



10. INDICATE WHETHER AN APPLICATION TO REGISTER THE MARK, OR PORTIONS, OR A COMPOSITE THEREOF, HAS BEEN FILED BY THE REGISTRANT OR A PREDECESSOR IN INTEREST WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE.

FILING DATE \_\_\_\_\_ SERIAL/FILE NO. \_\_\_\_\_ STATUS OF APPLICATION \_\_\_\_\_

IF REFUSED, WHY? \_\_\_\_\_

CHECK HERE IF THIS ITEM DOES NOT APPLY

11. MANNER IN WHICH THE MARK IS USED (Check all that apply)

**FOR TRADEMARKS ONLY**

**FOR SERVICE MARKS ONLY**

- ON LABELS AND TAGS AFFIXED TO THE GOODS
- ON LABELS AND TAGS AFFIXED TO CONTAINERS OF THE GOODS
- BY PRINTING IT DIRECTLY ONTO THE GOODS
- BY PRINTING IT DIRECTLY ONTO THE CONTAINERS OF THE GOODS
- OTHER \_\_\_\_\_

- ON BUSINESS SIGNS
- ON ADVERTISING BROCHURES
- ON ADVERTISING LEAFLETS
- ON BUSINESS CARDS
- ON LETTERHEADS
- ON MENUS
- OTHER \_\_\_\_\_

12. SPECIMENS (Check one box below and enclose three (3) identical original specimens showing current use of the mark.)

**FOR TRADEMARKS ONLY**

**FOR SERVICE MARKS ONLY**

- ACTUAL LABELS
- ACTUAL TAGS
- PHOTOGRAPHS OF GOODS/CONTAINERS SHOWING THE TRADEMARK
- FRONT PANELS OF A PAPER CONTAINER BEARING THE TRADEMARK
- OTHER \_\_\_\_\_

- BUSINESS CARDS
- ADVERTISING BROCHURES
- ADVERTISING LEAFLETS
- MENUS SHOWING THE MARK
- OTHER \_\_\_\_\_

13. DECLARATION OF OWNERSHIP

Applicant declares that the applicant is the owner of the mark, that the mark is in use, and that to the knowledge of the person verifying the application, no other person has registered in this state, or has the right to use the mark, either in the identical form or in such near resemblance as to be likely, when applied to the goods or services of the other person, to cause confusion, to cause mistake, or to deceive.

14. DECLARATION OF ACCURACY

Applicant declares that all the information contained in this registration is accurate and if the applicant willfully states in the registration any material fact that the applicant knows to be false, the applicant shall be subject to a civil penalty of not more than ten thousand dollars (\$10,000.00).

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED PERSON

\_\_\_\_\_  
TYPE OR PRINT NAME AND TITLE

## INSTRUCTIONS FOR COMPLETING REGISTRATION OF TRADEMARK OR SERVICE MARK

Type or print in blue or black ink. Mail your application along with drawing, specimens, and filing fee of \$70.00 per classification, to the Secretary of State, Trademark Unit, P.O. Box 942870, Sacramento, CA 94277-2870.

Indicate at the top of the application whether the mark you are registering is a Trademark or Service Mark. A Trademark is a mark that is placed on specific goods offered in commerce. A Service Mark is a mark that is used in the advertising of specific services offered in commerce. Check only one box. You cannot register both on one application.

**Item 1.** Enter the complete name of the owner of the mark.

**Item 2.** Enter the complete business address of the owner of the mark.

**Item 3.** Identify the business structure of the registrant by checking the appropriate box. If a corporation, limited liability company, limited partnership or general partnership is the owner of the mark, list the state of origination.

**Item 4.** Enter the names of the general partners, if registrant is a partnership.

**Item 5.** If the mark is just “words,” list only those words. If the mark is words and a design, provide the words and a brief written description of the design. If the mark is a design only, provide a brief written description of the design in the space provided without making any reference to the specimens.

