

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

- Trade Name, Trademark, Service Mark Registration:  
Filing Fee: \$25.00\*  
Expedited Review: \$20.00

\* The filing fee for Trade Name, Trademark, and Service Mark Registrations has been reduced through December 31, 2016. The filing fee will automatically readjust to the statutory amount of \$50.00 on January 1, 2017.



**INFORMATION FOR APPLICANTS FOR REGISTRATION OF TRADEMARKS****REGISTRATION OF A TRADEMARK WITH THE DEPARTMENT DOES NOT GRANT YOU OWNERSHIP OF THE TRADEMARK.**

Trademark means any word, name, symbol or device, or combination thereof, adopted and used by a person to identify goods or manufactured articles.

Section 482-22, Hawaii Revised Statutes, provides that an applicant for registration of trademark must file an application with the Director of Commerce and Consumer Affairs, verifying that the applicant is the owner of the trademark. Ownership of a trademark is acquired by adoption and use of the trademark. 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 trademark 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 trademark 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 trademark is abandoned or not used by the registrant for any period of 365 consecutive days, the trademark shall be subject to revocation. Any person desiring such revocation is required to file a verified petition with the Director requesting revocation of the trademark 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 trademark 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 trademark 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 box 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 trademark to be registered. If the trademark consists of a word or words, without a specific design, the same must be typed or printed and one (1) specimen of the trademark per class of goods showing the mark as actually used on or in connection with such goods should be filed with the application. If the trademark 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 trademark and one (1) specimen of the trademark per class of goods showing the mark as actually used on or in connection with such goods should also be filed with the application. See next page for description of a specimen.
- Line 6. List the goods in connection with the trademark. (Goods must fall within the classification listed on Line 8)
- Line 7. State the mode or manner in which the trademark is used in connection with the goods. In most cases, the trademark is attached to the containers of the product, but in other cases it may be by label applied directly to the product.
- Line 8. State only one classification from the list of trademark classifications provided. Select a classification from 1 to 34 only. For a detailed list of acceptable classification of goods, please check the USPTO website at:  
**<http://tess2.uspto.gov/netahtml/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 12/31/2016.*** 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 goods. 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 on goods shows the mark on the actual goods or packaging for the goods. You may submit a copy of (1) the tag or label for the goods, (2) the container/packaging for the goods, (3) the display associated with the goods, or (4) a photograph of the goods that shows use of the mark on the goods.

**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)**