

## **ASSOCIATED FEES: Trade Name, Trademark, Service Mark Registrations**

- Trade Name, Trademark, Service Mark Registration:

Filing Fee: \$50.00

Expedited Review: \$20.00

- Assignment of Trade Name, Trademark, Service Mark:

Filing Fee: \$10.00

Expedited Review: \$20.00

- Change of Name of Registrant:

Filing Fee: \$10.00

Expedited Review: \$20.00

EFFECTIVE:

JANUARY 1, 2013 TO DECEMBER 31, 2013 THE FILING FEES BELOW HAVE BEEN REDUCED.

Trade Name, Trademark, & Service Mark:

\$25.00

FEES WILL AUTOMATICALLY READJUST BACK TO STATUTORY FEES ON JANUARY 1, 2014



**APPLICATION FOR REGISTRATION OF SERVICE MARK**

(Chapter 482, Hawaii Revised Statutes)

PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK

1. Applicant's Name: \_\_\_\_\_

Business Address: \_\_\_\_\_  
(Including city, state, and zip code)

2. Registration is (check one):  New **OR**  Renewal (Certificate No. \_\_\_\_\_ )

3. Status of Applicant (check only one)  Sole Proprietor  Corporation  Partnership  LLC  LLP

Unincorporated Association **OR**  Other (explain): \_\_\_\_\_

4. If applicant is an entity, list state or country of incorporation/formation/organization: \_\_\_\_\_

5. Service Mark is specifically described as: \_\_\_\_\_

6. Service mark is being used in connection with the following services: \_\_\_\_\_

7. State the mode or manner in which the service mark is used on or in connection with the services provided: \_\_\_\_\_

8. State the classification for this service mark: \_\_\_\_\_

(See instructions on reverse side-only one classification per application allowed)

9. Date mark first used anywhere: \_\_\_\_\_ ; Date mark first used in Hawaii: \_\_\_\_\_

I certify, under the penalties set forth in Section 482-51, Hawaii Revised Statutes, that (check one):  I am the applicant **OR**

I am the \_\_\_\_\_ of the applicant named in the foregoing application, that the  
(Office Held)

applicant is the owner of the mark, that I am authorized to sign this application, and to the best of my knowledge and belief, the mark has been and is still in use, that no other person has registered, either federally or in this State, or has the right to use, the mark either in the identical form thereof or in such near resemblance thereto as to be likely, when applied to the services of the other person, to cause confusion, to cause mistake, or to deceive, and that the above statements are true and correct.

\_\_\_\_\_  
(Print Name) (Signature) (Date)

SEE INSTRUCTIONS ON REVERSE SIDE.

(DEPARTMENTAL USE ONLY)

Certificate of Registration No. \_\_\_\_\_

**CERTIFICATE OF REGISTRATION OF SERVICE MARK**

In accordance with the provisions of Chapter 482, Hawaii Revised Statutes, this Certificate of Registration is issued to secure the aforesaid applicant the use of the said SERVICE MARK throughout the State of Hawaii for the term of five years from \_\_\_\_\_

to \_\_\_\_\_

REGISTRATION OF A SERVICE MARK WITH  
THE DEPARTMENT DOES NOT GRANT  
YOU OWNERSHIP OF THE SERVICE MARK

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
STATE OF HAWAII  
Dated: \_\_\_\_\_

\_\_\_\_\_  
(Director of Commerce and Consumer Affairs)

## INFORMATION FOR APPLICANTS FOR REGISTRATION OF SERVICE MARKS

### REGISTRATION OF A SERVICE MARK WITH THE DEPARTMENT DOES NOT GRANT YOU OWNERSHIP OF THE SERVICE MARK.

Section 482-22, Hawaii Revised Statutes, provides that an applicant for registration of service mark must file an application with the Director of Commerce and Consumer Affairs, verifying that the applicant is the owner of the service mark. Ownership of a service mark is acquired by adoption and use of the service mark. Before filing an application, an applicant should check the computerized list of registered names to determine if there is a registration that is substantially identical to the service mark he wishes to register. A check should also be made in the telephone directory of each island, the city directory and with the Department of Taxation. When an application is filed, the Business Registration Division will make a search of the registrations on record to determine that there is no other registration that is the same or substantially identical to the service mark applied for.

Section 482-25, HRS, provides that the registration will be for a term of five years from the date of filing. Registrations may be renewed for additional periods of five years from the date of renewal by filing an application and \$50.00 fee within six months prior to the expiration date.

