



Secretary of State
Elaine F. Marshall

North Carolina Secretary of State

IT

KB Website Manual

Trademarks Online Services

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About Trademarks Online Services Manual

This manual gives an overview of all the pages and features of the **Trademarks** section of the new KB website. The main uses for the Trademarks web pages are: [Searching for a Trademark](#), [Registering a Trademark](#), [Downloading Forms](#), and [Reporting Counterfeit Trademark Goods](#).

If you would like to go straight to the steps for registering a trademark or service mark, see [How to Register a Trademark](#).

<u>Notaries</u>	<u>Securities</u>	<u>Trademarks</u>	<u>Uniform Commercial Code</u>
Become a notary	For Investors	Register a trademark	File UCC
Renew Notary Commission	For Securities Professionals	Search for a trademark	Search for a UCC
Find A Notary	For Small Business	Download Forms	Search for a federal tax lien
ENotary Appointment	File a Complaint	Counterfeit Trademarks Goods	Download forms
Register of Deeds Services Access	Enforcement News		
Notary Instructor Access	Search Brochures		
Enforcement & Complaints	Check a Securities Registration		



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Trademarks Online Services

The Trademarks Division’s information and services can be found under the **Other Divisions** section of the NC Secretary of State (SOS) website.

Go to the SOS website <https://test.sosnc.gov/>.

Select **Other Divisions > Trademarks**.



Figure 1. Other Divisions > Trademarks

This takes you to the main **Trademarks** page.



Figure 2. Trademarks page

Trademarks

This [Trademarks](#) page contains links and contact information for the Trademarks Division.

A large photo carousel takes up most of the top part of the page along with a description of the Trademarks Division and its mission.

Browse Trademarks

Beneath the photo carousel, you find the following nine box links:

- [Frequently Asked Questions](#)
- [How to Register a Trademark or Service Mark](#)
- [Appeal Process](#)
- [International Classification of Goods](#)
- [International Classification of Services](#)
- [Forms](#)
- [Standard Character Set](#)
- [Search Trademarks](#)
- [Counterfeit Trademarks Enforcement](#)

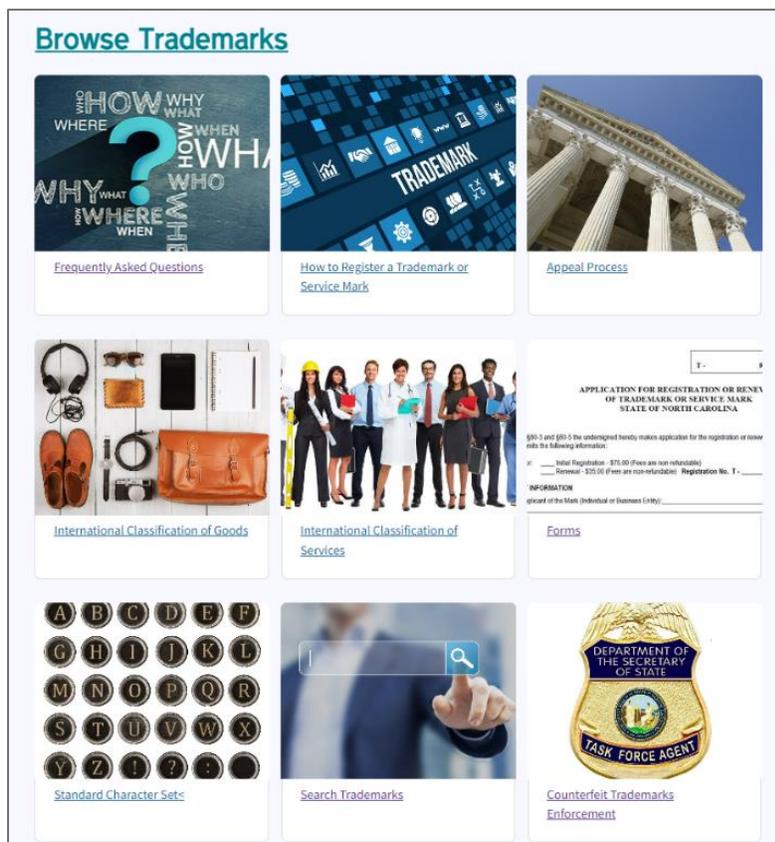


Figure 3. Browse Trademarks box links

Frequently Asked Questions

The [Frequently Asked Questions](#) page is interactive, so once you make your selections in the dropdown menus, the results automatically appear on screen.

