



Business Services Division
Tre Hargett, Secretary of State
 State of Tennessee

INSTRUCTIONS

APPLICATION FOR REGISTRATION OF TRADEMARK OR SERVICE MARK

SUBMISSION OPTIONS

Applications may be filed using one of the following methods:

- **Paper submission:** A blank application may be obtained by going to <http://www.tn.gov/sos/forms/ss-4264.pdf>, by emailing the Secretary of State at TNSOS.ATS@tn.gov, or by calling (615) 741-0531. The application must be hand printed in ink or computer generated and mailed along with the required filing fee to the Secretary of State's office at 6th FL – Snodgrass Tower ATTN: Trademarks, 312 Rosa L. Parks AVE, Nashville, TN 37243.
- **Walk-in:** A blank application may be obtained in person at the Secretary of State Business Services Division located at 6th FL – Snodgrass Tower ATTN: Trademarks, 312 Rosa L. Parks AVE, Nashville, TN 37243.

Applications must be accurately completed in their entirety. Applications that are inaccurate, incomplete or illegible will be rejected.

APPLICANT INFORMATION

1. **Applicant Name:** Enter the name of the person or entity applying for the trademark or service mark.
2. **Applicant Business Address:** Enter the complete business address of the person or entity applying for the trademark or service mark. The address must include a street address or post office box (or both), city, state and zip code. Please provide a phone number including area code so that you may be contacted if there are questions regarding your application.
3. **If the applicant is a business entity, select the type of business entity:** Check the box that applies to the type of business entity, Corporation, Limited Liability Company, Limited Partnership, General Partnership or Sole Proprietorship. If the applicant is not a business entity or the type of entity is not listed, leave this space blank.
4. **If the applicant is a business entity, the state of incorporation / organization is:** Enter the state of incorporation or organization if the applicant is a business entity. If the applicant is not a business entity, leave this space blank.
5. **If the applicant is a partnership, the names of the general partners are:** If the applicant is a partnership, list the names of the general partners. If the form does not allow enough space, enter "see attached" and list the names on a separate sheet of paper.
6. **Name of the mark is:** Provide a name for the mark being registered. If the mark is a standard character trademark (just words), list only those words. If the mark is a design/special form trademark, you must still provide a name for the mark in this space. For example, if the mark is a logo for ABC Company, you could provide the name "ABC Logo". Print or type the name in this space.
7. **The description of the mark in words (required for design mark):** Enter a complete and accurate description of the overall mark, for example, "a stylized letter Q." If the mark image contains both words and a design element, the description must include both, for example, "the wording ABC LLC in green and a grey moon," rather than simply "a grey moon." If a mark is in color, you must list the portions of the mark that are in color and the corresponding color for each, for example, "a bee with a black and yellow striped body and blue wings." If the description is not accurate, either incomplete or includes word(s), letter(s), number(s), or other elements not

actually appearing in the mark image, applicant will be required to amend the description of the mark.

- 8. *This mark is used on or in connection with what goods or services?:*** Enter a description of the goods and services in connection with which the mark will be used. For example, “restaurant”, “business consultant”, “country music band”, “communications”, “jewelry”, “gift baskets”, etc.

If the form does not allow enough space, Enter “see attached” and list the goods or services on a separate sheet of paper.

- 9. *In what mode or manner is the mark used in connection with these goods or services?:*** List how the applicant is using the mark. For example, “business cards”, “letterhead”, “flyers”, “signs”, “labels”, “newspaper advertisements”, “billboards”, “bus benches”, “television advertisements”, “websites”.

If the form does not allow enough space, enter “see attached” and list the mode or manner on a separate sheet of paper.

- 10. *The class number(s) in which such goods or services fall:*** Enter the appropriate number of the class (or classes) under which such goods or services fall. Class numbers are listed at the end of the instructions. A \$20.00 filing fee is assessed for each class listed.

If the form does not allow enough space, enter “see attached” and list the class numbers on a separate sheet of paper.

- 11. *The dates when the mark was first used (must be a date prior to signature date of application; must be month/day/year):*** Both dates must be completed for every application. If the mark has only been used in Tennessee, then the date the mark was first used “anywhere” is the same date as the date the mark was first used in Tennessee. Since the mark must be in use prior to registration, both of these dates must also reflect a time prior to the signature date of the application.

(a) Anywhere: Enter the date on which the mark was first used anywhere by the applicant or a predecessor in business.

(b) In Tennessee: Enter the date the mark was first used in Tennessee by the applicant or a predecessor in business.

- 12. *One specimen showing the mark as actually used accompanies this application:*** The applicant must provide one specimen of the mark in use along with the application. By signing the application, the applicant certifies that this statement is true.

Failure to include one specimen will result in the rejection of the application. A specimen must establish that the mark currently is in use in commerce in Tennessee.

Specimen should not be larger than 8 ½ inches by 11 inches, should be flat, and should be in a vertical / portrait orientation. Small specimens, such as tags or labels, must be taped or pasted to a sheet of paper and labeled “SPECIMEN”.

For trademarks, examples of acceptable specimens are tags or labels that are attached to the goods, containers for the goods, displays associated with the goods, or photographs of the goods showing use of the mark of the goods themselves. Invoices, announcements, order forms, bills of lading, leaflets, brochures, catalogs, publicity releases, letterhead and business cards may be acceptable specimens for trademarks if they sufficiently demonstrate that the mark is being used with the goods. If it is impractical to send actual specimens because of its size, photographs or other acceptable reproductions that show the mark on the goods, or packaging for the goods, must be furnished.

For service marks, examples of acceptable specimens are signs, brochures about the services, advertisements for the services, business cards or stationery showing the mark in connection with the services, or photographs that show the mark either as it is used in the rendering or advertising of the services. The specimen must either show the mark and include some clear reference to the type of services rendered under the mark in some form of advertising, or show the mark as it is used in the rendering of the service (for example, on a store front or the side of a delivery truck).

- 13. *The applicant is the owner of the mark, and the mark is in use. To the knowledge of the person verifying (signing) this application, no other person has registered, either federally or in Tennessee, or has the right to use the mark in an identical form or in such near resemblance as to be likely, when applied to the goods or services of such other person, to cause confusion or mistake, or to deceive.*** By signing the application, the applicant certifies that this statement is true.

Signature and Verification

- This application must be signed by the applicant. **Failure to sign the application will result in the application being rejected.**
- Type or Print Name & Title. **Failure to type or print the signature name and title of the signer (if the applicant is a business entity) will result in the application being rejected.**
- **By signing the application, the applicant verifies under penalty of perjury that all the statements on the application are true and correct.**

FILING FEE

- The filing fee for the application is \$20.00 per Class entered in number 10 of the application. If there is only one (1) class indicated the fee is \$20.00. If there are two (2) classes indicated, the fee is \$40.00, etc.
- Make check, cashier's check or money order payable to the Tennessee Secretary of State. Cash is only accepted for walk-in filings. **Applications submitted without the proper filing fee will be rejected.**