- Submit a drawing of your mark on an 8 ½” x 11” sheet of paper with your application. A drawing is a visual representation of the mark. Do not include phrases or designs that are not included in Item 5. The drawing can be hand written, hand drawn, or computer generated. If your mark is a “word mark,” list only those words on the 8 ½ x 11” sheet of paper.
- Do not paste, tape, or staple a specimen in this space.
- If the mark or any part of the mark is not in English, you must submit an English translation from a “certified English translator” with your application. The translator’s signature must be notarized. You may wish to consult the following websites for assistance with a certified translation:
  - California [Government Code section 27293](#)
  - Judicial Council of California at [www.courtinfo.ca.gov/programs/courtinterpreters/master.htm](http://www.courtinfo.ca.gov/programs/courtinterpreters/master.htm)
  - American Translators Association at [www.atanet.org/](http://www.atanet.org/)

**Item 6.** Disclaimer – if the mark includes a descriptive word or design, it must be disclaimed. A disclaimer is an acknowledgment by the registrant that words that are “merely descriptive” may not be owned by anyone.

**Item 7a.** The mark must be in use in California prior to registration. Enter the date the mark was first used in California.

- If a Trademark, the goods or products must have actually been sold or otherwise distributed in California.
- If a Service Mark, the advertised services must actually be provided in California.
- The mere advertising of future goods or services does not constitute use of a Trademark or Service Mark.

**Item 7b.** Enter the date the mark was first used anywhere. If this date is the same as Item 7a, enter “same.”

- Item 8a.** Enter the specific goods or services.
- If a Trademark, list only the specific products or goods sold or distributed with the mark affixed. Do not use general terms. Be specific.
  - If a Service Mark, list only the specific services provided or advertised. Do not use general terms. Be specific.
- Item 8b.** Enter the classification number(s) for the goods or services listed. To view the listing of classifications of goods and services, please visit the United States Patent & Trademark office at [www.uspto.gov/web/offices/tac/doc/basic/international.htm](http://www.uspto.gov/web/offices/tac/doc/basic/international.htm), or the Code of Federal Regulations, title 37, part 6, section 6.1.
- If more than one classification of goods or services are listed, a \$70.00 filing fee is required for each classification.
- Item 9.** Enter the name and address of the person or company to receive the certificate of registration.
- Item 10.** If you or a predecessor in interest, have attempted to file your mark at the United States Patent and Trademark office, please provide all information regarding registration or refusal to register. Check the box if this item does not apply.
- Item 11.** Indicate the use of the mark. How is the mark used? If a Trademark, how is it applied to the goods or products? By label, tag, or imprinting on the goods or their containers? If a Service Mark, how is the mark used, in advertising, on brochures, or business cards?
- Item 12.** Specimens are required to show current use of the mark. Include with the application three identical (meaning: three of the same) original specimens that show how the mark is used on the goods or in connection with services identified in the application. The original specimens should be no larger than 8 ½" x 11" and should lay flat. Original specimens that have been altered or defaced in any manner are not acceptable. Do not submit metal of any kind, words typed on cards or sheets of paper. Computer generated prototypes are not acceptable.
- If a Trademark, submit specimens that are affixed to your goods or products. Labels, tags, wrappers, or three clear identical photographs of the goods or products showing the mark clearly affixed.
  - If a Service Mark, submit specimens from which the type of services listed in Item 8a can be determined. Business cards, brochures, flyers, or other forms of advertisements are acceptable if identifying the services as indicated in Item 8a. Envelopes, invoices and matchbooks are not acceptable.
- Item 13.** Declaration of Ownership. The registrant must be the owner of the mark and make a declaration of ownership.
- Item 14.** Declaration of Accuracy. The registrant must make a declaration of accuracy and will be subject to a civil penalty of not more than \$10,000.00 for willfully stating in the application any material fact known to be false. Date, sign, and print the name of the person signing the application.
- If the registrant is a corporation, an officer of the corporation must sign the application. Include the title of the officer (i.e. President, Vice-President, Secretary, etc.)
  - If the registrant is a limited liability company, a member or manager of the limited liability company must sign the application. Include the title; either Member or Manager.
  - If the registrant is a partnership, a general partner of the partnership must sign the application. Include the title of the general partner.
  - This office will accept a statement attached to the application that the individual signing the application is authorized to do so for the registrant.