[Home](#) > [Trademarks](#) > Frequently Asked Questions

Frequently Asked Questions

We provide this for informational purposes only. It does not constitute legal advice.

Select the Division:

Trademarks

Topic:

All Topics

Sub-Topic:

All Topics

What are the different types of intellectual property?	+
What is a trademark?	+
What is a service mark?	+
What is a copyright?	+
What is a patent?	+
What is a trade secret?	+
What is a specimen?	+
What is a trade name?	+

Figure 4. Frequently Asked Questions page

How to Register a Trademark or Service Mark

This page explains the registration process for obtaining trademarks and service marks. Also, you will find definitions for trademark and service mark as well as links to related resources such as the United States Patent and Trademark Office (“USPTO”) Trademark Electronic Search System (“TESS”), Trademark / Service Mark database, and Business Registration Division database.

The screenshot shows a web page with a breadcrumb trail: Home > Trademarks > How to Register a Trademark or Service Mark. The main heading is 'How to Register a Trademark or Service Mark' in blue, with 'Service Mark' underlined. Below it, it says 'in North Carolina'. The page contains three paragraphs of text defining trademarks and service marks, and a section titled '1. Find Out If the Trademark or Service Mark is Available:'. This section explains that the North Carolina trademark statute prohibits registration of a new mark that is the same or confusingly similar to an existing mark or trade name in use in the state, and lists three databases to search. The first bullet point is 'Trademark / Service Mark database: This Office maintains a database of all “active” trademarks and service marks registered in'. On the right side, there is a 'Browse Trademarks' menu with links to Home, Search, FAQs, How to Register, Appeal Process, International Classification of Goods, International Classification of Services, Forms, Standard Character Set, Counterfeit Enforcement, and Trademark Registration Act.

[Home](#) > [Trademarks](#) > How to Register a Trademark or Service Mark

How to Register a Trademark or Service Mark

in North Carolina

A trademark is any word, name, symbol, or device or any combination thereof adopted and used by a person to identify and distinguish goods made, sold, or distributed by him/her from goods made, sold, or distributed by others.

A service mark is any word, name, symbol, or device or any combination thereof adopted and used by a person in the sale or advertising of his/her services and to identify and distinguish his/her services from the services provided by others.

Create your mark! Decide what words and/or design elements your trademark or service will contain – then perform the following steps to get your mark registered.

1. Find Out If the Trademark or Service Mark is Available:

The North Carolina trademark statute prohibits the registration of a new mark that is the *same or confusingly similar to an existing mark or trade name* that is in use in this State. Therefore, you must perform searches of the following three (3) databases to determine if the mark you want to register is available for registration in North Carolina.

- **Trademark / Service Mark database:** This Office maintains a database of all “active” trademarks and service marks registered in

[Browse Trademarks](#)

- Home
- Search
- FAQs
- How to Register
- Appeal Process
- International Classification of Goods
- International Classification of Services
- Forms
- Standard Character Set
- Counterfeit Enforcement
- Trademark Registration Act

Figure 5. How to Register a Trademark or Service Mark

Appeal Process

The [Registration Appeal Process](#) page describes the process of requesting an appeal.

