

The mark consists of two curved rectangular shapes with two short marks at each end of the rectangular shapes representing highways that are crossed in the middle with the words "crossroads cars.com" superimposed in the center of the curved rectangular shapes.



1. Describe the goods or services. A clear, accurate, complete and concise description of the goods or an applicant’s primary services must be provided.

* The applicant can list only goods that he/she currently is producing, selling or distributing in North Carolina.
* The applicant can list only services that he/she currently is advertising and providing or have made available in North Carolina.

**Note:** If multiple goods or services are described and listed in number nine (9), the applicant should be prepared to submit a separate specimen that shows use of the applied-for-mark “in use” on each of the goods or in the advertisement of each service.

1. **Class Number and Class Title:**This Office adopted use of the International Classification of Goods and Services on July 1, 2009;the old North Carolina classifications of goods and services are no longer used.

Only one classification of goods or one classification of services can be registered per application.

* If the applicant produces, sells or distributes multiple goods, multiple goods can be listed in number nine (9) but all of the goods must fall under the same Class Number and Title listed in number 10.
* If the applicant provides multiple services, multiple services can be listed in number nine (9) but all of the services must fall under the same Class Number and Title listed in number 10.
* The International Classifications for Goods and Services can be accessed from the Secretary of State’s web site at http://www.sosnc.gov/trademrk/classsearch.aspx; click on the “Search International Classes” link.
* Goods fall under class numbers 1-34.
* Services fall under class numbers 35-45.
* You can search by the name of a good or service or by classification number. If you search by classification number, you must include one (1) zero in front of a double digit class number, such as 016, and include two (2) zeros in front of a single digit class number, such as 006.

1. List the date the applied-for-mark was first used in North Carolina and where it was first used anywhere, such as in another state.

* If the application is submitted in the same month the mark was first used in North Carolina, list the month, day and year.
* If only the year is known, the date will be January 1 of that year.

**Signing the Application:**A personhaving the capacity to legally bind the applicant must sign the application in the Official Capacity section on page three (3).

**Notarization:** The signature of the person signing the application must be notarized, therefore, the application must be signed in the presence of a notary public with an active notary commission in North Carolina or, if being signed and notarized in another state, in the presence of a notary with an active notary commission in that state.