



Arkansas Secretary of State

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INSTRUCTIONS: Trademark or Service Mark Application

- Application fee is \$50.00 per mark, payable to: Arkansas Secretary of State.
Please use separate payment for each application submitted.
- Corporations registered in Arkansas must be in “good standing” to have a mark considered.
- Three (3) original specimens (samples) showing the mark as it is actually used in business must be provided with the application. Examples of specimens include: product labels, letterhead, business cards, actual products (i.e. mugs, t-shirts, key chains, menus) etc. Photocopies are not acceptable unless depicting large signage or webpage printouts.

For further explanation, please read the “Trademark FAQs” available online at:
<http://www.sos.arkansas.gov/BCS/Pages/trademarkServiceMark.aspx>

*****The following numbers correspond to the numbered sections on the Trademark/Service Mark application:**

1. Indicate if this Application is: a new application or renewal; a Trademark or Service Mark.
2. Complete the name of the applicant (individual, corporation, or partnership) who will own the mark. Fictitious names or d/b/a's are not accepted. Please be sure to use the correct corporate ending (Inc., LLC, P.A., etc.) if applicable; the corporation or partnership name provided on the application must reflect how it is registered with the Secretary of State's Office.
 - If applicant is an individual (or more than 1 individual), list each individual name.
 - A physical street address should be provided for the address section of #2. Post Office Boxes are not acceptable and will be reason for rejection.
3. If the applicant is a business entity (*Inc., LLC, PLLC, etc.*), the state of incorporation must be provided in the *first* blank for #3. If the applicant is a partnership, the state of organization and the name of the general partners must be provided in the *second* blank for #3.
 - Entities registered with the Arkansas Secretary of State must be up-to-date on all reports and taxes necessary to maintain a status of “Good Standing.” If applicant is not current, registration of a Trademark or Service Mark will not be considered.
 - If applicant is applying as an individual, but is also an officer on file with an entity that is “not current” with the Arkansas Secretary of State; the Trademark/Service Mark application will not be considered until the entity is in “Good Standing.”
 - If applicant is not registered with the Secretary of State and applying as a business entity, the applicant must attach a copy of the certificate required to do business under an assumed name. Ark. Code Ann. § 4-70-203 (filed with the County Clerk in all counties where doing business).

4. Using the attached Trademark and Service mark classification information sheet (page 4 of these instructions), list the class number and title that best describes your product or service. If applying for a Trademark, choose from the “Goods” class numbers 1-34. If applying for a Service mark, choose from “Service” class numbers 35-45.

Note: *If applying for a Trademark, you may only select Trademark classification(s); if applying for a Service mark, you may only select Service mark classification(s). An application for a Trademark with Service mark classifications listed (or vice versa) will be rejected.*

- Please only use the options provided on the classification list. Applicant may not use a classification that is not included on the classification list.
 - If applicant wishes to protect the mark as both a Trademark and a Service mark, two separate applications will be required, along with separate payment and specimens for each application (one for a Trademark and one for a Service mark.)
5. Describe the product or service that is promoted or used in connection with the mark. If the mark is for a manufactured product, name the product (i.e. soap, jam, ladies clothing). If the mark is used to advertise services, describe the service you offer (i.e. retail sales, car wash, restaurant).
 - Example description for products/goods: The mark is used in connection with a brand of off-road tires; a line of cosmetics; sporting equipment; etc.
 - Example description for services: The mark is used in connection with services for a bed and breakfast; an automotive shop; a hair salon; etc.
 6. Explain how the mark will be used to advertise the product or service.
 - Example: The mark will be used on product labels, clothing tags, business cards, website, signage, etc.
 7. Provide a specific and detailed description of the mark exactly as it appears on the specimens provided. Describe the features of the mark including the words, lettering or pictures, as well as placement of text and all design features within the mark.
 - If the mark consists solely of words, only list the words in the description.
 - Color may be included; however, all specimens must show the same color scheme as listed in the description. If applicant wishes to protect more than one color scheme, separate applications will be required for each color scheme described, along with separate payment for each.
 - “See attached specimens” is not acceptable; a detailed written description must be given.
 - Applicant may attach a separate sheet to the application if additional space is necessary to adequately describe the mark.