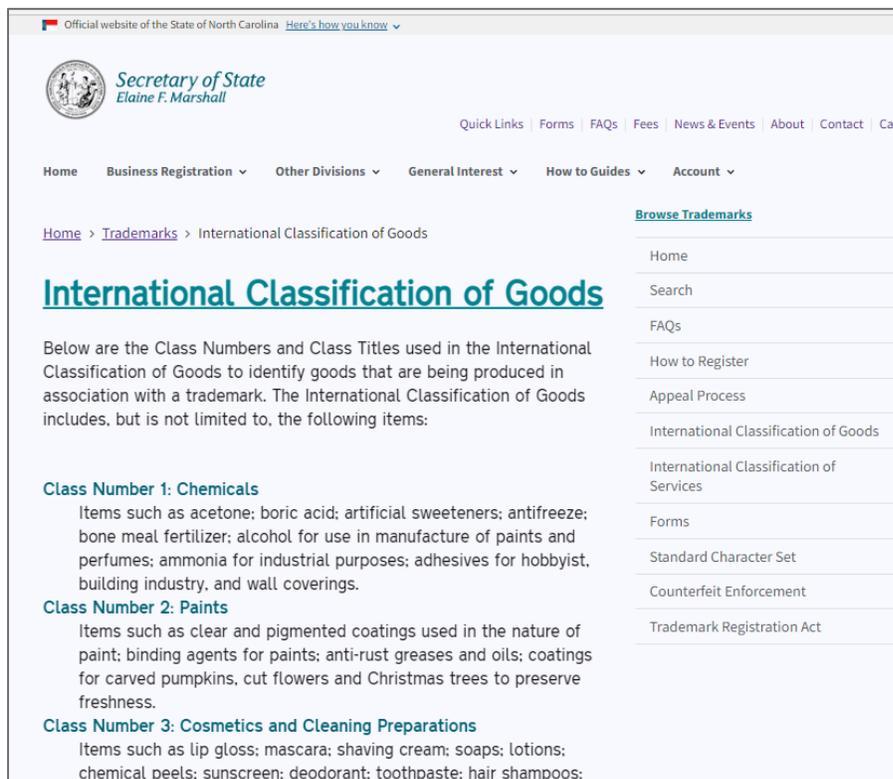


The screenshot shows the 'Registration Appeal Process' page. At the top left, there is a breadcrumb trail: 'Home > Trademarks > Registration Appeal Process'. The main heading is 'Registration Appeal Process' in a large, bold, teal font. Below the heading, there is a paragraph: 'Process for "Request for Reconsideration or Appeal" received from and an applicant and/or his/her counsel:'. This is followed by another paragraph: 'The Registrar of the Trademark (TM) office manages the normal TM review and approval process. Assuming an applicant is denied, and subsequently files a "Request for Reconsideration", the TM Registrar initiates the review process, and analyzes the Request for Reconsideration – evaluating the applicant's case and appeal for reconsideration.' Below this is a bulleted list with three items: 1) 'It is important for the TM Registrar to develop a singular memo to 1) outline the Mark the registrant is trying to register, 2) highlight any relevant points the registrant is making in their own advocacy, and 3) the legal and policy basis for the TM Registrar's recommendation for denial.' 2) 'If the TM Registrar chooses to reverse their original decision, they communicate appropriately with the registrant.' On the right side of the page, there is a vertical navigation menu titled 'Browse Trademarks' with links to: Home, Search, FAQs, How to Register, Appeal Process, International Classification of Goods, International Classification of Services, Forms, Standard Character Set, Counterfeit Enforcement, and Trademark Registration Act.

Figure 6. Registration Appeal Process page

International Classification of Goods

The International Classification of Goods page provides classification information in regards to trademark.



The screenshot shows the 'International Classification of Goods' page. At the top left, there is a banner for the 'Official website of the State of North Carolina' with a link 'Here's how you know'. Below this is the 'Secretary of State Elaine F. Marshall' logo. A navigation bar contains links for 'Quick Links', 'Forms', 'FAQs', 'Fees', 'News & Events', 'About', 'Contact', and 'Cart'. Below the navigation bar is a secondary menu with 'Home', 'Business Registration', 'Other Divisions', 'General Interest', 'How to Guides', and 'Account'. The breadcrumb trail is 'Home > Trademarks > International Classification of Goods'. The main heading is 'International Classification of Goods' in a large, bold, teal font. Below the heading, there is a paragraph: 'Below are the Class Numbers and Class Titles used in the International Classification of Goods to identify goods that are being produced in association with a trademark. The International Classification of Goods includes, but is not limited to, the following items:'. This is followed by three sections: 'Class Number 1: Chemicals' (Items such as acetone; boric acid; artificial sweeteners; antifreeze; bone meal fertilizer; alcohol for use in manufacture of paints and perfumes; ammonia for industrial purposes; adhesives for hobbyist, building industry, and wall coverings.), 'Class Number 2: Paints' (Items such as clear and pigmented coatings used in the nature of paint; binding agents for paints; anti-rust greases and oils; coatings for carved pumpkins, cut flowers and Christmas trees to preserve freshness.), and 'Class Number 3: Cosmetics and Cleaning Preparations' (Items such as lip gloss; mascara; shaving cream; soaps; lotions; chemical peels; sunscreen; deodorant; toothpaste; hair shampoos;). On the right side of the page, there is a vertical navigation menu titled 'Browse Trademarks' with links to: Home, Search, FAQs, How to Register, Appeal Process, International Classification of Goods, International Classification of Services, Forms, Standard Character Set, Counterfeit Enforcement, and Trademark Registration Act.

