SD Secretary of State
Trademark Assignment Instructions

Submission info:

- **Paper Submission**: A blank application is included at the end of these instructions.
  You may also request an application by email at trademark@state.sd.us or by phone (605)773-2797.
  The application must be printed in ink or computer generated and mailed along with the required filing fee to the Secretary of State's office at: 500 East Capitol Ave, Pierre, SD 57501.
- **Walk-in**: A blank application may be obtained in person at the Secretary of State's Business Services Office at: 215 East Prospect Ave, Pierre, SD 57501.

Applications must be accurately completed in their entirety. Applications that are inaccurate, incomplete or illegible will be rejected.

Assignment Information:

Pursuant to SDCL 37-6-17, a mark and its registration under § 37-6-13 is assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. An assignment must be made by "instruments in writing duly executed."

An assignment must include within the assignment instrument itself a provision expressly indicating the transfer of "good will" to the assignee.

A separate assignment application must be submitted for each registered mark; if a mark is registered in more than one class, a separate assignment application must be submitted for each registered class.

Application Info:

1. The application must be printed in ink or computer generated.
2. **Filing fee:** the filing fee for the assignment application is $125. Make check, cashier's check or money order payable to the South Dakota Secretary of State. Applications submitted without the proper filing fee will be rejected.
3. **Name of the mark being assigned:** Provide the name of the mark as registered on the original application.
4. **Owner of record of the mark (assignor):** Enter the name of the person or entity that is assignment their ownership of the mark. Enter the assignor's complete address, including both a street/physical address and a mailing address.
5. **New Owner of the mark (assignee):** Enter the name of the person or entity to which the mark is being assigned. Enter the assignee's complete address, including both a street/physical address and a mailing address.
6. **The name of the state or other jurisdiction under whose laws it is organized:** If the new owner (assignee) of the mark is a business entity, enter the state of incorporation or organization, if applicable. If the new owner is an individual, leave blank.

7. **Currently registered Classification of Goods or Services Number:** Enter the appropriate number of the class under which the mark is to be renewed.

8. **Signature and notarization:**
    - The application must be signed by the assignor. By signing the application, the assignor verifies under penalty of perjury that all the statements on the application are true and correct. Failure to sign the application will result in the application being rejected.
    - The signature of the applicant must be notarized. Proper notarization includes: 1) the original signature of the assignor, 2) the date the assignor signed the application, 3) the signature of the Notary Public, 4) the registered seal of the Notary Public, and 5) the commission expiration date of the Notary Public. Improper notarization will result in the application being rejected.

SD Secretary of State Office
500 E Capitol Ave
Pierre, SD 57501
(605)773-4845
trademark@state.sd.us

TRADEMARK REGISTRATION
Assignment Application

SDCL 37-6-14

FILING FEE: $125

Make check payable to SECRETARY OF STATE

1. Name of the Mark being assigned: _____
   Note: this must be the name as registered and as shown on the Certificate of Mark Registration

2. Owner of record of the mark (assignor): _____

   _____ _____ _____ _____
   Actual Street Address or Rural Route Box Number | City | State | ZIP+4

   _____ _____ _____ _____
   Mailing Address, if Different from Street Address | City | State | ZIP+4

3. New owner of the mark (assignee): _____

   _____ _____ _____ _____
   Actual Street Address or Rural Route Box Number | City | State | ZIP+4

   _____ _____ _____ _____
   Mailing Address, if Different from Street Address | City | State | ZIP+4

   _____ _____
   Email | Telephone Number

4. The name of the state or other jurisdiction under whose laws it is organized *(if applicable)*:_____

5. Currently registered Classification of Goods or Services Number *(SDCL 37-6-12)*: _____

***** This section is to be completed in the presence of a Notary Public *****

WHEREAS, the assignee is desirous of acquiring said Mark; WHEREAS, the assignor has adopted and used in its business and is the owner of the aforementioned Mark; and NOW, THEREFORE, To All Whom It May Concern: BE IT KNOWN THAT for and in consideration of the sum of _____ and other good and valuable consideration to it in hand paid, the receipt of which is hereby acknowledged, said Assignor by these presents does sell, assign and transfer unto the said Assignee the entire right, title and interest in and to the said Mark and registration thereof, together with the good will of the business in which the Mark is used, or with that part of the good will of the business connected with the use of and symbolized by the Mark.

Dated: _____

_____
Assignor Signature

_____
Title

Subscribed and sworn to before me this _____ day of _____, 20 _____, before me, _____, the undersigned officer, personally appeared _____ known to me or satisfactorily proven to be the person who executed the foregoing instrument, and acknowledged that this person executed the some of his own free act and deed. In witness whereof, I hereunto set my hand and official seal.

_____
Notary Public Signature

(Notarial Seal)

_____
My Commission Expires