TMSM-01 Revised Jan. 2013

State of New Jersey Department of the Treasury Division of Revenue and Enterprise Services 33 West State Street, 5th Floor Trenton, NJ 08608

http://www.nj.gov/treasury/revenue

PLEASE NOTE: When examining an application to register a mark, the Division of Revenue only considers its database of registered New Jersey marks. We do not search the state or county assumed name records, legal names of corporations or other filing entities, nor search the USPTO. We do not search phone books, the internet, or any other "common law" usage of marks in commerce. The person seeking to register a mark is responsible for a more substantial search to avoid infringing on the marks of others.

Owners of registered marks are responsible for enforcing their rights to the marks. A private attorney can assist you in determining and enforcing your rights.

Search State of New Jersey registered marks: https://www.njportal.com/DOR/businessrecords

You can search federally-registered marks online at the U.S. Patent and Trademark Office (USPTO) (www.uspto.gov)

Information for submission of Form TMSM-01

Type or machine print all information except signatures and file the application in duplicate. Application <u>must</u> be notarized.

Please refer to the instruction sheet below for completing items 1 – 8 of the application form TMSM-01.

Remittance/Fees:

A check or money order signed and made payable to the NJ Division of Revenue must accompany the application.

- Base Filing Fee: \$50.00 per filing (includes one classification)
- Premium Service Surcharges:
 - \$15.00 additional per filing for expedited handling (8.5 business hours processing time for filing delivered over the counter or from date of receipt)
 - \$100.00 additional per filing for same day service (same day processing for filing delivered over the counter)

Regular service (regular mail)

Expedited and same day service **

NJ Division of Revenue PO Box 453 Trenton, NJ 08646-0453 NJ Division of Revenue 33 West State Street, 5th Fl. Trenton, NJ 08608-1214 Attn: TMSM Unit

**Delivery by courier service or in person only.

Do not use USPS overnight delivery.

THE APPLICATION SERVES TO SIMPLY FILE WITH THE TREASURER.

THE DIVISION OF REVENUE AND ENTERPRISE SERVICES DOES NOT PROVIDE LEGAL ADVICE NOR ENFORCE THE RIGHTS OF INTELLECTUAL PROPERTY

Instructions to complete the Original Application to Register Trademark or Service Mark (TMSM-01)

Definitions:

A **Trade Mark** is any word, name, symbol or device or any combination thereof, used by a person to identify and distinguish the **goods** of the person, including a unique product, from those manufactured and sold by others, to indicate the source of the goods, even if that source is unknown.

A **Service Mark** is any word, name, symbol or device or any combination thereof, used by a person to identify and distinguish the **services** of one person, including a unique service, from the services of others, to indicate the source of the services, even if that source is unknown.

Specimen of the mark is a sample of the mark in use (i.e.-letter head, business cards, menu, website banner, distinct photograph of shirt, sign, pen, or other item ...please do not send the actual item).

Drawing of the mark: The mark shown on the drawing sheet must exactly match the mark shown in your specimen and must coincide with the description in item 2 of the application. The "drawing" does not have to be a hand-drawn depiction. You can print a picture of the mark onto the Drawing Sheet. The Drawing Sheet cannot include any text, pictures, or other material that is not part of the mark. If the mark is a phrase (word mark) it must be typed onto the drawing of the mark page. Submit on 8.5x11 sheet of paper labeled "Drawing of the Mark".

DO NOT GLUE and/or DRAW SPECIMENS/DRAWING OF THE MARK ONTO THE APPLICATION FORM.

- **Item 1 Mark Type**: Check only one box per application (see definitions). Mark type must coincide with classification number(s) (see item 4).
- Item 2 Name and description of Mark: All marks must be named. The name should be placed in quotes.
 Type a <u>brief</u> description. In the case of a design mark, you may choose a name that fits its description (i.e. an image of a tree with rainbow and clouds can be named "tree rainbow"). In the case of a phrase, the description should be listed as word mark.
- **Item 3 Description of the Goods or Services Involved**: Describe *briefly and concisely* the goods or the services currently sold or provided.
- Item 4 <u>Classification Number(s)</u>: Must coincide with the mark type checked in item 1. More than one classification number can be listed; however, an <u>additional</u> \$50.00 charge is applicable for <u>each</u> classification listed after the initial classification.
 - <u>Please note</u>: Only one type (Trademark or Servicemark) can be checked on the form. Multiple Classifications can be used on the same form as long as they fall under the same mark type.
- **Item 5 Applicant Information**: Must list complete name and address (a and b). Must check one box on line (c). Complete lines (d) and/or (e) if applicable.
- **Item 6 Dates**: <u>Must</u> list the date mark first used in New Jersey (mm/dd/yyyy). Listing a future date (i.e.-reserve date) is prohibited. Date first used elsewhere is optional.
 - A <u>trademark</u> is "in use" when it has been placed on the goods, containers of the goods, or point-of-sale displays of the goods, and the goods have been sold, displayed for sale, or otherwise publicly distributed in New Jersey. A <u>service mark</u> is "in use" when (1) it is displayed in New Jersey in connection with the services, and (2) the services are performed in New Jersey.
- Item 7 Signature(s) and Statement of Ownership: All signatures on original application (excluding duplicate application) must be penned. Photocopy/faxed applications are not acceptable. Application must be notarized.
- **Attach to the application:** 1 drawing of the mark (see definitions)
 - 3 specimens of the mark as actually used (see definitions)

New Jersey Division of Revenue and Enterprise Services

ORIGINAL APPLICATION TO REGISTER A TRADE OR SERVICE MARK

This form may be used by applicants to register a State trade or service mark pursuant to NJSA 56. Applicants are responsible for strict adherence to <u>all</u> requirements as set forth in State law.

1. Mark	Type: (check one; se	e instruction page for	definitions):	Trade	Mark	Service Mark	
	e and Description of ief description of its ap		at constitutes t	he mark and	d in the case	of a design mark, also	o provide
3. Description of the Goods or Services involved:							
4. Classification Number(s): (minimum of one)							
5. Applicants Information:							
a.	Name:						
b.	b. Business Address:						
c. Applicant is (check one) An Individual Corporation Partnership Other Business Entity							
d. If applicant is a corporation, partnership or other business entity, list the home state:							
e. If the applicant is a partnership, list the names of all general partners:							
6. Date	s: Date First Used in I	New Jersey (must be	entered)		Date Used I	Elsewhere:	
The a no oth to use	ature(s) and Stateme applicant attests that he oner person has registered the mark or a mark in s person, to cause confus	or she is the owner of the of the mark, either with th uch near resemblance a	e mark, and the late of the la	mark is in use d Trade Mark	Office or with	the NJ Treasurer, or ha	s the right
, ,	nture of Applicant, or a M Officer of the Corporatio					(Da	ate)
	ribed and sworn to bef						
A Nota	nry Public, this	day of		A.D. 20	·		
	(Notary Public)						

Note -Attach to this application:

- A drawing of the mark (on 8.5x11 sheet of paper)
- Three (3) specimens showing the mark as actually used