Figure 7. International Classification of Goods page

International Classification of Services

On this page you find the class numbers and class titles used in the [International Classification of Services](#) to identify services provided in associate with a service mark.

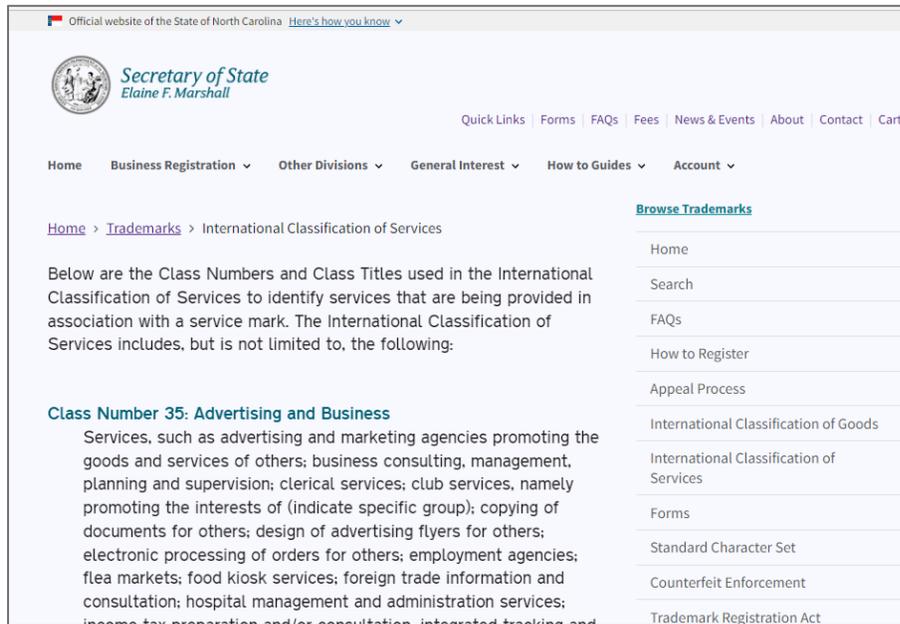


Figure 8. International Classification of Services page

Forms

Select **Other Divisions > Forms**.

This takes you to the [Forms](#) search page that can be used for all divisions in the NC Secretary of State's Office.

