



STATE OF ALABAMA

APPLICATION TO REGISTER TRADEMARK, SERVICE MARK OR TRADE NAME IN ALABAMA

<p>1. Applicant:</p>	<p>2. The Applicant is: [in State of _____ (for corporation, partnership, llc or llp)] <input type="checkbox"/> unincorporated <input type="checkbox"/> non-profit <input type="checkbox"/> corporation <input type="checkbox"/> limited liability company <input type="checkbox"/> partnership <input type="checkbox"/> individual <input type="checkbox"/> sole proprietor <input type="checkbox"/> limited liability partnership <input type="checkbox"/> other _____</p>	
<p>Street Address, City and County:</p>	<p>State:</p> <p>ZIP:</p>	<p>Telephone: ()</p>
<p>3. If Partnership, list names and addresses of partners:</p>	<p>4. Description in Writing of Mark as you want it registered:</p>	
<p>5. Description of Goods, Services or Business in connection with which the mark is used:</p>	<p>6. Mode or Manner in which the Mark is used in connection with the goods, services or business:</p>	
<p>9. Disclaimer (if applicable). See instructions.</p>	<p>7. Classification: (one only)</p>	<p>8. This is a: <input type="checkbox"/> Trademark <input type="checkbox"/> Trade Name <input type="checkbox"/> Service mark</p>
<p>11a. Date first used anywhere and location: _____ in _____</p>	<p>10. Consent (if applicable). See instructions. Give name and address of owner of existing mark and attach hereto letter of consent:</p>	
<p>11b. Date first used in Alabama: _____</p>	<p>12. Attached hereto are three (3) specimens or facsimiles of the Mark in use. 13. Attached hereto is the filing fee of thirty dollars payable to the Secretary of State. 14. I believe I am the owner of the Mark, a member of the firm or an officer of the corporation or association applying and no other person has the right to use such Trademark, Service Mark or Trade Name in Alabama, except as provided for in item 10 above, either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor, § 8-12-8(a) (4), Code of Alabama, 1975, as amended.</p>	
<p>Name and Title _____ COUNTY OF _____</p>	<p>Signature _____ STATE OF _____</p>	
<p>I, _____, being first duly sworn, depose and say that I am the applicant herein, or a member of the firm or an officer of the corporation or association applying, that I have the authority to make this affidavit and verification and that I have read the above foregoing application and know the contents thereof, and that the facts set out therein are true. I further depose and say that the three specimens or facsimiles filed herewith are true and correct.</p>		
<p style="text-align: right;">Signature _____</p> <p>Subscribed and sworn to before me this, _____ day of _____, _____.</p>		
<p>My Commission expires: _____</p>	<p>Notary Public's Signature _____</p>	



STATE OF ALABAMA

INSTRUCTIONS TO REGISTER TRADEMARK, SERVICE MARK TRADE NAME IN ALABAMA

REGISTRATION

Registration of trademarks, service marks or trade names (herein referred to as “marks”) in Alabama is not a mandatory filing. If you so choose, registration procedures are available to you.

Rights of ownership of a particular mark are achieved through the Common Law of adoption and usage, not registration.

A mark must have been used in this state before you may attempt to register it.

There are many reasons why an application for registration might be rejected. However, please be reminded that the Secretary of State’s refusal to register a mark for any given reason is not a determination of ownership. That is, if the State refuses to register your mark, it doesn’t mean you can’t use the name. It simply means the mark, for whatever reason, does not meet registration requirements. The Secretary of State’s office is not telling you to change your name. You are entitled to continue to use the mark. It is your personal responsibility, however, to make sure the mark is not infringing on another’s mark or that the mark is not being used fraudulently.

If you have previously written for availability, please notice that you were advised something like... “there is nothing on file beginning with the words.....” or “.....nothing on file by the name.....” or something similar. Due to the possibility of rejection, trying to determine if your mark is available without the benefit of full information is a **serious disservice** to you. This office will provide search information for you but please remember that just because “there is nothing on file...”, registration is not guaranteed.

APPLICATION

Please complete your application in its entirety, with the possible exception of Items 3, 9 & 10. All others must be answered. Simply read the questions asked and answer those questions.

Your application must be accompanied by **three specimens** of the mark, as it is being used, along with a **filing fee of \$30.00**. Specimens are further discussed below.

While individuals are qualified to file applications for registration on their own behalf, you are encouraged to seek the advice of a licensed professional, specifically trained in trademark matters, due to the vast complexity of laws pertaining to trademarks.

SPECIMENS

Specimens perform the function of verifying usage of a mark. They are an important part of the registration process.

