COMPLETE, PRINT, SIGN, AND MAIL OR FAX (If paying with credit card, complete Credit Card Payment Authorization on page 3)

TRADEMARK / SERVICE MARK REGISTRATION

SECRETARY OF STATE

SFN 13400 (09-2015)

For Office Use Only

ID Number:	
WO Number:	
Filed:	By:
Expiration Date:	

1. FILING FEE

$30.00 - One class of goods or services

$20.00 - Each additional class of goods or services

TEN YEAR REGISTRATION

2. **Two** exact **facsimiles** of the trademark or service mark must be attached. Colored facsimiles are required if color is a distinguishing characteristic.

SEE INSTRUCTIONS FOR FILING AND MAILING GUIDANCE **For reference, see North Dakota Century Code, Chapter 47-22.**

3. Owner	4. Social Security/Federal ID Number	5. Telephone Number
6. Address of owner's principal place of business (Street/RR, PO Box, City, State ZIP+4)		7. Toll-Free Telephone Number

8. The owner is a(n): (check one)

- ☐ Individual/Sole Proprietor
- ☐ Corporation - State of origin: _____
- ☐ General Partnership (see #9)
- ☐ Limited Liability Company - State of origin: _____
- ☐ Limited Partnership, Limited Liability Partnership, or Limited Liability Limited Partnership - State of origin: _____
- ☐ Other - Define (see instructions): _____

9. General Partnerships Only: List the names, social security or federal ID numbers, and addresses of the principal places of business for all partners

Name	Federal ID/Social Security Number	COMPLETE ADDRESS Street/Rural Route	Post Office Box	City	State	ZIP+4

10. Provide a specific and detailed description of the trademark or service mark as you want to have it protected, including features such as colors, words, lettering, pictures, designs, etc. (the words "see attached facsimile" cannot be accepted)

11. Mark is used to promote, or in connection with, the following goods or services

12. Classification of goods or services as designated in statutory list (provide the actual categories, not just the class number)

13. Describe how mark is used, or manner in which it is associated with a product or service (i.e. on a label, imprinted on the product, used in advertising, or building or vehicle signs, etc.)

14. Date mark first used by applicant or predecessor in business anywhere (MM/DD/YYYY)	15. Date mark first used by applicant or predecessor in business in North Dakota (MM/DD/YYYY)

16. "I (We) own the mark and no other person has the right to use such mark in North Dakota either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

I (We), the owner(s), state that I (we) have read the foregoing registration, know the contents thereof, and believe the statements made thereon to be true."

Signature	Date
Signature	Date

17. Name of person to contact about this document	Email Address	Daytime Telephone Number

INSTRUCTIONS FOR TRADEMARK OR SERVICE MARK REGISTRATION

Any person or entity that has adopted a mark to distinguish their goods or services from goods or services made or sold by another, may register that mark with the Secretary of State. The mark may be a word, name, symbol, or device, or any combination thereof. A word or slogan may be registered only when it clearly distinguishes products or services from those of another.

The registration of a trademark or service mark with the Secretary of State provides protection of the mark in North Dakota. However, if a mark is registered with the Patent and Trademark Office in Washington, D.C., the federal registration may supersede the protection afforded by state law.

In the event that a mark or name is used that is deemed to be the same as, or deceptively similar, to a trademark or service mark that is already registered, the registrant of such mark may institute a civil suit to enjoin the manufacture, use, display, or sale of any counterfeits or imitations. (See North Dakota Century Code, Section 47-22-12.)

The trademark or service mark submitted for registration may not be the same as, or deceptively similar to, another mark or name registered with the Secretary of State. (See North Dakota Century Code, Section 47-22-02.) The Secretary of State may not file any trademark or service mark submitted for filing if the mark is determined to be the same as, or deceptively similar to, a previously filed name or mark.

The following numbers correspond to the numbered sections on page 1 of this form:

1. The registration fee is $30 if a trademark or service mark is associated with only one class of goods or services. If associated with more than one class of goods or services, the fee is $20 for each additional class. (See number 12 to identify the applicable classes). Checks must be payable to "Secretary of State" and must be negotiable U.S. funds. Payment may also be made by credit card using Visa, Master Card, or Discover.