Note: *Our Office may ask the applicant to “disclaim” certain words, phrases, or design elements within the mark. Commonly used words and geographical locations typically require a disclaimer (i.e. the state name “Arkansas” or the word “restaurant”). It is a simple statement that can be added to the end of description in #7. Ex: Applicant disclaims exclusive right to use the word “Jacksonville” unless used in connection with the mark.*

8. Give the date the mark was first used anywhere and the date it was first used in Arkansas. No mark can be registered in Arkansas until the mark is used in the state, and the product or service is available in this state.
 - The dates must be provided in (month/day/year) format.
 - If applicant owns a Federal Trademark, please provide the current registration number. If applicant has applied for registration of a Federal Trademark, please provide the serial number. Failure to notify our Office of current or pending Federal marks may adversely affect the application.

9. Provide three (3) original specimens showing the mark as it is actually used in business. The specimens must be original. Photocopies are not accepted unless they are pictures of signage too large to mail or webpage “screen shots.” If colors of the mark are a distinguishing characteristic, all three specimens should include the specific colors as described in #7 of the application.
 - Examples of specimens include: product labels, letterhead, business cards, actual products (i.e. mugs, t-shirts, key chains, menus, etc.) Applicant may provide three (3) identical original specimens as stated above.
 - Web page “screen shots” are only acceptable when the web address is clearly visible and originates from the applicant’s own website. Social media pages (Facebook, Twitter, etc.) are NOT acceptable.
 - All specimens submitted with the application must show current use in the state of Arkansas. Specimens that are dated older than two years are not acceptable. Also, if an out of state address appears on a specimen, applicant will be asked to provide proof the product or service is used in Arkansas.

10. Affidavit and sworn statement. The name of the owner of the mark must be typed or printed in the blank and the owner of the mark should sign on the signature line. Please provide a telephone number that can be used for contact purposes.
 - If the applicant is an individual, the correct title should read as “owner.” If more than one individual own the mark, please attach a separate signed notarized affidavit for each additional owner identified in #2.
 - If the applicant is a partnership, the correct title should identify person signing as a “General Partner.”
 - If applicant is incorporated, an Officer with the corporation should sign and correctly list their title accordingly. (“President”, “Treasurer”, “Member”, etc.)
 - A member or manager of a limited liability company should sign on behalf of the LLC
 - A non-employee attorney may sign when proof of corporate authorization has been provided to our Office and signed by an officer on record with the Secretary of State. In-house counsel is acceptable and should so indicate with words “General Counsel” (or “Assistant General Counsel”, etc.)

11. The individual’s signature must be properly notarized.
 - The Notary must be current and in good standing with the Secretary of State. Also, their seal must be legible and in blue or black ink. To determine if a Notary is in good standing, applicant may search the notary database at:
<http://bcs.sos.arkansas.gov/NotarySearch>

- Corrections cannot be made to a notarized application. If the application is rejected, a new application and notarization will be required.

CLASSIFICATIONS OF GOODS AND SERVICES FOR TRADEMARK OR SERVICE MARK REGISTRATION

(Valid Responses To #4 of the Trademark/Service Mark Application)

<u>Goods</u>		<u>Services</u>	
Class 1	Chemicals	Class 35	Advertising and business
Class 2	Paints	Class 36	Insurance and financial
Class 3	Cosmetics and cleaning preparations	Class 37	Building construction and repair
Class 4	Lubricants and fuels	Class 38	Telecommunications
Class 5	Pharmaceuticals	Class 39	Transportation and storage
Class 6	Metal goods	Class 40	Treatment of materials
Class 7	Machinery	Class 41	Education and entertainment
Class 8	Hand tools	Class 42	Computer, scientific and legal
Class 9	Electrical and scientific apparatus	Class 43	Hotels and restaurants
Class 10	Medical apparatus	Class 44	Medical, beauty and agricultural
Class 11	Environmental control apparatus	Class 45	Personal
Class 12	Vehicles		
Class 13	Firearms		
Class 14	Jewelry		
Class 15	Musical instruments		
Class 16	Paper goods and printed matter		
Class 17	Rubber goods		
Class 18	Leather goods		
Class 19	Nonmetallic building materials		
Class 20	Furniture and articles not otherwise classified		
Class 21	Housewares and glass		
Class 22	Cordage and fibers		
Class 23	Yarns and threads		
Class 24	Fabrics		
Class 25	Clothing		
Class 26	Fancy goods		
Class 27	Floor coverings		
Class 28	Toys and sporting goods		
Class 29	Meats and processed foods		
Class 30	Staple foods		
Class 31	Natural agricultural products		
Class 32	Light beverages		
Class 33	Wine and spirits		
Class 34	Smokers' articles		

******For further explanation on Trademarks and the registration process, please read the "Trademark FAQs" available online at:
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