

Form 902—Instructions
(Renewal Application of Trade or Service Mark)

The attached form is designed to meet minimal statutory filing requirements pursuant to the relevant code provisions. The form and the information provided are not substitutes for the advice and services of an attorney.

General Information

Texas trademark registrations last for five years and may be renewed for additional five year periods using this form. A registration may be renewed during the six months immediately preceding the expiration date of the current term of registration. Renewal applications must be received on or before the current term of registration expires. *If the renewal application is not received before the registration term expires, a new application for registration must be made.*

A renewal must include the goods and/or services recited in the current registration on or in connection with which the mark is still in use in Texas. If the renewal application covers less than all the goods and/or services in the current registration, a list of the particular goods and/or services to be renewed must be included.

If either the mark or the classification of the goods or services has substantially changed from the previous registration, a new registration for the altered mark or new classification must be made.

If the renewal application is refused, the application may be amended in response to the refusal, but a response must be received during the period provided for response and before the current term of registration expires. If the renewal application cannot be filed before the registration term expires, a new application for registration must be made.

Instructions for Renewal Application

Type or print in black ink in English, subject to the provisions of 1 Texas Administrative Code Chapter 93. Use of the renewal application form is recommended, but not mandatory. Submit your renewal application along with at least one (1) specimen supporting use of the mark in each class.

- Item 1:** Only the registrant of record may file a renewal. If ownership of the mark has been assigned or transferred, or the name of the registrant has changed, the assignment, transfer, or change must be filed with the renewal application. Please see Forms 903 and 904.
- Item 2:** Provide the business address of the registrant.
- Item 3:** In the space provided for the description of the mark, describe the mark exactly as it appears in the specimens of use. The mark must be the same mark as was previously registered. The registration number, original date of registration, class numbers, and dates of first use may be obtained from the original Certificate of Registration.
- Item 4:** If the registrant is a corporation, limited liability company, limited partnership, general partnership, or other business entity, identify the type of business organization and the state under whose laws the entity was incorporated or organized.

Item 5: If the registrant is organized as a general or limited partnership, provide the names of all general partners.

Specimen: A registration cannot be renewed if the mark is no longer in use in Texas commerce. A specimen supporting use of the mark in each class must be included. In Item 7, check the box for each type of specimen included. A drawing sheet is not an acceptable specimen.

Appropriate Specimens (samples of use)

Trademarks: Acceptable specimens include actual labels or tags affixed to, or containers used with, the goods. A photograph of an actual display that appears in immediate proximity to the goods (“point-of-sale” display) is also an acceptable specimen. Brochures that advertise the product are not sufficient.

Service marks: Acceptable specimens include actual materials used in selling or advertising the services, such as menus, newspaper advertisements, coupons and the like. To serve as specimens, advertising materials must contain some understandable reference to the services described in the application.

Fee: The renewal fee (\$25 per class) may be paid by personal check, money order, LegalEase debit card, cashier’s check, or American Express, Discover, MasterCard, or Visa credit card. Checks or money orders must be payable through a U.S. bank or financial institution and made payable to the secretary of state. Fees paid by credit card are subject to a statutorily authorized convenience fee of 2.7 percent of the total fees.

Signature: The registrant named in Item 1 must sign and date the application. A renewal made by a business entity must be signed by an authorized person. The renewal must be signed and verified before a notary public or other person authorized to administer oaths.

Before signing, carefully review the application. An application or registration procured by fraud is subject to cancellation pursuant to Chapter 16, Business & Commerce Code.

Submission: Submit your renewal application and filing fee of \$25:

- by mail to the Secretary of State, PO Box 13697, Austin, Texas 78711-3697;
- by fax with credit card information (Form 807) to (512) 463-5709; or
- by delivery to the James Earl Rudder Office Building, 1019 Brazos, Austin, Texas 78701.

On filing, we will return to the remitter a Certificate of Registration for the new term of registration. The secretary of state will send correspondence regarding the renewal to the submitter address provided in the cover letter, envelope, or enclosed check.

This is a sample form and is promulgated by the secretary of state to obtain the minimum information required for a renewal application. It is advisable to seek the assistance of legal counsel in preparing any legal document. *The secretary of state makes no warranties, express or implied, regarding the use of this form.*

Revised 09/13

Submit to:
Secretary of State
PO Box 13697
Austin, TX 78711-3697
512 463-9760
FAX: 512 463-5709
Fee: \$25 per class



Renewal Application of a Trade or Service Mark

1. Name of Registrant (owner of mark—individual, corporation, or other entity renewing registration):

2. Business Address of Registrant:

City:

State:

Zip Code:

Country:

3. Description of the Mark (include *complete description of the mark* as it appears in the attached specimen of use, including any design elements):

Registration No: _____ Original Date of Registration: _____
Class Numbers: _____ Date of First Use Anywhere: _____;
Date of First Use in Texas: _____

4. Business Structure of Registrant (must check one and complete state of formation)

- | | |
|--|--|
| <input type="checkbox"/> Corporation
(State of Incorporation): _____ | <input type="checkbox"/> General Partnership
(State of Organization): _____ |
| <input type="checkbox"/> Limited Liability Company
(State of Organization): _____ | <input type="checkbox"/> Sole Proprietor |
| <input type="checkbox"/> Limited Partnership
(State of Organization): _____ | <input type="checkbox"/> Other
(Describe): _____ |

5. Names of General Partners if Registrant is a Partnership (attach additional sheet if necessary)

6. The Following Must Be Included With Your Renewal: Specimen(s) Fee
(see item 7) (\$25 per class)

7. Specimens: (Check the applicable box below and enclose one (1) original specimen for each class supporting the goods/services for which the renewal of registration is sought).

For Trademarks Only

- Actual Labels
- Actual Tags
- Photographs of Goods/Containers Showing the Mark
- Front Panels of a Paper Container Bearing the Mark
- Other: _____

For Service Marks Only

- Advertising Leaflets
- Advertising Brochures
- Menus Showing the Mark
- Business Cards that Reference Services
- Other: _____

The mark has been and is still in use within the State of Texas by the registrant in the form and manner specified in the present application. I certify under penalty of perjury under the laws of the State of Texas that the foregoing is true and correct.

Signature and Verification

Date

Signature of Authorized Person

Type or Print Name and Title of Officer, Partner, or Other Authorized Person

TO BE COMPLETED BY A NOTARY PUBLIC:

STATE OF _____)
COUNTY OF _____)

On _____, _____ personally appeared before me, and being first duly sworn declared that he/she signed this application in the capacity designated, if any, and further stated that he/she has read the above application and the statements therein are true and correct.

(seal)

NOTARY PUBLIC SIGNATURE