

## Instructions for Completing the Trademark / Service Mark - Application for Registration (Form TM-100)

To protect your trademark/service mark that is used in California, you must file a Trademark / Service Mark Application for Registration (Form TM-100) with the California Secretary of State. Duration of a registration of Trademark or Service Mark is five (5) years. The registration is active for five (5) years from the date filed by the Secretary of State. Within six (6) months of the end of five (5) years, the mark may be renewed for another five (5) years. The mark may be renewed every five (5) years as long as the mark is in continual use.

- A **trademark** is any words, names, symbols or devices, or any combination thereof, used to distinguish a **good or product** from those manufactured or sold by others.
- A **service mark** is any words, names, symbols or devices, or any combination thereof, used to identify and distinguish **services** from those services provided by others.

Registration of the mark in and of itself does not guarantee exclusive ownership of a mark. To ensure that all issues are considered and addressed appropriately, you should consult with private legal counsel.

### To register your Trademark or Service Mark in California (Checklist):

- You must be using the mark in commerce in California.
- If the mark is merely descriptive (i.e. the mark describes an ingredient, quality, characteristic, function, feature, purpose or use of the goods or services), it may not be registerable.
- You must complete a separate Application if the mark is both a Trademark and a Service Mark.
- You must have a drawing of your mark on an 8 ½" x 11" sheet of paper.
- If any part of your mark is not in English, you must submit a certified translation in English.
- You must have Three (3) Identical (three of the same) Specimens that show the mark in use in commerce. If the Application is signed by an individual on behalf of the Owner (Registrant), you must include a copy of the agreement signed by the Owner (Registrant) authorizing the individual to sign the Application on behalf of the Owner (Registrant).
- Include filing fee(s) of \$70.00 per classification code. If more than one classification code is listed, then a \$70.00 filing fee is required for each classification.

### Fees: \$70.00 per Classification Code

**Copies:** Upon filing, we will return one (1) plain copy of your filed Application for Registration for free and will certify the copy upon request and payment of a \$5 certification fee. To obtain additional copies or certified copies of the filed Application of Registration, include payment for copy fees and certification fees at the time the Application for Registration is submitted. Additional copy fees are \$1.00 for the first page and \$.50 for each attachment page. For certified copies, there is an additional \$5.00 certification fee, per copy. In addition to the copy, you will receive a one-time Certificate of Registration of Trademark/Service Mark.

**Payment Type:** Check(s) or money orders should be made payable to the Secretary of State. Do not send cash by mail. If submitting the document in person in our Sacramento office, payment also may be made by credit card (Visa or Mastercard).

If you are not completing this form online, please type or legibly print in black or blue ink. **Complete the Application for Registration (Form TM-100)** as follows:

Item	Instruction	Filing Tips
1.	Check the appropriate box: Trademark or Service Mark	<ul style="list-style-type: none"> <li>• A <b>trademark</b> is any words, names, symbols or devices, or any combination thereof, used to distinguish a good or product from those manufactured or sold by others.</li> <li>• A <b>service mark</b> is any words, names, symbols or devices, or any combination thereof, used to identify and distinguish services from those services provided by others.</li> <li>• Trademarks and service marks must be filed on separate Applications. They require separate fees and submittal of separate specimens.</li> </ul>
2.	Enter information related to the Owner (Registrant) of the Mark	
2.a.	Enter the complete name of Owner (Registrant).	<ul style="list-style-type: none"> <li>• If the owner of the mark is an entity, use the complete name of the entity.</li> <li>• If the owner of the mark is an entity, the entity structure must match in Item 3.</li> </ul>

