TM

WEST VIRGINIA APPLICATION FOR TRADEMARK OR SERVICE MARK

Form TM-1
Rev. 07/2026

West Virginia Secretary of State
Business & Licensing Division
Tel: (304)558-8000
Fax: (304)558-8381
Website: www.wvsos.gov

FILE ONE ORIGINAL
(Two if you want a filed, date-stamped copy returned to you)

FEE: $50.00 - Expedited service not available for this type of filing.
(See instructions for complete list of applicable fees.)

☐ **New Application** (MARK NOT PREVIOUSLY REGISTERED IN WEST VIRGINIA)

☐ **Renewal;** Mark last registered on (Date): _____

Applicant Information

1. Name of Applicant: _____

2. Business Address: _____

_____

3. E-mail Address: _____

4. If applicant is a corporation or partnership, enter home state of organization: _____

5. If applicant is a partnership, list the names of general partners below:

General Partner: _____ General Partner: _____

General Partner: _____ General Partner: _____

Goods or Services

6. The mark is used on or in connection with the following goods or services (see instructions):

G = Goods S = Services	Description of Goods or Services	Mode or Manner Used	Class of Goods Or Services
☐ G ☐ S			
☐ G ☐ S			
☐ G ☐ S			
☐ G ☐ S			

Mark to be Protected

7. The mark for which the application is made consists of (check one):

- ☐ a graphic symbol only
- ☐ a graphic symbol including words or letters words
- ☐ or letters in a specific typography
- ☐ words or letters only, without regard to typography

8. Brief description of the mark:

_____

9. The mark was first used anywhere on: _____ and in West Virginia on: _____ .
(Date) (Date)

10. A drawing or representation of the mark is attached in the size and format shown, marked **Attachment 1. and,** three specimens showing the mark as actually used are attached, marked **Attachment 2, 3, and 4.**

Filing with the U. S. P. T. O.

11. An application to register this mark, or portions or a composite for this mark has been filed by this applicant (or predecessor in interest) with the United States Patent and Trademark Office: (check one, if yes, all detailed information is required, attach sheet if more than one application has been filed).

☐ **NO** – an application has not be filed ☐ **YES** – the specifics of the application(s) are:
If more than one filing for this mark or portions or near matches of this mark have been made, attach a separate sheet listing the specifics for each application.

Date filed with USPTO: _____ Serial No.: _____

Status: ☐ PENDING ☐ APPROVED ☐ REFUSED/OTHER (Enter reason below.)

Reason: _____

Verification

12. I, as applicant or authorized representative of the applicant, hereby certify that: (1) the applicant is the owner of the mark for which this application is made; (2) the mark is in use; (3) to may knowledge, no other person has registered, either federally or in this state, or has the right to use this mark either in the identical form thereof or in such near resemblance to it as to be likely, when applied to the goods or services of that other person, to cause confusion, or to cause mistake, or to deceive; and (4) the information contained in this application is true, to the best of my knowledge.

_____ _____ **X** _____
Date Signed **Name of Person Signing (Type or Print)** **Signature**

TITLE OF MEMBER OR OFFICER SIGNING IF OTHER THAN INDIVIDUAL APPLICANT: _____

State of _____; County of _____

Acknowledged before me this _____ day of _____, 20____.

_____
Notary Public

_____
My Commission Expires

WEST VIRGINIA TRADEMARK OR SERVICE MARK APPLICATION ATTACHMENT 1

Type applicant's name on the line provided. **Leave effective date and WV Serial Number blank.** Place drawing or photo copied representation of mark vertically within the frame. If necessary, enlarge or reduce so that longer dimension is no less than 5" and no more than 6".

Applicant Name: _____

Effective Date: _____ WV Serial No.:_____

Contact Name:_____ Phone No.: _____

Be sure to include the required **ATTACHMENTS 2, 3 and 4** to this application as specified in #9 of the attached instructions.The application will be rejected and returned to you as incomplete without these attached items.

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 & 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, signaling, 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 good made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipe, 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 traveling 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.

Information and Instructions for filing a West Virginia Trademark and Service Mark Application

Due to the nature of the dissolution process, expedited service is not available for this filing.

The West Virginia Legislature adopted H.B. 4858 in 1996 legislative session, entirely rewriting previous state trademark law and replacing it with most of the provisions of the Model State Trademark Bill. The new law, Chapter 47, Article 2 of WV Code, became effective July 1, 1996. It contains these general provisions:

- Allows for registration of both trademarks (to identify goods) and service marks (to identify services);
- Sets restrictions on marks which can be registered;
- Requires the application to include specific information and specimens of the mark;
- Requires secretary of state to establish classification system conforming to international system;
- Establishes a filing procedure, amendment process, and appeal process;
- Sets registration period for new marks at 10 years;
- Provides for renewal, assignment, changes of name and cancellation;
- Provides for record of marks to be available for public examination; and
- Provides penalties and liability for fraudulent use.

