



# STATE OF MONTANA

Prepare, sign, submit with an original signature and filing fee.  
This is the minimum information required.

(This space for Secretary of State use only)

APPLICATION for REGISTRATION of MARK  
(Trademark or Service Mark) [30-13-311, MCA](http://sos.mt.gov)

**MAIL:** Secretary of State  
P.O. Box 202801  
Helena, MT 59620-2801  
**PHONE:** (406) 444-3665  
**FAX:** (406) 444-3976  
**WEB SITE:** [sos.mt.gov](http://sos.mt.gov)

**Required Filing Fee: \$20.00 per class  
Plus \$20.00 per each additional class**  
 24 Hour Priority Handling check box and **Add \$20.00**  
 1 Hour Expedite Handling check box and **Add \$100.00**

**Make checks payable to Secretary of State.**

**If the document is hand written, please print legibly or the application may be denied.**

**1. Check only one box and complete as requested. For either option, attach three specimens showing how the mark is being used (photocopies are acceptable).**

This mark is "words only" and does not include a design (e.g., words/numbers/letters only, no design) and the mark is:

\_\_\_\_\_

This mark includes a design and a description of the mark is (describe the design and include words, letters, numbers if part of the design):

\_\_\_\_\_

**2. The goods or services connected with the mark: (Please note: if your mark includes both trademark and service mark classifications, you will need to submit separate forms for each.)**

\_\_\_\_\_

**3. The mode or manner in which the mark is used on or in connection with the goods or services (attach separate sheet if needed):**

\_\_\_\_\_

**4. Class Numbers:** \_\_\_\_\_

Identify the number of the classes that best describe the goods or services from the following online list: [Class of Goods and Services](#) . **NOTE: An additional filing fee must accompany each class when registering multiple classes.**

**5. The date the mark was first used by the applicant or a predecessor in business: (Note: Must complete both (a) and (b). Date first used anywhere must be the same or earlier than the date first used in Montana.)**

**(a) Date first used ANYWHERE:** \_\_\_\_\_  
(Month/Day/Year)

**(b) Date first used in MONTANA:** \_\_\_\_\_  
(Month/Day/Year)

6. The name and business mailing address of the applicant:

Name: \_\_\_\_\_

Business mailing address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

7. The applicant is (**check only one**):

**An individual**

**A firm**

**A partnership** State of organization: \_\_\_\_\_ (Attach names of general partners)

**A limited liability company** State of organization: \_\_\_\_\_

**A corporation** State of incorporation: \_\_\_\_\_

**An association**

**A union**

**Other organization**

8. **I, HEREBY SWEAR AND/OR AFFIRM**, under penalty of law, including criminal prosecution, that the applicant is the owner of the mark, that the mark is in use, and that, to the knowledge of the person verifying the application, no other person has registered the mark, either federally or in this state, or has the right to use the mark either in the identical form or in a form that so nearly resembles the mark as to be likely, when applied to the goods or services of the other person, to cause confusion, to cause mistake, or to deceive.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

9. Daytime Contact: Phone \_\_\_\_\_ Email \_\_\_\_\_

## HELP SHEET: Application for Registration of Trademark or Service Mark

### Definition

A **trademark** is any word, name, symbol, device, or any combination of words, names, symbols, or devices used by a person to identify and distinguish the goods of that person, including a unique product, from those manufactured or sold by others and to indicate the source of the goods, even if that source is unknown. A **service mark** is a mark used to identify a service rather than a product. A service mark differs from a trademark in that the mark is used on the advertising of service rather than on the packaging or delivery of the service. When registering a service mark you use the same form as the trademark.

### Item 1

Check only one box and complete by providing the description of your mark and attach the three (3) specimens showing how the mark is being used.

- If you checked **words only**, you must provide the letters, words and/or numbers of the mark.
- The three (3) specimens you submit must reflect words only. A design such as a picture or graphics appearing with the words will result in the application being returned for correction since it appears a design accompanies the words. If you only have specimens of the mark which contain other words or designs that are not part of the mark, you will need to clearly mark each specimen with "words only/no design" or the application may be returned for clarification.
- If the words reflected on your specimens are themselves a design, the application will be returned for correction since your mark appears to have a specific design.
- If you checked that the **mark has a design**, you must include any letters, words, or numbers of the mark and describe any designs (buildings, mountains, clouds, people, etc.) that are part of the mark being registered. Applications that include a design, not limited to pictures or graphics that appear with words that are not included in the description in Item 1 will be returned for correction as it appears the design and words combined will comprise the registered mark.

A specimen is a sample or photocopy showing exact representation of how the Mark is being used in association with the product or service. Specimens commonly provided include but are not limited to letterhead, advertising and brochures. When submitting your three (3) specimens our office will accept specimens that are different or all identical.

Examples of a Mark **with a Design**:

Example 1: Trademark



Example 2:



Examples of a Mark with **Words only**:

Example 1: Trademark

Example 2: Trademark

### Item 2

List the goods or services on or in connection with how the mark is being used. For example: clothing, jewelry, food, appliances, etc.

### Item 3

List the mode or manner in which the mark is being used on or in connection with the goods or services. For example: label on food or clothing, letterhead on stationery or business cards, signs, etc.

### Item 4

List a class or classes from the list of United States Patent and Trademark Office available on our website as noted on the form. An additional filing fee must accompany each class when registering multiple classes.

### Item 5

The dates listed must be earlier than the date the application is completed to reflect that the mark is in use.

### Item 6

List the name and business mailing address of the entity or person applying for the mark.

### Item 7

Identify the type of applicant (entity or person applying for the mark) by checking only one box.

**Note:** If you are attempting to register a Mark in Montana, it must be filed with our office. A Mark registered with our office is good **only** for the State of Montana. A Mark registered with our office must actually be in use in the State of Montana.