

TRADEMARK AND SERVICE MARK QUESTIONNAIRE

Please complete this questionnaire to assist us in the preparation of your trademark application or service mark application. It is important to note that substantive trademark rights may be established as of the filing date of a United States trademark application. Accordingly, please return the completed questionnaire, retainer, and any requested materials to us as soon as possible so that we may expedite the process.

1. TYPE OF REGISTRATION

- UNITED STATES PATENT AND TRADEMARK OFFICE (FEDERAL)
- STATE OF FLORIDA
- ANOTHER STATE (please specify)
- FOREIGN COUNTRY (please specify)

To qualify for federal registration, the mark must meet the following requirements:

- (a) The mark cannot resemble a mark already in use, and thereby cause confusion among consumers.
- (b) The mark must also be distinctive as applied to the products or services and cannot merely describe the products or services. Furthermore, the mark cannot be primarily geographically descriptive or primarily merely a surname.
- (c) The mark must not dilute a famous mark.
- (d) The mark must be actually in use on the goods or services and must have been used in interstate commerce (use-based application) or the applicant must have a bona fide intent to use the mark (intent-to-use application) followed by actual use prior to registration. Use in interstate commerce includes, for example, shipping the product with a label bearing the mark or by offering the services in more than one state.

2. TRADEMARK/SERVICE MARK

Mark to be registered (select one):

- word(s) only: _____;

or

- logo/design or a combination of word(s) and design or word(s) in special lettering

* Please provide an electronic file containing the logo (.JPG preferred) or attach a clear copy of your mark. The Trademark Office prefers a BLACK & WHITE depiction of the mark with no shades of gray, unless you wish to specifically protect your mark in COLOR (you must indicate whether you wish to claim the color). Please describe your mark here: _____

3. WHAT PRODUCTS OR SERVICES ARE YOU OFFERING OR INTEND TO OFFER UNDER THE TRADEMARK/ SERVICE MARK?

If the mark is a trademark used on specific goods or products, please list those goods (*For example: clothing, toys, computers, software*).

If the mark is a service mark or trade name, please list the services provided under the mark (*For example: computer services, educational services, entertainment services*).

4. BASIS OF REGISTRATION

An application may be based on actual use or an intent-to-use the mark in commerce. Trademark law defines *first use* for goods as the date upon which goods bearing the mark were first sold or transported. For services, the date of first use is the date that the services were first advertised in connection with the mark, coupled with the ability to provide the services.

- [] Intent-to-use application: Check here if products bearing the mark have not yet been sold or services rendered under the mark (proceed to question 5); or
- [] Use based application: Check here if products bearing the mark have been sold or services rendered under the mark and answer the following:

A. **Date of First Use**: What is the first use date of the mark anywhere? At least as early as: _____(mm/dd/yyyy)

B. **Date of First Use in interstate commerce**: What is the date of first shipment of items bearing the mark across state lines or advertisement of services in a medium which crosses state lines? At least as early as: _____(mm/dd/yyyy)

C. **Samples of Use**: If the mark has been used, we require an actual sample showing the mark as used in connection with *each class* of goods and/or services (see attached list of classes at the end of this questionnaire).

Proper use of a trademark on products/goods includes use on labels, packaging, hang tags, or printed directly on the goods (advertisements are not acceptable to show use on goods).

Proper use of a service mark in conjunction with services includes use in advertising and promotion of the services, brochures, billboards, signs, menus, and flyers.

Marking: "TM" is used to denote a trademark that is not federally registered. An ® is only to be used AFTER a mark been federally registered.

5. OWNER OF THE MARK (INDIVIDUAL ____ OR COMPANY ____)

A. If the owner of the mark is an *INDIVIDUAL*, please state:

Name:

Citizenship:

Address:

Phone:

Email:

B. If the owner of the mark is a *COMPANY*, please state:

Name of company:

Type of company: (Corp./ Partnership/ etc.)

State or country of incorporation or organization:

Address:

Contact Person Name and Title:

Phone:

Email:

Website:

6. OTHER MARKS

Does the owner of this mark own any other United States, state, or foreign registrations for the mark or a similar mark? Please indicate jurisdiction, registration number, and date of each below and attach a copy or copies of the registration certificates if available.

7. Trademark Search

Do you wish us to conduct a trademark search? YES ____ or No ____

A trademark search for your mark is advisable to determine whether the mark conflicts with an existing mark. The U.S. Patent & Trademark Office (USPTO) will reject an application to register your mark if consumers are likely to confuse your mark with a mark already registered. A search is therefore recommended to avoid infringement of prior marks, to avoid the expense of application fees when rejection appears likely, and to avoid spending advertising resources on a mark which you may ultimately be forced to cease using because of a third party's prior rights.

DECLARATION & POWER OF ATTORNEY

I hereby appoint the attorneys of Beusse Wolter Sanks Mora & Maire, P.A. power of attorney to prosecute my application(s); to make alterations and amendments therein, to receive all notices, communications and registrations; and to transact all business in the U.S. Patent and Trademark Office connected therewith. Due to the numerous requirements for registration, I understand that there is no guarantee that my application(s) will be granted and that I will not receive a refund of any fees in the event the Trademark Office rejects my application for any reason.

I understand that an advance retainer may be required by the firm prior to undertaking any work on my behalf and that additional retainer amounts may be requested from time to time, including requests for advance payment, as necessary. I understand that the firm does not undertake work on accounts that are past due or for which requested payments have not been made.

I understand that any false statements in my trademark application may result in cancellation of the ENTIRE registration based on **FRAUD**. If I have provided dates of first use for my application, I have confirmed such dates are correct and can be supported by evidence of actual use. If I have listed goods/services for the application, I have confirmed that the mark is being used on ALL of those listed goods/services.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b) - intent-to-use, he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signatory Name:
Title:

Date: _____

Contact Person:		
Name:		
Title:		
Address:		
Email:	Phone:	Fax:

International Schedule of Classes of Goods and Services

GOODS

1.	Chemicals used in industry, science and 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; colorants; 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; nonelectric 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 and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs.
8.	Hand tools and implements (hand-operated); cutlery; side arms; razors.
9.	Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, 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 projectiles; 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 chronometric instruments.
15.	Musical instruments.

16.	Paper, 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 material (except apparatus); plastic materials for packaging (not included in 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; packing, stopping and insulating materials; flexible pipes, not of metal.
18.	Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.
19.	Building materials (non-metallic); nonmetallic rigid pipes for building; asphalt, pitch and bitumen; nonmetallic 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.	Textiles and textile goods, not included in other classes; beds 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.	Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats.
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 (condiments); spices; ice.
31.	Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals; malt.

32.	Beers; mineral and aerated waters and other nonalcoholic 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; business management; business administration; office functions.
36.	Insurance; financial affairs; monetary affairs; real estate affairs.
37.	Building construction; repair; installation services.
38.	Telecommunications.
39.	Transport; packaging and storage of goods; travel arrangement
40.	Treatment of materials.
41.	Education; providing of training; entertainment; sporting and cultural activities.
42.	Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; legal services.
43.	Services for providing food and drink; temporary accommodations.
44.	Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.
45.	Personal and social services rendered by others to meet the needs of individuals; security services for the protection of property and individuals.