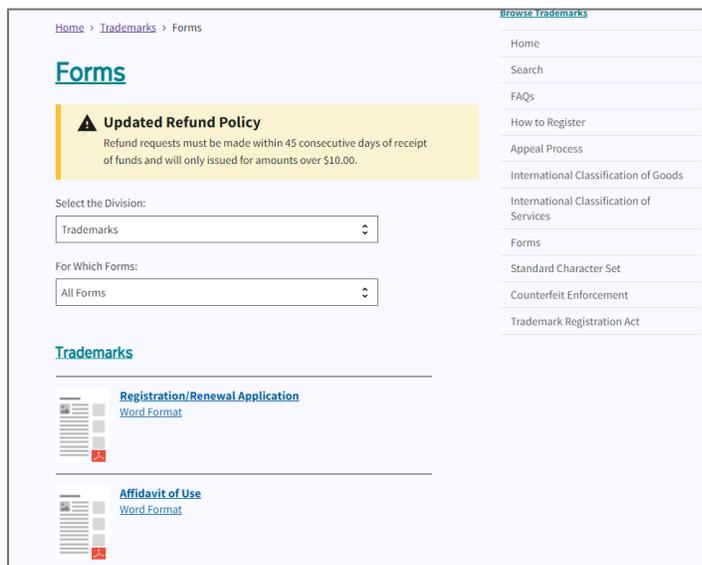
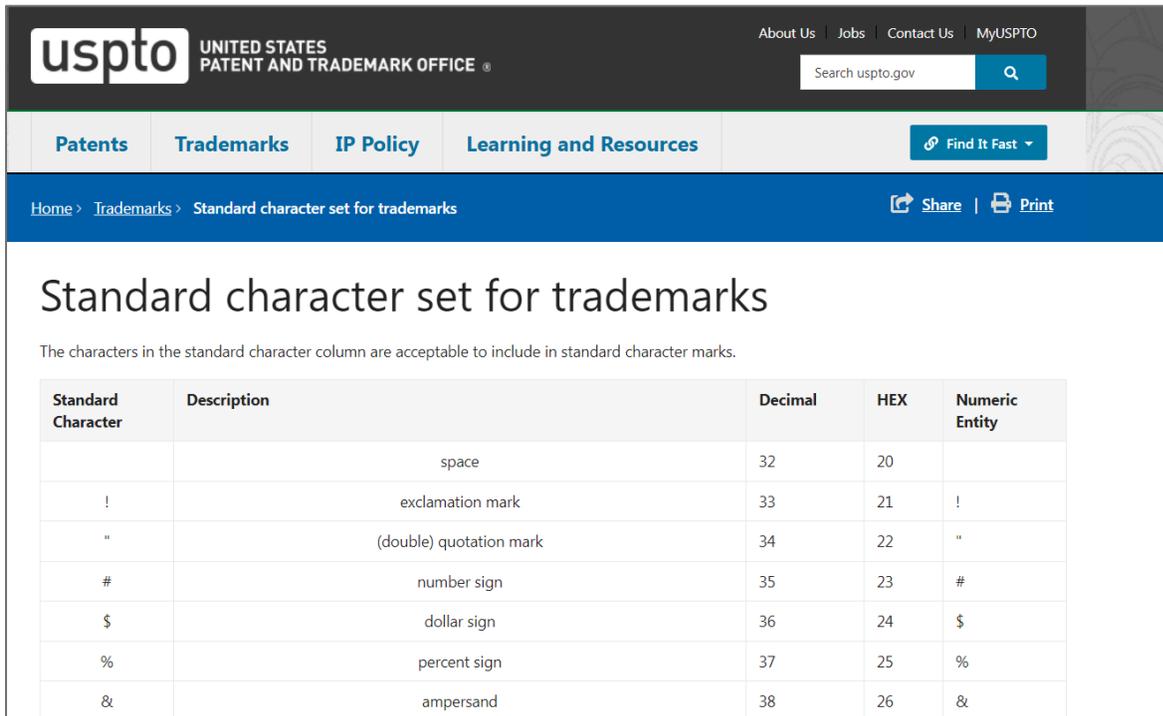


Figure 9. Forms page

Standard Character Set

The [Standard Character Set](#) link takes you to the [United States Patent and Trademark Office](#).



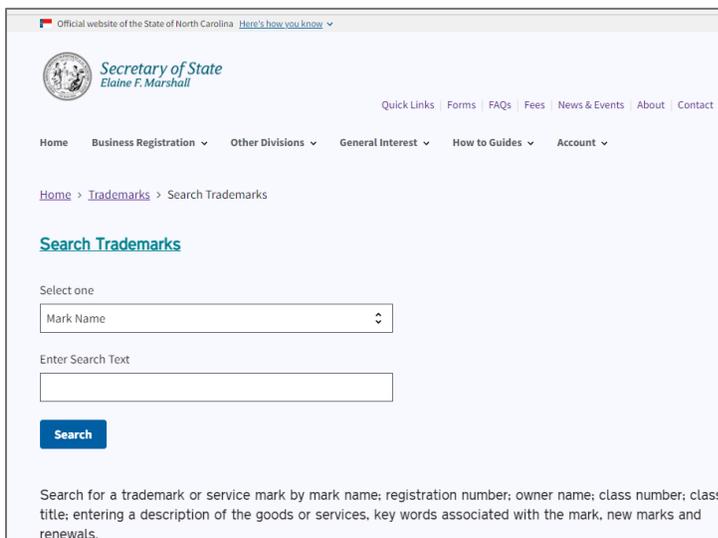
The screenshot shows the USPTO website's "Standard character set for trademarks" page. The header includes the USPTO logo, navigation links (About Us, Jobs, Contact Us, MyUSPTO), and a search bar. The main navigation bar contains "Patents", "Trademarks", "IP Policy", and "Learning and Resources". The breadcrumb trail is "Home > Trademarks > Standard character set for trademarks". The page title is "Standard character set for trademarks". Below the title, a paragraph states: "The characters in the standard character column are acceptable to include in standard character marks." A table follows, listing characters and their corresponding codes.