Before you submit your registration application and specimens, inspect your examples for clarity. If you have any doubt as to whether or not a specimen is acceptable, make a copy of it. Specimens of metallic substance (candy wrappers, metal identification plates) will not reproduce, period. Certain colors do not reproduce well at all (red lettering on dark colored backgrounds). If a clear copy can be made of the specimen, it is acceptable. You are also encouraged to enclose a black & white PMT or camera-ready artwork along with your specimens.

This office will return applications based upon unacceptable specimens.

If you have any questions, please contact:

Margaret Tyus
P.O. Box 5616
Montgomery, AL 36103-5616
(334) 242-5325

*** **INCLUDE COPY OF FEDERAL REGISTRATION, IF ONE HAS BEEN GRANTED.** ***

International schedule of classes of goods and services

Goods

- 1 Chemicals used in industry, science, photography, as well as in agriculture, horticulture, and forestry; unprocessed artificial resins; unprocessed plastics, manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.
- 2 Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colourants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.
- 3 Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.
- 4 Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles, wicks.
- 5 Pharmaceutical, veterinary, and sanitary preparations; dietetic substances, adapted for medical use, food for babies; plasters, materials for dressings, material for stopping teeth, dental wax, disinfectants; preparations for destroying vermin; fungicides, herbicides.
- 6 Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores
- 7 Machines and machine tools; motors (except for land vehicles); machine coupling and belting (except for land vehicles); agricultural implements; incubators for eggs.
- 8 Hand tools and implements (hand operated); cutlery; side arms; razors.
- 9 Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording transmission or reproduction of sound or images, magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.
- 10 Surgical, medical, dental, and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials.
- 11 Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply, and sanitary purposes.
- 12 Vehicles; apparatus for locomotion by land, air or water.
- 13 Firearms; ammunition and projectile; explosives; fireworks.
- 14 Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewelry, precious stones; horological and other chronometric instruments.
- 15 Musical instruments.
- 16 Paper and cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching materials (except apparatus); plastic materials for packaging (not included on other classes); playing cards; printers' type; printing blocks.
- 17 Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packaging, stopping and insulating materials; flexible pipes, not of metal.

Business:

- 43 Agriculture, Forestry, Fisheries
- 44 Mining
- 45 Construction
- 46 Manufacturing, nondurable goods
- 47 Manufacturing, durable goods
- 48 Transportation, communication and other public utilities
- 49 Wholesale trade, nondurable goods
- 50 Wholesale trade, durable goods
- 51 Retail trade, lumber and building materials, hardware, nurseries and garden stores, mobile home dealers
- 52 Retail trade, department, variety miscellaneous general merchandise, grocery, dairy products, retail bakery and food stores
- 53 Retail trade, motor vehicle dealers, auto and home supply stores, gasoline service stations, miscellaneous vehicle dealers
- 54 Retail trade, apparel, accessory and shoe stores

18 Leather and imitations of leathers, and goods made from these materials and not included in other classes; animal skins, hides, trunks and traveling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

19 Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.

20 Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.

21 Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges, brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steel wool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware, not included in other classes.

22 Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks; and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.

23 Yarns and threads, for textile use.

24 Textile and textile goods, not included in other classes; bed and table covers.

25 Clothing, footwear, headgear.

26 Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

27 Carpets, rugs, mats and matting; linoleum and other materials for covering existing floors; wall hangings (non-textile).

28 Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

29 Meats, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams; eggs, milk and milk products; edible oils and fats; salad dressings; preserves.

30 Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour, and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard, vinegar, sauces, (except salad dressings) spices; ice.

31 Agricultural, horticultural and forestry products and grains not included in other classes; living animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals, malt.

32 Beers; mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.

33 Alcoholic beverages (except beers).

34 Tobacco; smokers' articles; matches.

Services

35 Advertising and business.

36 Insurance and financial.

37 Construction and repair.

38 Communication.

39 Transportation and storage.

40 Material treatment.

41 Education and entertainment.

42 Miscellaneous.

55 Retail trade, furniture, home furnishings, household appliances, T.V. and radio stores

56 Retail trade, eating and drinking places, drug stores, liquor stores

57 Retail trade, sporting goods, bicycles and hobby stores

58 Retail trade, book, stationary, jewelry, sewing, needlework and piece goods stores

59 Retail trade, mail order house, vending machine operators and direct selling establishments, fuel and ice dealers and retail florists

60 Retail trade, miscellaneous

61 Finance, insurance, real estate

62 Business and repair services

63 Personal services

64 Entertainment and recreation services

65 Professional and related services

66 Public administration

67 Miscellaneous