WHAT IS A MARK?

A **trademark** means any word, name, symbol, or device, or any combination of these which is used by a person to identify and distinguish the ***goods*** of that person, including a unique product, from those manufactured and sold by others, and to indicate the source of the goods.

A **service mark** means any word, name, symbol, or device, or any combination of these which is used by a person to identify and distinguish the ***services*** of one person, including a unique service, from the services of others, and to indicate the source of the services. Titles, character names used by a person, and other distinctive features of radio or television programs may be registered as service marks, notwithstanding that they, or the programs, may advertise the goods of the sponsor. [W. Va. Code §47-2-1]

RESTRICTIONS ON REGISTRATION

The Secretary of State is obligated by law to refuse marks which violate these restrictions. A mark:

1. May not be immoral, deceptive or scandalous;
2. May not disparage or falsely suggest connection with persons, institutions, beliefs, or national symbols, or bring them into contempt or disrepute;
3. May not consist of or comprise the flag or coat of arms or other insignia of the United States, any state or municipality, or any foreign nation, or any simulation of these;
4. May not be the name, signature or portrait of a living individual without written consent of that person;
5. May no be deceptively misdescriptive;
6. May not be merely descriptive or geographically descriptive;
7. May not be merely a surname;

But: If the applicant can provide proof that a mark restricted under 5, 6, or 7 has become distinctive of the goods or services by continuous use for 5 years, the mark may be registered.

8. May not so resemble a mark registered or a mark or trade name used and not abandoned as to cause confusion

CLASSIFICATION

The classes of the USPSTO have been adopted in West Virginia. Choose the class or classes which describe the products or services identified by your mark.

COMPLETING THE APPLICATION

The number of each instruction below corresponds to the number on the application form.

1. The applicant may be a person or organization such as a corporation, firm, partnership, union association or other organization capable of suing and being sued in a court of law.

2. In listing the business address of the applicant, be sure to include any address necessary to receive mail.

3. Enter the applicant's e-mail address where correspondence regarding this registration may be sent.

4. Enter the state in which the corporation, partnership, or other organization is legally organized.

5. Enter the names of the partners, if applicable.

6. For each different **use** of the mark, enter the information for that use. Use extra pages if necessary.

   Column 1 – Enter G if the mark is used to identify a product; S if used to identify a service.
   Column 2 – Describe the good or services generally; do not include products in two or more classifications in one descriptions.
   Column 3 – List how the mark is used; for example, emblems or logos on clothing, labels on packaging, logo on company vehicles, symbols in print and broadcast advertising.
   Column 4 – Refer to the classification chart and select the class which most nearly applies.

7. Select the correct box. Check only one.

8. Describe the mark as clearly and simply as possible.

9. The mark must be in use; and the application must include the first date of use anywhere & in WV by the applicant or previous owner. If the mark has been in use for a long time, be as accurate as possible.

10. **Attachment 1** must be clearly labeled, and must include a clean, clear drawing or photocopied representation of the mark reduced or enlarged to fit vertically (portrait) within the frame, with the longer dimension no more than six inches and no less than five inches. The permanent record on optical disk storage will be made from this image, and poor quality would jeopardize the protection of your mark as searches are performed. If color is an essential attribute of the mark, provide one color copy and one black and white copy with color areas labeled.
    Attachments 2, 3, & 4 must be three separate specimens of the mark as actually used, in a two dimensional (flat) condition. If more than one classification of use is listed in 6, the specimens should include one for each class. They may be original, such as paper labels or packaging, cards, letterhead, printed advertising, or a photograph of the use, such as signs on a vehicle, billboard, containers or other large or three dimensional use.

11. All applications made to the U.S. Patent & Trademark Office relating to this mark, or portions or a composite of this mark, must be fully reported – date filed, serial number, and status. If an application for the mark has been refused or withdrawn, give a clear explanation of the reason.

12. The verification and notarization are required. Be sure the notary uses a seal.

FILING WITH THE SECRETARY OF STATE

File the completed original application (or two originals if you want a stamped copy returned), along with a fee of $50 for a mark used in one or two classifications, and an additional $50 for each additional classification. Make check payable to the WV Secretary of State.

West Virginia Secretary of
State Business & Licensing
Division Tel: (304)558-8000
Fax: (304)558-8381
Website: www.wvsos.gov

CUSTOMER ORDER REQUEST

INCLUDE THIS FORM WITH YOUR FILING

Name of Business on Filing: _____

Contact for Filing:
Name: _____
Phone: _____
Email: _____

Order Description: Please Identify the type of filing or request being made.