2.b.	Enter the complete business address, city, state and zip code of the Owner (Registrant).	<ul style="list-style-type: none"> <li>The complete business address is required, including the street name and number, city, state and zip code.</li> <li>Do not abbreviate the name of the city.</li> <li>A post office box address is acceptable.</li> </ul>
2.c.	The Declaration of Ownership is required. <b>Do not alter.</b>	<ul style="list-style-type: none"> <li>This declaration is required by law and must not be altered.</li> </ul>
3.	Identify the business structure of the (Owner) Registrant by checking the appropriate box. <ul style="list-style-type: none"> <li>If the Owner (Registrant) is a corporation, limited liability company, limited partnership or general partnership, <b>list the state or country of origin.</b></li> <li>If none of the boxes apply, check the box: Other and describe.</li> </ul>	<ul style="list-style-type: none"> <li>If the owner of the mark is an entity, the entity structure must be consistent with the entity name in Item 2.a. (i.e., if the business structure listed in Item 3 is a Corporation, Limited Liability Company, Limited Partnership, or General Partnership, the name of the business entity must be listed as the owner or registrant in Item 2.a.)</li> </ul>
4.	Enter the name(s) of the general partner(s), if the Owner (Registrant) is a limited partnership.	
5.	<p>If the mark is <b>words</b> without a design, list only those words.</p> <p>If the mark is <b>words and a design</b>, provide the words and a brief written description of the design.</p> <p>If the mark is a <b>design only</b>, provide a brief written description of the design in the space provided without making any reference to the specimens.</p> <p><b>Drawing Page:</b> 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.</p>	<ul style="list-style-type: none"> <li>Do not paste, tape, or staple a specimen in Item 5.</li> <li>If the mark or any part of the mark is not in English, you must submit a certified translation in English with your application. You may wish to consult the following websites for assistance with a certified translation: <ul style="list-style-type: none"> <li>California <a href="#">Government Code section 27293</a></li> <li>The Judicial Branch of California at <a href="http://www.courts.ca.gov/programs-interpreters.htm">www.courts.ca.gov/programs-interpreters.htm</a></li> <li>American Translators Association at <a href="http://www.atanet.org/">www.atanet.org/</a></li> </ul> </li> <li>If a name and design are used together and constitute one complete mark, they may be filed on the same application.</li> <li>If a name and design are used separately, as two separate marks, then two separate applications with separate fees and two sets of specimens must be submitted.</li> <li>If the mark is merely descriptive (i.e. the mark describes an ingredient, quality, characteristic, function, feature, purpose or use of the goods or services) it may not be registerable.</li> </ul>
6.	If your mark includes a design element, using the <a href="#">Design Search Code Manual</a> developed by the U.S. Patent and Trademark Office, include the appropriate design code(s) that describe your design element.	<ul style="list-style-type: none"> <li>Include the design code(s) that relate to the significant elements of the design as represented on the drawing page.</li> <li>Do not include a design code for marks containing only words.</li> <li>If you do not provide a design code, one or more design codes will be assigned by the California Secretary of State upon review and filing.</li> </ul>
7.	Disclaimer – if the mark includes a descriptive word or design, it must be disclaimed.	<ul style="list-style-type: none"> <li>A disclaimer is an acknowledgment by the registrant that words included within the mark are "merely descriptive" and may not be owned by anyone. (i.e., if the applied for mark is "Westside Dry-Cleaning" and dry-cleaning is listed as the services provided in Item 9.a., the words "Dry-Cleaning" must be disclaimed.</li> </ul>
8.a.	Enter the date the mark was first used anywhere.	<ul style="list-style-type: none"> <li>The date the Mark was first used anywhere must be the same or earlier than the date the Mark was first used in California.</li> </ul>
8.b.	Enter the date the mark was first used in California. If this date is the same as Item 8.a.,	<ul style="list-style-type: none"> <li>The mark must be in use in California prior to registration.</li> </ul>

