

**APPENDIX 22 – RECORDING (STATE) SYSTEM FOR TRADEMARKS (NEW HAMPSHIRE AND OTHER SELECTED STATES)**

**A.      *New Hampshire***

An application form needs to be completed and sent to the Secretary of State's office along with the \$50.00 filing fee. Application instructions for registering trade/service marks in New Hampshire are as follows:

APPLICANT may be an individual, partnership, or corporation. Use full name. If a New Hampshire corporation, it must appear in the N.H. Secretary of State's files.

DESCRIPTION OF MARK: Describe mark fully, both wording and design or pictorial features such as logo. It must be clear from this description and the specimens exactly what is to be registered, or the application will be rejected.

DESCRIPTION OF GOODS OR SERVICES should describe what the mark is being applied to.

CLASS: Enter one class only on each registration; see list below.

MARK APPLIED TO should describe how the mark is to be used, i.e. on labels attached to goods, displays such as advertising, etc.

DATES OF FIRST USE: These are the dates the mark was first used 1) anywhere and 2) in New Hampshire. The dates may be the same, but cannot be in the future.

SIGNATURES (by an officer if a corporation or partner if a partnership) MUST BE NOTARIZED.

ENCLOSE \$50 AND THREE IDENTICAL SPECIMENS OR FACSIMILES ON PAPER.

NOTE: A mark may not be registered if it consists of or comprises the flag, coat of arms, etc. of the United States, any state or foreign country, or the name, signature, or portrait of any living individual, except with written consent. A mark that is merely descriptive of goods or services may not be registered unless it has become distinctive of the applicant's goods or services. The Secretary of State may require proof of continuous use for five years as evidence that the mark has become distinctive. See RSA 350-A:2 for further restrictions.

### ***B. California***

From web site [www.ss.ca.gov/business/ts/ts.htm](http://www.ss.ca.gov/business/ts/ts.htm), "The Secretary of State's Office maintains registration and all updates of trademarks and service marks used in California, making this information accessible to the public upon request."

Pages one and two of the online document, [www.ss.ca.gov/business/ts/forms/tm-100.pdf](http://www.ss.ca.gov/business/ts/forms/tm-100.pdf) describe the registration requirements of filing trade and service marks in the State of California. Pages three through six of the document are the actual forms for filing.

### ***C. Massachusetts***

Procedures describing the filing of trademarks in Massachusetts are found on site <http://www.magnet.state.ma.us/sec/cor/cortmsm/tmsminf.htm>.

The trademark or service mark application (submitted in duplicate) shall contain the following information:

1. the name of the applicant;
2. the business address of the applicant;
3. whether the applicant is an individual partnership, corporation, union or association;
4. if a corporation, the state of incorporation;
5. a description of the mark;
6. a description of the goods or services in connection with which the mark is used;
7. the class number of the goods or services (see the classifications of goods and services supplied below) (this may be left blank on the application);
8. a statement of how the mark is used;

9. the date of first use of the mark by applicant or predecessor in Massachusetts and anywhere;
10. identify any predecessor and describe use by predecessor; and
11. a statement that the applicant is the owner of the mark and that no other person has the right to use the mark in the Commonwealth either in identical form or in any form so similar as thereto as to deceive or be mistaken for.

The application must be signed by the applicant or by a member of the firm or an officer of the corporation, or association. Applicant's signature must be notarized. Staple or clip three specimens of the mark to the application. Do not glue or tape them. Specimens larger than 3"x3" will not be accepted.

The fee for filing a mark is fifty dollars (\$50.00) payable by cash, check or money order to the Commonwealth of Massachusetts.

The term of registration is ten (10) years. The owner will be notified to renew his registration within six months prior to the expiration of the term. (<http://www.magnet.state.ma.us/sec/cor/cortmsm/tmsmfrm.htm>).