

STATE OF MONTANA

REGISTRATION of MARK
(Trademark or Service Mark)
APPLICATION



MAIL: LINDA McCULLOCH
Secretary of State
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Helena, MT 59620-2801
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For the purpose of registering a mark in the State of Montana, according to the provision of [30-13-311, MCA](#), the undersigned submits the following statements of fact to the Secretary of State.

Prepare, sign, submit with an original signature and filing fee
This is the minimum information required

(This is space for use by the Secretary of State only)

Required Filing Fee: \$20.00 per class

- 24 Hour Priority Handling check box & Add \$20.00
- 1 Hour Expedite Handling check box & Add \$100.00

1. Check only 1 box and complete as requested. For either option you must also attach 3 specimens showing how the mark is being used (photocopies are acceptable).

This mark is "words only" & does not include a design (e.g. words/numbers/letters only, no design) and the mark is: _____

This mark includes a design and a description of the mark is (describe your design and include words, letters, numbers if part of your design): _____

2. The goods or services connected with the mark: _____

3. The mode or manner in which the mark is used or where it is located on the goods or services (attach separate sheet if needed): _____

4. Class Numbers _____ Identify the number of the classes that best describes the goods or services from the list of [Class of Goods & Services](#) which can be viewed online. NOTE: An additional filing fee must accompany each class when registering multiple classes.

5. The date the mark was first used by the applicant or a predecessor in business (Note: Must complete both A & B):
(NOTE: Date first used anywhere must be the same or earlier than the date first used in Montana.)

- a) Date first used ANYWHERE (Month/Day/Year) _____
- b) Date first used in MONTANA (Month/Day/Year) _____

6. The name and business mailing address of the applicant is: _____

7. The applicant (check only one):

- A corporation state where incorporated _____
- A limited liability company state of organization _____
- An individual
- An association (Attach the names of members along with the state of organization)
- A general partnership (Attach the names of partners along with the state of organization)
- A limited liability partnership (Attach the names of partners along with the state of organization)
- A limited partnership (Attach the names of partners along with the state of organization)

8. I, HEREBY SWEAR AND AFFIRM, under penalty of law, that the applicant is the owner of the mark, that the mark is in use, and that, to the knowledge of the person verifying the application, no other person has registered the mark, either federally or in this state, or has the right to use the mark either in the identical form or in a form that so nearly resembles the mark as to be likely, when applied to the goods or services of the other person, to cause confusion, to cause mistake, or to deceive.

Signature and title of applicant

Date

Daytime Contact: Phone: _____ Email: _____

HELP SHEET: Application for Registration of Trademark or Service Mark

Definition

A trademark is any word, name, symbol, device, or any combination of words, names, symbols, or devices used by a person to identify and distinguish the goods of that person, including a unique product, from those manufactured or sold by others and to indicate the source of the goods, even if that source is unknown. A **service mark** is a mark used to identify a service rather than a product. A service mark differs from a trademark in that the mark is used on the advertising of service rather than on the packaging or delivery of the service. When registering a service mark you use the same form as the trademark.

Item 1

Check only 1 box and complete by providing the description of your mark and attach the three (3) specimens showing how the mark is being used.

- If you checked **words only**, you must provide the letters, words and/or numbers of the mark.
 - The three (3) specimens you submit must reflect words only. A design such as a picture or graphics appearing with the words will result in your document being returned for correction since it appears a design accompanies the words. If you only have specimens of the mark which contain other words or designs that are not part of the mark, you will need to clearly mark each specimen with “words only/no design” or the registration may be returned to you for clarification
 - If the words reflected on your specimens are themselves a design the document will be returned for correction since your mark appears to have a specific design.
- If you checked that the **mark has a design**, you must include any letters, words, numbers of the mark and describe any designs (buildings, mountains, clouds people etc.) that are part of the mark being registered. Designs include but are not limited to pictures or graphics appearing with the words will result in your document being returned for correction since it appears a design accompanies the words.

A specimen is a sample or photocopy showing exact representation of how the Mark is being used in association with the product or service. Specimens commonly provided include but are not limited to letterhead, advertising and brochures. When submitting your three (3) specimens our office will accept specimens that are different or all identical.

Examples of a Mark **with a Design**:

Example 1: Trademark



Example 2:



Examples of a Mark with **Words only**:

Example 1: Trademark

Example 2: Trademark

Item 2

List the goods or services on or in connection with how the mark is being used for example clothing, jewelry, food, appliances, etc.

Item 3

List the mode or manner in which the mark is being used on or in connection with the goods or services for example label on food or clothing, letterhead on stationery or business cards, signs, etc.

Item 4

List a class or classes from the list of United States Patent and Trademark Office available on our website as noted on the form. An additional filing fee must accompany each class when registering multiple classes.

Item 5

The dates you list must be earlier than the date you completed the application to reflect the mark is in use.

Item 6

List the name and business mailing address of the entity or person applying for the mark.

Item 7

Identify the type of applicant (entity or person applying for the mark) by checking only one box.

Note: If you are attempting to register a Mark in Montana, it must be filed with our office. A Mark registered with our office is good **only** for the State of Montana. A Mark registered with our office must actually be in use in the State of Montana.

GENERAL INSTRUCTIONS

Please type or print clearly when filling out this form.

ALL INFORMATION PUBLIC

All information provided, including names and addresses of the principals of the entity, will be made available on the Secretary of State's web site or upon request.

LEGAL AND ACCOUNTING IMPLICATIONS

There are important legal and accounting implications with respect to this entity's actions. Suitable legal and accounting advice should be secured before submission. The Secretary of State's office suggests that such advice be sought prior to filling out forms to be sure that you understand the terms and procedures.

FORM PROCESSING TIME

Please be advised that the Business Services Division of the Montana Secretary of State will process your business documents within 10 working days of receipt.

- During this period if it is determined that your document does not meet statutory requirements, a letter outlining the deficiencies will be returned to the original submitter.
- If the document is complete and correct, the document will be filed and a letter certifying the filing of the document will be returned to the original submitter.
- If you wish a "FILED STAMPED" copy of the document to be returned with the certification letter (at no additional fee), it will be necessary for you to submit the original and a copy of the document.

Express Handling

- You may request 24 hour priority handling of your document by simply marking the "24 hour priority handling" box and include an **additional** \$20.00 with your handling fee.
- You may request 1 hour expedite handling of your document by marking the "1 hour priority handling" box and include an **additional** \$100.00 with your filing fee.
- **Please note:** If your documents are returned for deficiencies and upon resubmittal you request either of the Express Services **you must also remit** a new priority (\$20.00) or expedite (\$100.00) handling fee.

SUBMISSION

Make checks payable to the Secretary of State. Upon completion, mail with ORIGINAL SIGNATURE to:

Secretary of State
PO Box 202801
Helena, MT 59620-2801

CONTACT US

If you have any questions regarding this form, please contact the Secretary of State, Business Services Division at (406) 444-3665.

DO NOT STAPLE PAYMENT TO FILING FORM