Section 482-28.5, HRS, provides that if, after registration with the Director of Commerce and Consumer Affairs, the service mark is abandoned or not used by the registrant for any period of 365 consecutive days, the service mark shall be subject to revocation. Any person desiring such revocation is required to file a verified petition with the Director requesting revocation of the service mark and setting forth facts indicating abandonment or nonuse by the registrant for a period of 365 consecutive days immediately preceding the date of filing of the petition. After granting an opportunity for hearing to the petitioner and registrant, the Director shall grant or deny the petition as the facts shall warrant.

Section 482-28.5, HRS, provides that any person claiming to be the owner of a service mark for which a certificate of registration has been issued to any other person, may file a verified petition with the Department for the revocation of such registration setting forth facts in support of the claim for ownership. After granting an opportunity for hearing to the petitioner and registrant, the Director shall grant or deny the petition as the facts shall warrant.

**Instructions:** Application must be typewritten or printed in **black ink**, and must be **legible**. Signature must be in **black ink**. Submit application together with the appropriate fee.

Application must be signed by the applicant if an individual. For **corporations**, application must be signed by an authorized officer of the corporation. For **general or limited partnerships**, application must be signed by a general partner. For **LLC**, application must be signed by a manager of a manager-managed company or by a member of a member-managed company. For **LLP**, application must be signed by a partner.

- Line 1. State the full name of the applicant. State the complete address (including city, state, and zip code) of the applicant.
- Line 2. Check whether the service mark to be registered is a new registration or a renewal of an existing registration. Renewals must be received prior to the expiration date of the current registration.
- Line 3. Check one of the blocks to indicate the status of the applicant. If you check "Other," you must explain what type of entity the applicant is.
- Line 4. If the applicant is a corporation, partnership, or limited liability company, list the state or country in which it was incorporated, formed or organized.
- Line 5. State complete service mark to be registered. If the service mark consists of a word or words, without a specific design, the same must be typed or printed and one (1) specimen of the service mark per class of goods showing the mark as actually used on or in connection with such services should be filed with the application. If the service mark consists of a word or words with a symbol or design, a complete description must be typed or printed. One (1) exact copy of the service mark and one (1) specimen of the service mark per class of goods showing the mark as actually used on or in connection with such services should also be filed with the application. See next page for description of a specimen.
- Line 6. State the services to be identified by the service mark. (Services must fall within the classification listed on Line 8)
- Line 7. State the mode or manner in which the service mark is used in connection with the services provided. Some of the common ways service marks may be used in commerce are on business cards, letterhead, signage, advertising, or promotional materials.
- Line 8. State only one category from the list of service mark classifications provided. Select a category from 35 to 45 only. For a detailed list of acceptable classification of services, please check the USPTO website at: <http://tess2.uspto.gov/netathtml/tidm.html> A separate application and fee is required for each classification desired.
- Line 9. State the date the mark was first used anywhere, and the date the mark was first used in Hawaii by the applicant or a predecessor in interest.

**Filing Fees: Filing fee (\$25.00) is not refundable. Temporary fee reduction until 12/31/2013.** Make checks payable to DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS. Dishonored Check Fee \$25.00.

For any questions call (808) 586-2727. Neighbor islands may call the following numbers followed by 6-2727 and the # sign:

Kauai 274-3141; Maui 984-2400; Hawaii 974-4000, Lanai & Molokai 1-800-468-4644 (toll free).

Fax: (808) 586-2733 Email Address: [breg@dcca.hawaii.gov](mailto:breg@dcca.hawaii.gov)

**SPECIMEN**

A specimen is an actual example of how you are using the mark in commerce on or in connection with the identified services. This is not the same as the drawing of the mark, which merely represents what you are claiming as the mark.

A specimen for a mark used in connection with services must show the mark used in the sale or advertising for the services. You may submit a copy of (1) your sign, (2) a brochure/publication about the services, (3) an advertisement for the services, or (4) a business card or stationery showing the mark in connection with the services.

**NOTICE: THIS MATERIAL CAN BE MADE AVAILABLE FOR INDIVIDUALS WITH SPECIAL NEEDS. PLEASE CALL THE DIVISION SECRETARY, BUSINESS REGISTRATION DIVISION, DCCA, AT 586-2744, TO SUBMIT YOUR REQUEST. ALL BUSINESS REGISTRATION FILINGS ARE OPEN TO PUBLIC INSPECTION. (SECTION 92F-11, HRS)**