Standard Character	Description	Decimal	HEX	Numeric Entity
	space	32	20	
!	exclamation mark	33	21	!
"	(double) quotation mark	34	22	"
#	number sign	35	23	#
\$	dollar sign	36	24	\$
%	percent sign	37	25	%
&	ampersand	38	26	&

Figure 10. Standard Character Set page

Search Trademarks

The [Search Trademarks](#) page takes you to a Search Trademarks tool with two dropdown menus and a **Search** button.



The screenshot shows the "Search Trademarks" tool on the North Carolina Secretary of State website. The page header includes the Secretary of State's name, Elaine F. Marshall, and navigation links. The breadcrumb trail is "Home > Trademarks > Search Trademarks". The tool features a "Select one" dropdown menu labeled "Mark Name", an "Enter Search Text" input field, and a "Search" button. Below the form, a paragraph explains the search criteria: "Search for a trademark or service mark by mark name; registration number; owner name; class number; class title; entering a description of the goods or services, key words associated with the mark, new marks and renewals."

Figure 11. Search Trademarks tool

Counterfeit Trademarks Enforcement

The [Counterfeit Trademarks Enforcement](#) page provides information and links about the Counterfeit Trademarks Enforcement section's efforts to protect businesses and consumers by enforcing the counterfeit trademark laws of North Carolina.

Five box links direct you to the following:

- [What We Do](#)
- [Verify Before You Buy!](#)
- [Report Fakes and Counterfeits](#)
- [Links of Interest](#)
- [Statutes](#)

