

Frequently Asked Questions Regarding Trademarks

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Q: Can I register a tradename? [\[BACK TO TOP\]](#)

No.

Since July 1, 1997, the tradename portion of New Mexico Law was repealed. What does this mean?

Prior to July, people could pay \$25 and register the name of their business. Since July, they no longer can do that. They can however, register a state trademark and service mark. The trademark represents a good; a service mark a service. The cost is \$25 for the registration, plus an additional \$25 for each class registered. That means a minimum of \$50 total. The state of New Mexico, since July adopted the federal class codes, which is to say they use the international classes.

All applicants are required to search the most recent databases available of the registered and pending federal trademarks. The Secretary of State's office in Santa Fe is responsible for registering state trademarks. They can be reached online via our home page or by phone at: 1-800-477-3637.

Q: What is the supplemental register in the trademark gazette? [\[BACK TO TOP\]](#)

Don't ask.

Essentially the supplemental register contains words, phrases, etc. which don't really make the cut as trademarks, according to trademark regulations, but registrants have opted for partial protection anyway. They may be personal names, or descriptions for example, which have not yet been proven to be associated with a particular market. Ben and Jerry's for example might have been supplemental until they proved themselves worthy of being a registered trademark.

People can also register "Intent to Use." This means that although they do not yet have a business, they intend to under a certain name or mark. ITU can run from 6 months to 3 years.

Q: How do I print a trademark application form? [\[BACK TO TOP\]](#)

The printable PDF trademark application forms are no longer available on the USPTO Web site. Instead, trademark applicants are directed to TEAS, the Trademark Electronic Application System. TEAS permits applicants to file their applications via the Web provided they supply an e-mail address with their application. This is a problem for those applicants without an e-mail account. Here are some ways trademark applicants can cope with this problem.

1. Print out the TEAS standard form and file by mail. The standard form link is found at the bottom of the e-TEAS or PrinTEAS Form Wizard screens. Follow this path: TRADEMARK ELECTRONIC BUSINESS CENTER FILING E-TEAS (or PrinTEAS) TRADEMARK/SERVICE MARK APPLICATION, Principal Register (or any form) STANDARD FORM The form is long (8-9 pages) because of its Web format.
 2. Use the form(s) found in the back of the Basic Facts About Trademarks booklet. Although out-of-date these forms are still being accepted by the Office.
 3. Obtain a free e-mail account (Yahoo!, Hotmail, etc.) prior to filing your application. (Don't forget to write down your e-mail id and password!)
 4. Enter a fictitious e-mail address, e.g. morbius@altair.net. Upon filing the TEAS system will display an on-screen confirmation acknowledgement including the applicant's serial number. The text of the message is: "SUCCESS! We have received your application and assigned serial number XXXXXX." It is important that the applicant print-out or write down this information. TEAS will also send a courtesy e-mail with this information to the applicant's e-mail account. Of course, if the applicant submitted a fictitious e-mail the TEAS courtesy message will simply disappear into limbo. Remember: upon submitting your application TEAS will display an on-screen confirmation acknowledgement including your serial number. Applicants should write down this number or make a print-out of the screen whether or not they submitted a real or fictitious e-mail. No paper receipt will be sent.
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