	enter "same."	<ul style="list-style-type: none"> <li>• If a Trademark, the goods or products must have actually been sold or otherwise distributed in California.</li> <li>• If a Service Mark, the advertised services must actually be provided in California.</li> <li>• The mere advertising of future goods or services does not constitute use of a Trademark or Service Mark.</li> </ul>
9.a.	<p>Enter the specific goods or services.</p> <ul style="list-style-type: none"> <li>• If a Trademark, list only the specific goods or products sold or distributed with the mark affixed.</li> <li>• If a Service Mark, list only the specific services provided or advertised.</li> </ul>	<ul style="list-style-type: none"> <li>• Do not use general terms.</li> <li>• Be specific.</li> </ul>
9.b.	<p>Enter the Classification Code(s) for the goods or services listed.</p> <ul style="list-style-type: none"> <li>• If more than one classification of goods or services are listed, a \$70.00 filing fee is required for each Classification Code.</li> </ul>	<ul style="list-style-type: none"> <li>• The list of Classification Codes of goods and services can be found through the <a href="#">United States Patent and Trademark Office</a> website or at <a href="#">37 Code of Federal Regulations, part 6, section 6.1</a>.</li> </ul>
10.	<p>U.S. Patent and Trademark Information. If the Registrant or a predecessor in interest has attempted to file your mark at the U.S. Patent and Trademark Office, please provide all information regarding registration or refusal to register.</p>	<ul style="list-style-type: none"> <li>• If this section is not applicable, ensure to mark the box in 10.e. indicating this item does not apply.</li> </ul>
10.a.	Enter the File Date of the Federal Registration.	
10.b.	Enter the Serial/File Number of the Federal Registration.	
10.c.	Enter the Status of the Federal Registration.	<p>Examples of the current filing statuses with the U.S. Patent and Trademark Office Include:</p> <ul style="list-style-type: none"> <li>• Abandoned</li> <li>• Allowed or In Use</li> <li>• Amended</li> <li>• Incomplete</li> <li>• New</li> <li>• Refused</li> <li>• Reserved</li> </ul>
10.d.	If refused, enter the reason why the Federal Registration was refused.	
10.e.	Check the box you or a predecessor in interest has not attempted to file your mark at the U.S. Patent and Trademark Office.	
11.	<p>Indicate how the mark is used? Check the appropriate box.</p> <ul style="list-style-type: none"> <li>• If a Trademark, how is it applied to the goods or products? By label, tag, or imprinting on the goods or their containers?</li> <li>• If a Service Mark, how is the mark used, in advertising, on brochures, or business cards?</li> </ul>	<ul style="list-style-type: none"> <li>• If you are applying for registration of a Trademark, check each of the Trademark boxes that apply. Do not select boxes relating to Service Marks.</li> <li>• If you are applying for registration of a Service Mark, check each of the Service Mark boxes that apply. Do not select boxes relating to Trademarks.</li> </ul>
12.	<p>Specimens are required to show current use of the mark. Include with the Registration three (3) identical (meaning: three of the same) original specimens that show the mark in use in commerce on the goods or in connection with services provided in California.</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• A specimen demonstrates how the mark is being presented to the public.</li> <li>• Specimens can be in a wide variety of forms. Examples include:</li> <li>• <b>Trademarks:</b> Labels, tags, wrappers, or three clear identical photographs of the goods or products showing the mark clearly affixed.</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Trademark:</b> Submit 3 identical specimens that are affixed to your goods or products.</li> <li>• <b>Service Mark:</b> Submit 3 identical specimens from which the type of services listed in Item 9.a. can be determined.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Service Marks:</b> Business cards, brochures, flyers, or other forms of advertisements are acceptable if identifying the services as indicated in Item 9.a. Envelopes, invoices and matchbooks are not acceptable.</li> </ul> <p>Note: Business cards may be used as specimens only if the business cards display the services indicated in Item 9.a.</p> <ul style="list-style-type: none"> <li>• Photocopies, computer printouts, or camera-ready layouts are not accepted as specimens. The Registrant must have gone into production and have released the product or service into the market prior to registration of the trademark or service mark with the Secretary of State.</li> <li>• Do not submit metal of any kind, words typed on cards or sheets of paper. Computer generated prototypes are not acceptable.</li> </ul>
<b>Declaration and Signature</b>	<p>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.</p> <p>Date, sign, and print the name and title of the person signing the Registration.</p>	<ul style="list-style-type: none"> <li>• Declaration of Accuracy is required. Do not alter Declaration.</li> <li>• If the Registrant is a corporation, an officer of the <b>corporation</b> must sign the Registration. Include the title of the officer (i.e. <b>President, Vice-President, Secretary</b>, etc.)</li> <li>• If the Registrant is a <b>limited liability company</b>, a member or manager of the limited liability company must sign the Registration. Include the title; either <b>Member or Manager</b>.</li> <li>• If the Registrant is a limited partnership, a general partner of the <b>limited partnership</b> must sign the Registration. Include the title, <b>General Partner</b>.</li> <li>• If the Registrant is a <b>general partnership</b>, a partner of the general partnership must sign the Registration. Include the title, <b>Partner</b>.</li> <li>• This office will accept a statement attached to the application that the individual signing the application is authorized to do so for the Registrant.</li> </ul>

**Mail Submission Cover Sheet (Optional):** To make it easier to receive communication related to **this document**, including the copy of the filed document, complete the Mail Submission Cover Sheet. For the Return Address: enter the name of a designated person and/or company and the corresponding mailing address. Please note the Mail Submission Cover Sheet will be treated as correspondence and will not be made part of the filed document.

**Where to File:** Mail your completed Registration 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 or delivered in person (drop off) to the Sacramento office, 1500 11th Street, Sacramento, CA 95814. Confirm the following are included with your submission:

- Completed Registration (Form TM-100)
- Drawing Page
- 3 Identical Specimens Showing the Mark Used in Commerce
- \$70.00 **per** Classification Code
- Mail Submission Cover Sheet (Optional)
- If applicable, a certified English Translation
- If applicable, an agreement signed by the Owner (Registrant) authorizing an individual to sign on behalf of the Owner (Registrant).

**Legal Authority:** General statutory filing provisions are found in the Model State Trademark Law, California Business and Professions Code sections [14200 et seq.](#) unless otherwise indicated.



# Mail Submission Cover Sheet

**Return Address:** For written communication from the Secretary of State related to this document, or if purchasing a copy of the filed document enter the name of a person or company and the mailing address.

Name: [ ]

Company:

Address:

City/State/Zip: [ ]

### Instructions:

- Complete and include this form with your submission. **This information only will be used to communicate with you in writing about the submission.** This form will be treated as correspondence and will not be made part of the filed document.
- Make all **checks or money orders** payable to the Secretary of State.

### Optional Copy and Certification Fees:

- If applicable, include optional copy and certification fees with your submission.
- For applicable copy and certification fee information, refer to the instructions of the specific form you are submitting.