2. Attach **two** identical **facsimiles** of the mark to the application. The facsimiles may be in the form of an actual label or tag, or a photograph. If color of the mark is a distinguishing characteristic, colored facsimiles must be provided.

3. Provide the full names of all the owners. If the owner is a corporation, a limited liability company, a limited partnership, a limited liability partnership, or a limited liability limited partnership registered with the Secretary of State, the owner's name must be identical to that as registered.

4. To properly maintain trademark or service mark records, the social security or federal ID number(s) of the owner(s) is requested.

   In compliance with the Federal Privacy Act of 1974, the disclosure of the social security or federal ID number on this form is voluntary. The number is not disclosed to the public. It is used by the Secretary of State to maintain accurate trademark and service mark files. Therefore, while voluntary disclosure is requested, failure to do so will not result in rejection of the registration.

5. The telephone number of the owner is required.

6. Provide the complete mailing address of the owner's principal place of business.

   In this section, an address must include either a street or rural address and/or a post office box number if required for mailing purposes, in addition to the city, state, and zip code.

   If the owner is a corporation, limited liability company, limited partnership, limited liability partnership, or limited liability limited partnership registered with the Secretary of State, the principal place of business address must correspond to that declared in the separate entity registration with the Secretary of State. When notice is received in the form of an annual report of an owner indicating that the address of the principal place of business is changed in the entity registration, such notice automatically effects a change in the trademark or service mark registration.

7. Provide a toll-free telephone number if the applicant has one.

8. Select the organizational structure that best defines the owner.

   If the owner is a corporation, limited liability company, limited partnership, limited liability partnership, or limited liability limited partnership, include the state of origin. Any such entity created according to North Dakota laws must be in existence and on file with the Secretary of State before a mark will be accepted for registration.

   A North Dakota general partnership using a fictitious name must have a Partnership Fictitious Name Certificate on file with the Secretary of State before a mark will be accepted for registration.

   If the owner of the mark is an organizational structure defined as "other" and not mentioned above, the acceptance of a registration will be assessed on a case-by-case basis.

9. If the owner is a general partnership, provide the names of all partners, their social security or Federal ID numbers, and the complete addresses of their principal places of business. (See number 6 for definition of complete address.) (See number 4 regarding privacy of social security or federal ID number.)

10. Provide a specific and detailed description of the mark. Describe the features of the mark, including color, words, lettering, pictures, design, size, or any other characteristics of the mark. Attaching a facsimile and stating "see attached" cannot be accepted.

11. Identify the services, goods, or products, that will be associated with the mark.

(continued on next page)

INSTRUCTIONS FOR TRADEMARK OR SERVICE MARK REGISTRATION (continued)

12. The goods and services associated with a mark are classified by North Dakota Century Code, Section 47-22-09. From the following schedule, identify all the classes of goods or services associated with the mark.

GOODS:

1) Raw or partly prepared materials.
2) Receptacles.
3) Baggage, animal equipment, portfolios and pocketbooks.
4) Abrasives and polishing materials.
5) Adhesives.
6) Chemicals and chemical compositions.
7) Cordage.
8) Smokers' articles, not including tobacco products.
9) Explosives, firearms, equipments, and projectiles.
10) Fertilizers.
11) Inks and inking materials.
12) Construction materials.
13) Hardware and plumbing and steam-fitting supplies.
14) Metals and metal castings and forgings.
15) Oils and greases.
16) Paints and painters' materials.
17) Tobacco products.
18) Medicines and pharmaceutical preparations.
19) Vehicles.
20) Linoleum and oiled cloth.
21) Electrical apparatus, machines, and supplies.
22) Games, toys, and sporting goods.
23) Cutlery, machinery, and tools, and parts thereof.
24) Laundry appliances and machines.
25) Locks and safes.
26) Measuring and scientific appliances.
27) Horological instruments.
28) Jewelry and precious-metal ware.
29) Brooms, brushes, and dusters.
30) Crockery, earthenware, and porcelain.
31) Filters and refrigerators.
32) Furniture and upholstery.
33) Glassware.
34) Heating, lighting, and ventilating apparatus.
35) Belting, hose, machinery packing and nonmetallic tires.
36) Musical instruments and supplies.
37) Paper and stationery.
38) Prints and publications.
39) Clothing.
40) Fancy goods, furnishings, and notions.
41) Canes, parasols, and umbrellas.
42) Knitted, netted, and textile fabrics, and substitutes therefor.
43) Thread and yarn.
44) Dental, medical, and surgical appliances.
45) Soft drinks and carbonated waters.
46) Foods and ingredients of foods.
47) Wines.
48) Malt beverages and liquors.
49) Distilled alcoholic liquors.
50) Merchandise not otherwise classified.
51) Cosmetics and toilet preparations.
52) Detergents and soaps.

