

## **FREQUENTLY ASKED QUESTIONS**

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### **What is an "Apostille" or "Authentication?"**

- When a document is to be used in a foreign country, it may be necessary to authenticate the notarization or certification. Foreign countries often require documents to be authenticated before the documents will be accepted in the foreign jurisdiction. An "authentication" is an act which certifies the signature and the position of the official who has executed, issued or certified a copy of a document.
- Since October 15, 1981, the United States has been part of the 1961 Hague Convention abolishing the Requirement of Legalization for Foreign Public Documents. The Convention provides for the simplified certification of public (including notarized) documents to be used in countries that have joined the convention (see list of countries <http://www.state.gov/m/a/auth/c1267.htm>). Under the Hague Convention, signatory countries have agreed to recognize public documents issued by other signatory countries if those public documents are authenticated by the attachment of an internationally recognized form of authentication known as an "apostille." The apostille ensures that public documents issued in one signatory country will be recognized as valid in another signatory country.
- The sole function of the apostille is to certify the authenticity of the signature on the document; the capacity in which the person signing the document acted; and the identity of any stamp or seal affixed to the document.
- An apostille issued by the New York State Secretary of State is a one page document embossed with the Great Seal of the State of New York. The apostille includes the facsimile signature of the individual issuing the certificate.

### **How do I obtain an Apostille or Authentication?**

- **All birth and death records originating from the five boroughs of New York City** (Bronx, Kings, Manhattan, Queens, Staten Island) must be certified together with a Letter of Exemplification by the New York City Department of Health, <http://www.ci.nyc.ny.us/html/doh/home.html> Bureau of Vital Records, 125 Worth Street, New York, NY 10013. The original document must then be presented to the County Clerk's Office in the county where the document was obtained to verify the signature on the Letter of Exemplification. The document can then be presented to the New York State Department of State for authentication.
- All marriage records originating from the five boroughs of New York City (Bronx, Kings, Manhattan, Queens, and Staten Island) must be obtained from the Marriage Bureau, Municipal Center, 1 Centre Street, 2nd Floor, New York, NY 10007. Obtain a certified copy of the marriage certificate with an original signature of the City Clerk. The document must then be presented to the County Clerk's Office in the county where the document was obtained to verify the signature of the City Clerk. The document can then be presented to the New York State Department of State for authentication.

- **All birth, death, marriage and divorce records issued outside of the five counties of New York City** can be obtained from the New York State Department of Health, <http://www.health.state.ny.us/nysdoh/consumer/vr.htm> Certification Unit, Vital Records Section, PO Box 2602, Albany, NY 12220-2602. The document can then be presented to the New York State Department of State for authentication.
- **Birth, death, marriage and divorce records issued outside of the five counties of New York City** may also be obtained directly from the local registrar or town clerk of the city, town or village where the birth, death, marriage or divorce occurred. The original document must then be presented to the county clerk's office in the county where the document was obtained for certification. (It is suggested that you contact the county clerk's office prior to obtaining the records to determine if their office can certify documents obtained from a local authority.) The document can then be presented to the New York State Department of State for authentication.
- **Education documents (transcripts, diplomas or certificates)** must be obtained from an official of the school, college or university who must certify that the document is an official record or a true copy of the original document. The official's signature must be notarized by a notary public. The document must then be presented to the County Clerk's Office in the county where the notary public is qualified to certify the signature of the notary public. The document can then be presented to the New York State Department of State for authentication.
- All other documents submitted to the New York State Department of State for authentication must first be notarized and then have the notary's signature certified at the county clerk's office where the notary is qualified. The county clerk's office will affix its seal and signature to the document.

## Submitting your Document to the Department of State

- **Albany Office** - The document, together with the \$10 fee, may be mailed to the Department of State, Miscellaneous/State Records Bureau, 41 State Street, Albany, NY 12231 for authentication. The country where the document is being sent to must be specified. The telephone number of the Miscellaneous/State Records Bureau is (518) 474-8642. You may also bring your document to the Albany Office for processing between the hours of 8:00 a.m. and 4:30 p.m.
- **New York City Office** - The document, together with the \$10 fee, may be mailed to the Department of State, Certification Unit, 123 William Street, 19th Floor, New York, NY 10038. The country where the document is being sent to must be specified. The telephone number is (212) 417-5684. You may also bring your document to the New York City Office for processing between the hours of 9:00 a.m. and 3:30 p.m.
- Processing documents submitted by mail is usually completed within 2 to 4 business days. To assist our office in processing your document in a timely manner, you may wish to include a daytime telephone number so that we may contact you should any questions arise.
- Documents may be submitted in person at either of the above offices. Processing a document submitted in person is usually completed while you wait.

## Fees

- Each document submitted to the Department of State for authentication must be accompanied by a \$10 fee. Please make the check payable to the "New York State Department of State."

### **What is a Trademark?**

- The term "trademark" as defined by Section 360 of the General Business Law means any word, name, symbol, or device or any combination thereof used by a person to identify and distinguish the goods of such person, including a unique product, from those manufactured and sold by others, and to indicate the source of the goods, even if that source is unknown.

### **What is a Service mark?**

- The term "service mark" as defined by Section 360 of the General Business Law means any word, name, symbol, or device or any combination thereof 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, even if that source is unknown. 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.

### **How do I Register a Trademark or Service Mark?**

- Pursuant to Section 360-b of the General Business Law, any person who uses a mark may file in the Office of the Secretary of State an application to register the mark. The forms and instructions for filing a trademark or service mark are available on this Site at <http://dos.state.ny.us/corp/miscfae.html>. The completed application, together with the appropriate filing fee, should be forwarded to the New York State Department of State, Bureau of State Records, 41 State Street, Albany, NY 12231.

### **What is the fee for filing a Trademark or Service Mark?**

- The fee for filing the application is \$50 for each classification of goods or services claimed. The check must be made payable to the Department of State.

### **Where can I Obtain a List of the Classification of Goods and Services?**

- The Official Compilation of Rules and Regulations of the State of New York, Title 19, Part 130, contains the Department of State's rules and regulations for filing an application to register a trademark and service mark, as well as the list of classification of goods and services. The unofficial version is available on this Site at <http://dos.state.ny.us/corp/pdfs/miscregs.pdf>. Please note that the Department of State cannot offer an opinion as to the class or classes in which the goods or services fall.

### **How long does a Trademark or Service Mark Registration Last?**

- A registration of mark is effective for a term of ten years from the date of registration and, upon application filed within six months prior to the expiration of such term, the registration may be renewed for a like term from the end of the expiring term.

### **Where Can I Find Information Regarding Federal Trademark Registration?**

- The United States Patent and Trademark Office,

<http://www.uspto.gov/web/offices/tac/tmfaq.htm#Application018>, is the registration office for federal trademarks. You may also call the Trademark Assistance Center at 703-308-9000 for help on trademark matters.

## **Can the Great Seal of the State of New York be Reproduced?**

- The Secretary of State is the custodian of the Great Seal of the State of New York. The seal is used to authenticate official records of the State. The Secretary of State may authorize the use of the seal for certain educational or commemorative purposes pursuant to State Law section 74. Requests to reproduce the Great Seal of the State of New York for educational or commemorative purposes, should clearly describe the proposed use. Requests to reproduce the seal in educational publications should specify the title and a description of the publication in which the seal will be used, its publication date, and the number of copies to be published. Requests must be submitted in writing to the New York State Department of State, Office of Counsel, 41 State Street, Albany, NY 12231.

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