

What is a Trademark or Service Mark?

“**Trademark**” means any word, name, symbol, or device, or any combination therefore, used in commerce by a person to identify and distinguish the goods of that person from those manufactured or sold by others.

“**Service Mark**” means any word, name, symbol, or device, or any combination thereof, used in commerce by a person to identify and distinguish the services of that person from the services of others.

In this guide, the term “Trademark” refers to both trademarks and service marks.

How Do I Register a Cannabis-Related Trademark in California?

The fastest way to register or update your trademark is online at tmbizfile.sos.ca.gov. You may also complete an Application for Registration (Form TM-100) and submit the form in person at the Secretary of State’s office or by mail.

Are There any Pre-Registration Requirements?

Yes, to register a Trademark in California, it must be lawfully in use in commerce. For cannabis businesses, this means that the cannabis-related goods or services associated with the Mark are authorized under California law.

Applicants should ensure that any local and state licenses required to conduct the cannabis activities in California have been obtained prior to seeking registration of a Trademark.

Applicants should ensure that they are in compliance with labeling and packaging requirements for cannabis products (e.g. product labels include the Universal Symbol ).

Trademarks associated with prohibited cannabis products cannot be registered (e.g. cannabis products that are attractive to children).

Detailed information on licensing, labeling and packaging requirements can be found online at cannabis.ca.gov.

What Classification Codes Are Commonly Used for Cannabis-Related Trademarks?

To register your Trademark, you must choose one or more classification codes from the list adopted by the United States Patent and Trademark Office (USPTO), which can be found online by visiting uspto.gov.

These classification codes do not include specific categories for cannabis goods or services; therefore, applicants should choose the code(s) which best categorize the good(s) or service(s) associated with their Trademark as if these goods or services did not involve cannabis.

Examples of common classification codes used for cannabis-related Trademarks include the following:

Classification Code 5: Pharmaceuticals: trademarks for medicinal products containing cannabis extracts

Classification Code 31: Natural Agricultural Products: trademarks for live cannabis plants

Classification Code 34: Smokers Articles: trademarks for cannabis products intended for smoking

Classification Code 35: Advertising and Business: service marks for retail stores selling cannabis products

Classification Code 39: Transportation and Storage: service marks for delivery of cannabis products