### Contact Person: (Please type or print legibly)

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone Number: ( \_\_\_\_\_ ) \_\_\_\_\_

### Mark Information: (Please type or print legibly)

Name of Mark: \_\_\_\_\_

Name of Owner (Registrant): \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**Secretary of State  
Trademark / Service Mark  
Application for Registration**

**TM-100**

REG. NO. \_\_\_\_\_

CLASS NO.(S) \_\_\_\_\_

**IMPORTANT** — [Read instructions](#) before completing this form.

**Filing Fee – \$70.00 per Classification**

**Copy Fees** – First page \$1.00; each attachment page \$0.50;  
Certification Fee - \$5.00 plus copy fees

**Above Space for Office Use Only**

**1. Application for Registration of** (Check one):       Trademark       Service Mark

**2. Owner (Registrant) Name, Address and Declaration of Ownership**

a. Name of Owner (Registrant)

b. Business Address	City (no abbreviations)	State	Zip Code
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c. Declaration of Ownership (Do not alter.)  
Registrant declares that the Registrant is the owner of the mark, that the mark is in use, and that to the Registrant's knowledge, no other person has registered the mark 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.

**3. Business Structure of Registrant** (Only check one and fill in the blank)

<input type="checkbox"/> Corporation (State of Incorporation): _____	<input type="checkbox"/> Sole Proprietor
<input type="checkbox"/> Limited Liability Company (State of Organization): _____	<input type="checkbox"/> Spouses, as Community Property
<input type="checkbox"/> Limited Partnership (State of Organization): _____	<input type="checkbox"/> Domestic Partners, as Community Property
<input type="checkbox"/> General Partnership (State of Organization): _____	<input type="checkbox"/> Other (Describe): _____

**4. Name(s) of General Partner(s), if the Registrant is a Limited Partnership**

**5. Name and/or Design of Mark** (For design, provide a brief written description that can be pictured in one's mind without reference to the specimens. Attach a drawing of the mark to the Application. Do not draw the design on the Application.)


**6. Design Code(s)** (If your mark includes a design element, using the [Design Search Code Manual](#) developed by the U.S. Patent and Trademark Office, please include the appropriate design code(s) that describe your design element.)

Design Code(s): \_\_\_\_\_

**7. Disclaimer** (If Applicable) No claim is made to the exclusive right to use the term(s) below:


**8. Dates of First Use of Mark**

a. Date the Mark was First Used Anywhere	b. Date the Mark was First Used in California
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**Continue on Next Page**

**9. Identification of Goods or Services**

a. If a Trademark, list specific Goods or Products. If a Service Mark, list specific Services.

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b. Classification Code(s): \_\_\_\_\_

**10. U.S. Patent and Trademark Information** (Indicate whether an application to register the mark, or portions, or a composite of the mark, has been filed by the Registrant or a predecessor in interest with the United States Patent and Trademark Office.)

a. File Date	b. Serial/File Number	c. Status of Application
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d. If Refused, Why?

e.  Check here if this Item 10 does not apply

**11. Manner in Which the Mark is Used** (If Trademark, only check Trademark options; If Service Mark, only check Service Mark options)

**For Trademark Only** (Check all that apply to Trademark)

- On Labels and Tags Affixed to the Goods
- On Labels and Tags Affixed to Containers of the Goods
- By Printing Mark Directly onto the Goods
- By Printing Mark Directly onto the Containers of the Goods
- Advertisement/Branding on Webpage
- Other \_\_\_\_\_

**For Service Mark Only** (Check all that apply to Service Mark)

- On Business Signs
- On Advertising Brochures
- On Advertising Leaflets
- On Business Cards
- On Letterhead
- On Menus
- Advertisement/Branding on Webpage
- Other \_\_\_\_\_

**12. Specimens** (If Trademark, only check Trademark option; If Service Mark, only check Service Mark Option. Include three (3) identical original specimens showing current use of the Mark.)

**For Trademark Only** (Check one box and enclose three (3) specimens)

- Actual Labels
- Actual Tags
- Photographs of Goods / Containers Showing the Trademark
- Front Panels of a Paper Container Bearing the Trademark
- Website
- Other \_\_\_\_\_

**For Service Mark Only** (Check one box and enclose three (3) specimens)

- Business Cards
- Advertising Brochures
- Advertising Leaflets
- Menus showing the Service Mark
- Website
- Other \_\_\_\_\_

**Declaration of Accuracy and Signature**

I declare that all the foregoing information contained in this Application for Registration is accurate, true and correct and that I am authorized to sign this Application for Registration. I understand that if I willfully state in this Application for Registration any material fact that I know to be false, I will be subject to a civil penalty of not more than ten thousand dollars (\$10,000.00).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type or Print Name of Authorized Person

\_\_\_\_\_  
Signature