

**NYS Department of State
Division of Corporations, State Records
and Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231
(518) 473-2492
www.dos.ny.gov**

**INSTRUCTIONS FOR THE COMPLETION OF AN ORIGINAL APPLICATION
TO REGISTER A TRADEMARK OR SERVICE MARK**

Item 1 - Name of Applicant: If the applicant is a corporation, enter the true name of the corporation. If the applicant is a partnership, enter the name of the partnership.

Item 2 - Address: Enter the business address of the applicant in terms of street and number, city, state and zip code.

Item 3: If the applicant is a corporation, enter the state of incorporation and if the applicant is a partnership, enter the state in which the partnership is organized.

Item 4: If the applicant is a partnership, enter the names of all general partners.

Item 5: Enter a written description of the design features being claimed of the mark; e.g., the mark is a one inch circle containing the head of a unicorn facing to the left with a cratered moon and three five-pointed stars in the background. The unicorn head, moon and stars are white on a black background.

If the mark is name, signature or portrait of any living individual, that person's verified consent must accompany the application. If the mark consists of the name of an individual but is merely a fanciful name, a statement should follow the description declaring that such name is fanciful and not intended to identify or be identified with that of any living individual.

Item 6: Enter specific goods or services on or in connection with which the mark is used.

Item 7: Enter the manner in which the mark is affixed to the goods or used in connection with the services; e.g., the mark appears on a label

sewn into the inside collar of the shirt, or the mark appears on letterhead, business cards and all advertising material.

Item 8: Enter the classification number of each category of goods or services for which the mark will be used. Please note that there is a \$50 fee for each classification claimed.

Item 9: Enter the date when the mark was first used anywhere and the date when it was first used in this state by the applicant or a predecessor in interest. The term "use" means the bona fide use of a mark in the ordinary course of trade, and not made merely to reserve a right in a mark. For the purposes of filing under §360-b of Article 24 of the General Business Law, a mark shall be deemed to be in use (1) on goods when it is placed in any manner on the goods or other containers or the displays associated therewith or on the tags or labels affixed thereto, or if the nature of the goods makes such placement impracticable, then on documents associated with the goods or their sale, and the goods are sold or transported in commerce in this state, and (2) on services when it is used or displayed in the sale or advertising of services and the services are rendered in this state.

Signing: The application must be signed by: (1) in the case of a corporation or association, by an officer of the corporation or association; (2) in the case of a partnership, by a member or partner of the firm; (3) in the case of an individual, by the individual or individuals; and (4) in the case of a limited liability company, by a member or manager of the limited liability company.