SERVICES:

1) Miscellaneous services.
2) Advertising and business.
3) Insurance and financial.
4) Construction and repair.
5) Communications.
6) Transportation and storage.
7) Materials treatment.
8) Education and entertainment.

13. Describe how the mark is used or associated, (e.g., a tag or label attached to the product, appears on the wrapping of the product, appears on the box in which the product is contained, is in some manner imprinted on the product, is used in advertising, etc.).

14. Provide the date (month, day, and year) on which the mark was first used anywhere.

15. Provide the date (month, day, and year) on which the mark was first used in North Dakota.

16. The application must bear the original signature of the owner and the date on which it was signed.

17. Provide the name, email address, and daytime telephone number of the person to contact for any issues related to this registration.

ASSISTANCE: If assistance is required to complete this registration, contact the Secretary of State's Business Registration Unit.

AMENDMENT: Any registrant that effects a name change must record that name change with the Secretary of State. The Secretary of State must record the name change upon the payment of $30 and filing of the following:

1. A notarized statement reciting the name change if the registrant is an individual.

2. A certificate of fact reciting the name change duly authenticated by the proper officer of the state or country if the registrant is a corporation, limited liability company, limited partnership, limited liability partnership, or limited liability limited partnership incorporated or organized in another state or country and does not have a certificate of authority or registration to transact business in North Dakota.

3. An amendment or application for amended certificate of authority or registration for a registrant that is a corporation, limited liability company, limited partnership, limited liability partnership, or limited liability limited partnership registered with the Secretary of State.

A registrant must notify the Secretary of State when effecting a change of address. An annual report of a corporation, limited liability company, limited partnership, limited liability partnership, or limited liability limited partnership filed with the Secretary of State that reflects a change of address of the principal place of business of a registrant serves as such notice.

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INSTRUCTIONS FOR TRADEMARK OR SERVICE MARK REGISTRATION (continued)

MAILING INSTRUCTIONS: Send an original registration and appropriate fee to:

Secretary of State
State of North Dakota
600 E Boulevard Ave Dept 108
Bismarck ND 58505-0500

Telephone: (701) 328-2904 Toll-Free: (800) 352-0867 (option 3) Fax: (701) 328-2992 Website: sos.nd.gov

ASSIGNMENT: Any registrant that transfers ownership of a mark to another party must file a Trademark/Service Mark Assignment. The assignment form is available from the Secretary of State's website or contact the Secretary of State's Business Registration Unit for the form.

Upon filing the Trademark/Service Mark Assignment, the Secretary of State issues, in the name of the assignee, a new certificate for the remainder of the ten-year term of the registration, or the last renewal thereof. An assignment does not extend the registration period.

RENEWAL: The trademark or service mark registration lapses after a period of ten years from the date of registration. Ninety days prior to the lapse of the registration, the Secretary of State forwards a Trademark/Service Mark Renewal to the owner at the last recorded address. To ensure delivery of a renewal notice, it is imperative that the owner's principal place of business address be maintained current with the Secretary of State.

CANCELLATION: The Secretary of State shall cancel the trademark or service mark if anyone fails to file the renewal prior to the expiration date. The trademark or service mark is also cancelled when the registrant is a corporation, limited liability company, limited partnership, limited liability partnership, or limited liability limited partnership that has failed to file an assignment and has ceased to exist for a period of six months.

CREDIT CARD PAYMENT AUTHORIZATION

SECRETARY OF STATE
SFN 51478 (04-2014)
(All items required to complete transaction)

			Amount Authorized
Name			Telephone Number
Address	City	State	ZIP Code

☐ VISA ☐ MasterCard ☐ Discover

Account Number	CSC Number *	Card Expires Month - Year	Signature (Required by Credit Card Companies)
			Date

* (CSC is the three-digit security code on the back of your card by the signature)