

State of New Jersey
Department of the Treasury
Division of Revenue and Enterprise Services
33 West State Street, 5th Floor
Trenton, NJ 08608
<http://www.nj.gov/treasury/revenue>

PLEASE NOTE: When examining an application to register a mark, the Division of Revenue only considers its database of registered New Jersey marks. We do not search the state or county assumed name records, legal names of corporations or other filing entities, nor search the USPTO. We do not search phone books, the internet, or any other "common law" usage of marks in commerce. The person seeking to register a mark is responsible for a more substantial search to avoid infringing on the marks of others.

Owners of registered marks are responsible for enforcing their rights to the marks. A private attorney can assist you in determining and enforcing your rights.

Search State of New Jersey registered marks: <https://www.njportal.com/DOR/businessrecords>

You can search federally-registered marks online at the U.S. Patent and Trademark Office (USPTO) (www.uspto.gov)

Information for submission of Form TMSM-01

Type or machine print all information except signatures and file the application in duplicate. Application must be notarized.

Please refer to the instruction sheet below for completing items 1 – 8 of the application form TMSM-01.

Remittance/Fees:

A check or money order signed and made payable to the NJ Division of Revenue must accompany the application.

- Base Filing Fee: \$50.00 per filing (includes one classification)
- Premium Service Surcharges:
 - 1) \$15.00 additional per filing for expedited handling (8.5 business hours processing time for filing delivered over the counter or from date of receipt)
 - 2) \$100.00 additional per filing for same day service (same day processing for filing delivered over the counter)

Regular service (regular mail)

NJ Division of Revenue
PO Box 453
Trenton, NJ 08646-0453

Expedited and same day service **

NJ Division of Revenue
33 West State Street, 5th Fl.
Trenton, NJ 08608-1214
Attn: TMSM Unit

**Delivery by courier service or in person only.
Do not use USPS overnight delivery.

THE APPLICATION SERVES TO SIMPLY FILE WITH THE TREASURER.

THE DIVISION OF REVENUE AND ENTERPRISE SERVICES DOES NOT PROVIDE LEGAL ADVICE
NOR ENFORCE THE RIGHTS OF INTELLECTUAL PROPERTY

Instructions to complete the Original Application to Register Trademark or Service Mark (TSM-01)

Definitions:

A **Trade Mark** is any word, name, symbol or device or any combination thereof, used by a person to identify and distinguish the **goods** of the person, including a unique product, from those manufactured and sold by others, to indicate the source of the goods, even if that source is unknown.

A **Service Mark** is any word, name, symbol or device or any combination thereof, used by a person to identify and distinguish the **services** of one person, including a unique service, from the services of others, to indicate the source of the services, even if that source is unknown.

Specimen of the mark is a sample of the mark in use (i.e.-letter head, business cards, menu, website banner, distinct photograph of shirt, sign, pen, or other item ...*please do not send the actual item*).

Drawing of the mark: The mark shown on the drawing sheet must exactly match the mark shown in your specimen and must coincide with the description in item 2 of the application. The "drawing" does not have to be a hand-drawn depiction. You can print a picture of the mark onto the Drawing Sheet. The Drawing Sheet cannot include any text, pictures, or other material that is not part of the mark. If the mark is a phrase (word mark) it must be typed onto the drawing of the mark page. Submit on 8.5x11 sheet of paper labeled "Drawing of the Mark".

DO NOT GLUE and/or DRAW SPECIMENS/DRAWING OF THE MARK ONTO THE APPLICATION FORM.

Item 1 – Mark Type: Check only one box per application (see definitions). Mark type must coincide with classification number(s) (see item 4).

Item 2 – Name and description of Mark: All marks must be named. The name should be placed in quotes. Type a *brief* description. In the case of a design mark, you may choose a name that fits its description (i.e. – an image of a tree with rainbow and clouds can be named "tree rainbow"). In the case of a phrase, the description should be listed as word mark.

Item 3 – Description of the Goods or Services Involved: Describe *briefly and concisely* the goods or the services currently sold or provided.

Item 4 – Classification Number(s): Must coincide with the mark type checked in item 1. More than one classification number can be listed; however, an additional \$50.00 charge is applicable for each classification listed after the initial classification.

Please note: Only one type (Trademark or Servicemark) can be checked on the form. Multiple Classifications can be used on the same form as long as they fall under the same mark type.

Item 5 – Applicant Information: Must list complete name and address (a and b). Must check one box on line (c). Complete lines (d) and/or (e) if applicable.

Item 6 – Dates: Must list the date mark first used in New Jersey (*mm/dd/yyyy*). Listing a future date (i.e.-reserve date) is prohibited. Date first used elsewhere is optional.

A trademark is "in use" when it has been placed on the goods, containers of the goods, or point-of-sale displays of the goods, and the goods have been sold, displayed for sale, or otherwise publicly distributed in New Jersey.

A service mark is "in use" when (1) it is displayed in New Jersey in connection with the services, and (2) the services are performed in New Jersey.

Item 7 – Signature(s) and Statement of Ownership: All signatures on original application (excluding duplicate application) must be penned. Photocopy/faxed applications are not acceptable. Application must be notarized.

Attach to the application: 1 drawing of the mark (*see definitions*)

3 specimens of the mark as actually used (see definitions)

New Jersey Division of Revenue and Enterprise Services

ORIGINAL APPLICATION TO REGISTER A TRADE OR SERVICE MARK

This form may be used by applicants to register a State trade or service mark pursuant to NJSA 56. Applicants are responsible for strict adherence to all requirements as set forth in State law.

1. **Mark Type:** (check one; see instruction page for definitions): Trade Mark Service Mark
2. **Name and Description of Mark** (list the term that constitutes the mark and in the case of a design mark, also provide a brief description of its appearance)

3. **Description of the Goods or Services involved:**

4. **Classification Number(s):** (minimum of one)

5. **Applicants Information:**

- a. Name:
- b. Business Address:
- c. Applicant is (check one) An Individual Corporation Partnership Other Business Entity
- d. If applicant is a corporation, partnership or other business entity, list the home state:
- e. If the applicant is a partnership, list the names of all general partners:

6. **Dates:** Date First Used in New Jersey (must be entered) _____ Date Used Elsewhere: _____

7. **Signature(s) and Statement of Ownership:** (verification required)

The applicant attests that he or she is the owner of the mark, and the mark is in use in this State. And that to his or her knowledge, no other person has registered the mark, either with the US Patent and Trade Mark Office or with the NJ Treasurer, or has the right to use the mark or a mark in such near resemblance as to be likely, when used in connection with the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive.

(Signature of Applicant, or a Member of the Firm,
or an Officer of the Corporation or Business applying)

(Date)

Subscribed and sworn to before me _____
A Notary Public, this _____ day of _____ A.D. 20 _____.

(Notary Public)

Note -Attach to this application:

- A drawing of the mark (on 8.5x11 sheet of paper)
- Three (3) specimens showing the mark as actually used