EXPEDITING SERVICE OPTIONS*

- ☐ Standard (5-10 business days) - No additional cost
- ☐ In-Person Same Day -$25 in addition to filing fee
- ☐ Next Business Day - $25 in addition to filing fee
- ☐ 2 Hour - $250 in addition to filing fee
- ☐ 1 Hour - $500 in addition to filing fee

Expediting Service is NOT AVAILABLE for:

-Dissolutions / Withdrawals of Corporations, Voluntary Associations, or Business Trusts
-Credit Service Organization Registrations
-Trademark Filings
-Sole Proprietor / General Partnership Trade Names

*Fees apply to each business. Time frame Indicates when the filing will be completed and registered in the Secretary of State database.

Return Information:

Method of Return:

- ☐ Hold for Pick Up
- ☐ Email: _____
- ☐ Specialty Carrier (Please provide return envelope & prepaid label)
- ☐ USPS Mail (standard)
  Attention: _____
  Street: _____
  City: _____ State: _____ Zip code: _____

Please Mail Filing to Any Secretary of State Hub Office		
WV One Stop Business Center 13 Kanawha Blvd. W. Suite 201 Charleston, WV 25302	**North Central WV Business Hub** 153 West Main Street Suite G - Third Floor Clarksburg, WV 26301	**Eastern Panhandle Business Hub** 229 East Martin Street Martinsburg, WV 25401

Secretary of State State Capitol Building Charleston, WV 25305 Phone: (304) 558-6000 Website: sos.wv.gov

Next Business Day, 2-Hour, and 1-Hour Expedite Service Guidelines

NEXT BUSINESS DAY EXPEDITE SERVICE

The Secretary of State offers a 24-hour expedite service on most business organization filings processed by this office. If you choose to utilize this service, please enclose with your filing the additional expedite fee. Please note that this expedite fee is in addition to the standard fee charged on each filing and/or order. You must mark the document with your "**24-HOUR EXPEDITE"** request. If using a cover letter, note that you are requesting 24-hour expedited service, and include your telephone number and return information. Each filing will be returned by U.S.P.S. regular mail unless other arrangements are made. This office *does not* **f**ax confirmation of a 24-hour expedite.

The fee for 24-hour handling is $25.00 in addition to the usual fee for service. Please consult our fee schedules for the appropriate fee. If you require assistance, please contact this office.

Time Constraints: Under most circumstances, each filing submitted receives same day filing date and may be picked up in the office by the end of the same business day. Filings to be mailed the next business day if received by 2:00 pm of receipt date and no later than the 2nd business day if received after 2:00 pm. Expedite period begins when filing or service request is received in this office in acceptable fileable form.

2-HOUR EXPEDITE SERVICE

The Secretary of State offers a 2-hour expedite service on most filings processed by this office. If you choose to **u**tilize the 2-hour expedite service, please enclose with your filing an additional $250.00 per filing and/or order. Please note that this **e**xpedite fee is in addition to the standard fee charged on each filing and/or order. Complete and submit the 2-hour customer order instruction form. If not using our order form, state clearly in your cover letter that you are requesting 2-hour expedited service and include your telephone number and return information. Attach the order form or cover sheet to the *top* of your filing and submit to this office. Each filing will be returned by U.S.P.S. regular mail unless other arrangements are made.

1-HOUR EXPEDITE SERVICE

The Secretary of State offers a 1-hour expedite service on most filings processed by this office. If you choose to **u**tilize the 1-hour expedite service, please enclose with your filing an additional $500.00 per filing and/or order. Please note that this **e**xpedite fee is in addition to the standard fee charged on each filing and/or order. Complete and submit the 1-hour customer order instruction form. If not using our order form, state clearly in your cover letter that you are requesting 1-hour expedited service and include your telephone number and return information. Attach the order form or cover sheet to the *top* of your filing and submit to this office. Each filing will be returned by U.S.P.S. regular mail unless other arrangements are made.

1-Hour and 2-Hour Time Constraints: Each filing submitted for either 1-hour or 2-hour expedite receives same day filing date and will be acknowledged by fax or e-mail within expedite service time. Failure to indicate method of acknowledgment (fax or e-mail) or to provide a correct fax number or e-mail address may prevent the Secretary of State from acknowledging the filing of such documents. Filings may be picked up within the expedite service period. Filings to be mailed will be mailed out no later than the next business day following receipt. Expedite period begins when filing or service request is received in this office in fileable form.

The Secretary of State reserves the right to extend the expedite period in times of extreme volume, staff shortages or equipment malfunction. These extensions are few and will rarely extend more than a few hours.