

Trademark & Service Mark Registration Application⁶⁰

The purpose of the Trademarks and Service Marks Act of 1993 is to “provide a system of state trademark registration and protection substantially consistent with the federal system of trademark registration and protection under the Trademark Act of 1946, as amended.”

A person, which may be an individual or entity, may file an application to register a trademark or service mark with the Secretary of State’s Office. To qualify for registration, a mark must be in use, which is defined as the bona fide use of a mark in the ordinary course of trade. A mark is considered in use: (a) on goods when placed on the goods, containers, or displays associated with goods or containers; tags or labels affixed to the goods or containers; or documents associated with goods if the nature of the goods makes placement impracticable; and (b) on services when used or displayed in sale or advertising of services rendered in this State. An applicant cannot register a mark merely to reserve a right in a mark prior to it being in use.

In an application for a trademark or service mark, an applicant must provide the following information:

- (a) name and business address of the applicant and, if an entity, the state in which the entity is organized;
- (b) goods or services in connection with which the mark is used;
- (c) mode or manner in which the mark is used;
- (d) class(es) in which the goods or services fall;
- (e) date the mark was first used anywhere and in this State; and
- (f) if the applicant has filed an application to federally register the mark, the filing date, serial number, status, and outcome of the application.

In addition, the application requires the following: (a) statement that the applicant is the owner of the mark, that the mark is in use, and that to the knowledge of the applicant, no other person has registered either federally or in South Carolina, 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; (b) three specimens showing the mark in use; and (c) fee of \$15.00 for each class selected by the applicant.

State of South Carolina
Application for Registration of a Trademark or Service Mark

Part 1: Type of Application
 New mark: \$15.00 per class
 Renewal of existing mark: \$5.00 flat fee for application
Check one Trademark OR Service Mark
(Trademarks/Service Marks cannot be combined on same form)

Part 2: Applicant Information and 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 limited liability company duly organized under the laws of the State of _____
 a partnership duly organized under the laws of the State of _____
Names of General Partners: _____
 other _____

Please note that the entity type must match the applicant noted in question (1). For example, applicant John Smith would be an individual or sole proprietor, while ABC Company, Inc. would be a corporation.

5. Describe the look of the mark, including any wording and/or graphics: _____

The mark described must be present on the three (3) identical specimens submitted with the application.

6. The actual goods or services in connection with which the mark is used (for example, a social club, heating repair services, perfume, BBQ sauce): _____

7. The mode or manner in which the mark is used (please see paragraphs (7) and (11) of the instructions for additional information): _____

8. The class(es) in which the goods or services fall: _____
Please make your selection of classes from the "Classes of Goods and Services" provided in the instructions. Trademark classes are listed under Section 39-15-1150(B), while service mark classes are listed under Section 39-15-1150(C).

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: ____/____/____
month day year month day year

10. Has the applicant, or any predecessor in interest, ever filed an application to register this mark or portions of this mark or a composite of this mark with the United States Patent and Trademark Office? YES NO
If you answered "YES", please list 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: _____

⁶⁰ S.C. House of Representatives, House Legislative Oversight Committee, “Agency Presentation – Charities and Trademarks (October 28, 2019),” under “Committee Postings and Reports,” under “House Legislative Oversight Committee,” under “Secretary of State, Office of the,” and under “Meetings,” [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/SoS%20presentation%20-%20Charities%20and%20Trademarks%20\(10.28.19\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/SecretaryofState/SoS%20presentation%20-%20Charities%20and%20Trademarks%20(10.28.19).pdf) (accessed November 27, 2019), slide 128-131. Hereinafter “Charities Presentation.”