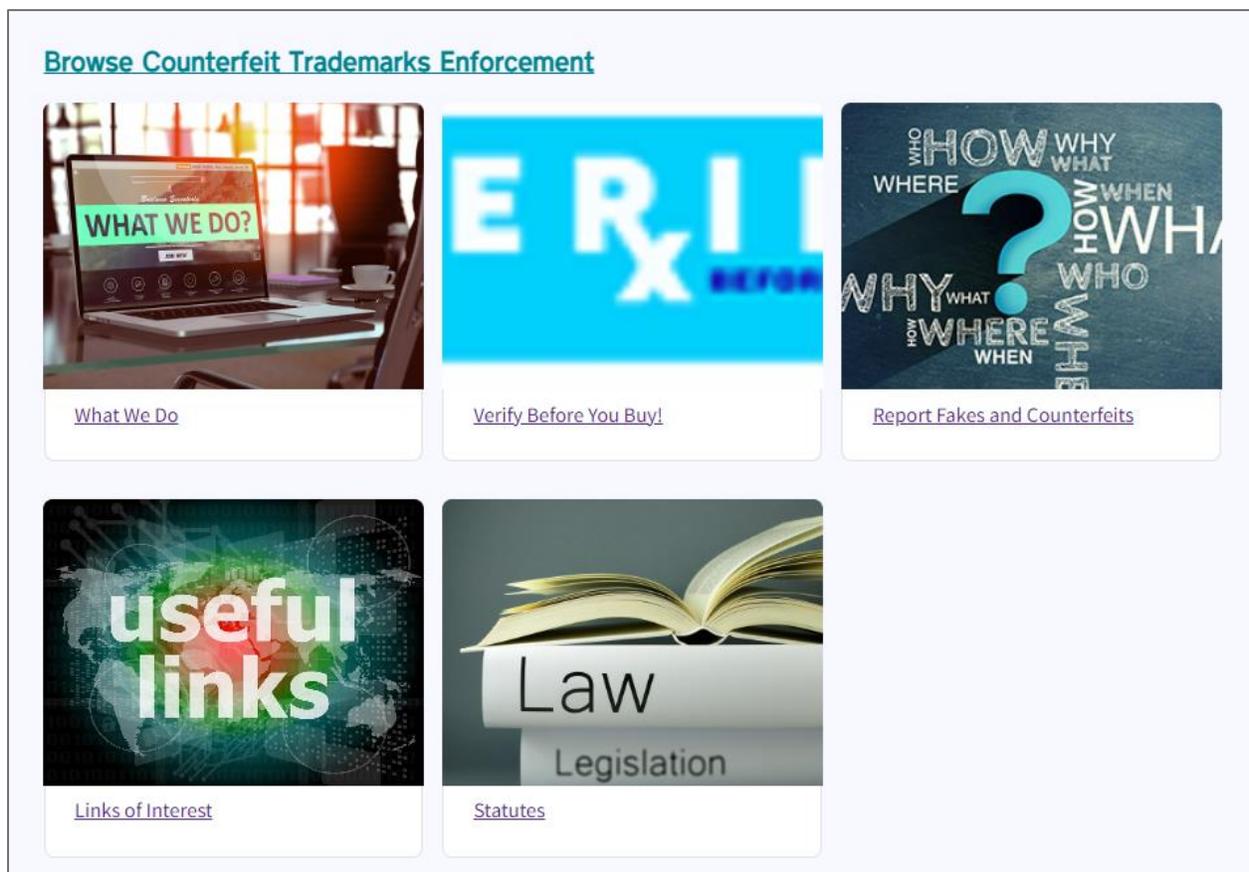


Figure 12. Five box links

Trademarks Menu

Now, that we've explored the Trademarks Division's main page, let's take a look at the menu items listed under Trademarks. The remaining items can be found earlier in this document. Click the links by each header below.

Register a Trademark

For details, click [How to Register a Trademark or Service Mark](#).

Search for a Trademark

For details, click [Search Trademarks](#).

Download Forms

For details, click [Forms](#).

Counterfeit Trademark Goods

For details, click [Counterfeit Trademarks Enforcement](#).

This concludes the overview of the Trademarks Division’s webpage(s). The next section gives users the steps for registering for a new trademark.

How to Register a Trademark

First of all, let’s define trademark and service mark.

★ **Trademark:** any word, name, symbol, or device or any combination thereof adopted and used by a person to identify and distinguish goods made, sold, or distributed by him/her from goods made, sold, or distributed by others.

★ **Service mark:** any word, name, symbol, or device or any combination thereof adopted and used by a person in the sale or advertising of his/her services and to identify and distinguish his/her services from the services provided by others.

Step 1. Find out if the trademark or service mark is available.

The North Carolina trademark statute prohibits the registration of a new mark that is the same or confusingly similar to an existing mark or trade name that is in use in this State.

Search the following three (3) databases to determine if the mark is available for registration in North Carolina.

- [Trademark/Service Mark database](#)
- [Business Registration Division database](#)
- [United States Patent and Trademark Office \(USPTO\) aka. Trademark Electronic Search System \(TESS\)](#)

Step 2. Show “use” of the trademark or service mark by providing 3 specimens.

[N.C.G.S. § 80-3](#) requires applicants to submit three (3) complete, original, current (no more than six [6] months old) specimens of the mark as it currently is being used on its goods or in the sale or advertising of its services.

Why do you need to show “use” of the mark?

N.C.G.S. § 80-3 requires applicants to submit three (3) complete, original, current (no more than six [6] months old) specimens of the mark as it currently is being used on its goods or in the sale or advertising of its services. **In other words, you can’t register for a mark if you can’t show that you’ve already been using it on goods or in sale and advertisements for services.**

So, you need to show “bona fide” use of the mark in the ordinary course of trade. It’s to make sure that you’re not reserving it for later and not using it. You can’t register the mark now with the intent of using it in the future. In other words, you can’t save a mark for a rainy day while preventing others from registering and using it.

Therefore, you must use the mark in commerce in association with the sell or distribution of goods or the sell or advertising of services **before** submitting an application to register a mark to the Trademarks Registration Office.

What qualifies as a specimen of use?

For trademarks:

- The product itself with the “mark” depicted on a label or tag affixed to the goods/products;
- A mark stamping affixed to the goods or containers for the goods;
- A clear photograph showing use of the mark on the goods themselves when both the mark and the complete product are visible;
- A catalog where the entire mark, the goods and purchasing information are positioned together and clearly visible on the page;
- A clear photograph of a display on which the goods are positioned and the entire mark is prominently pictured in close proximity to the goods; and
- A web page printout with the entire mark, goods/products, point-of-sale information and the applicant’s web address clearly visible on the page.

For service marks:

- Business card (with entire “mark” displayed);
- Letterhead (with entire “mark” displayed);
- Newspaper and magazine advertisements depicting the mark (the full-page ad);
- Computer screen printout of the mark in use on the applicant’s web page with the entire mark and applicant’s web address visible on the page;
- Mug, ink pen, pencil, notebook (with entire “mark” displayed)
- Menus, napkins and matchbooks used in restaurants, clubs, and bars (with entire “mark” displayed); and
- Photograph (original and clear) of the entire mark displayed on a sign, billboard, marquis, store, shop, restaurant, medical facility, office building, vehicle, shirt, or cap etc.

Step 3. Read the Frequently Asked Questions before registering.
Check out the [Frequently Asked Questions](#) page.

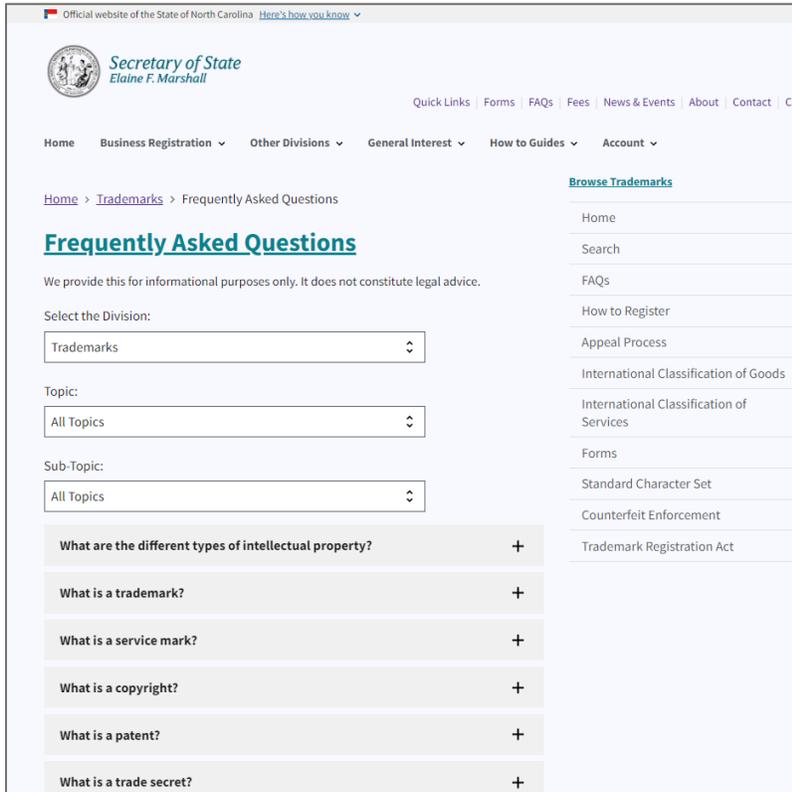


Figure 13. Frequently Asked Questions page

Step 4. Fill out and Sign the Registration/Renewal Application.

Download [Registration/Renewal Application](#). Fill it out. This is for a new application or for a 10-year renewal. [Word format](#).

See [Trademark/Service Mark Forms](#) for more options.

Step 5. Pay \$75 Non-Refundable Filing Fee

Make checks payable to "NC Secretary of State."

Mail payment and application materials to:

North Carolina Department of the Secretary of State
PO Box 29622
Raleigh, NC 27626-0622

Trademark/Service Mark Forms

Forms to use when applying for a trademark or service mark

For new registrations and renewals: Download [Registration/Renewal Application](#). Fill it out. This is for new application or for a 10-year renewal. [Word format](#).

For affidavits due: Download the [Affidavit of Use form](#). Fill it out. This is used if you received an NC SOS notice that the 5-year Affidavit is due. [Word format](#).

For transfer of ownership: Download the [Assignment of Registration of Trademark or Service Mark form](#). Fill it out. This is used if you want to transfer ownership of a mark to another person or business. [Word format](#).

For copies of documents: Download the Request for [Trademark/Service Mark Copies form](#) if you want copies of trademark-related documents. [Word format](#).

Please make checks payable to: "NC Secretary of State."

Source: [How to Register a Trademark or Service Mark \(sosnc.gov\)](#)