i. Nonprofits seeking bulk access must follow the procedures set forth at N.J.A.C. 17:34-3 and add a written statement to their requests indicating that they wish to obtain the requested records/reports for a nonrecurring nonprofit purpose. [DOR/BSSB] DORES may require the requester provide additional documentation to establish the requester’s nonprofit credentials and/or to determine nature of the intended use of the requested records/reports.

ii. If the request is granted, [DOR/BSSB] DORES and the requester shall complete the bulk access process in accordance with the procedures set forth at N.J.A.C. 17:34-3.2, except that the direct cost of reproduction shall be substituted for the fee amount.

iii. (No change.)

2. Limited informational lists on the Internet. The direct cost criterion may be applied in cases where [DOR/BSSB] DORES provides limited informational list services on the Internet as a convenience to the general public and business community. Such list services may be basic abstracts of commercial recording records on file with [DOR/BSSB] DORES and may be drawn from secondary information services such as database files established for Internet information access services. The procedures for accessing informational lists shall be set forth on the applicable Internet site.

(b) On-site self-copying. To facilitate the implementation of New Jersey’s revised Uniform Commercial Code bulk copying provisions (N.J.S.A. 12A:9-523(f)), [DOR/BSSB] DORES may allow a requester to copy Uniform Commercial Code records at [DOR/BSSB]’s DORES’ work site using his or her own equipment and personnel. Self-copying will only be allowed if such operations pose no risks of disrupting [DOR/BSSB]’s DORES’ routine services or of compromising the security or integrity of the State’s commercial recording record systems. [DOR/BSSB] DORES shall, at its sole discretion, determine whether any requested self-copying operation poses an unacceptable risk to service levels or system security/integrity. [DOR/BSSB] DORES shall publish bulk self-copying fees in accordance with the procedures set forth at N.J.A.C. 17:34-2.1.

1. Persons requesting on-site self-copying must follow the procedures set forth at N.J.A.C. 17:34-3 and add a written statement to their requests indicating that they wish to perform on-site self-copying. [DOR/BSSB] DORES may require the requester provide additional documentation to determine the nature and scope of the requested self-copying operation.

i. If the request is granted, [DOR/BSSB] DORES and the requester shall complete the bulk access process in accordance with the procedures set forth at N.J.A.C. 17:34-3.2.

ii. (No change.)
Social Impact

Commercial recording services encompass the State of New Jersey’s corporate, Uniform Commercial Code, trade/service mark, notary public, and other related business filing and certification service programs. Collectively, these service programs continue to provide the foundations for vital business and legal transactions, such as business formation, loan processing, marketing (via the use of business names and marks), signature authentication, and international document exchange. Clearly, commercial recording services have a very beneficial social impact. It follows then that the rules proposed for readoption with amendments will also have a positive social impact, because they contribute to the successful administration of these beneficial services. To a large degree, the success of the State’s commercial recording operation hinges on the timeliness of its service transactions and its consistent application of clearly delineated filing and information access rules. The rules proposed for readoption with amendments directly support these two vital elements by ensuring that clear, consistent policies and procedures are in place for these service programs.

The rules proposed for readoption with amendments will also ensure the clear, consistent specification of the State’s business name availability criteria and document preclearance procedures. Name availability criteria are vital elements in determining whether a proposed business name is available for use in this State, and therefore play a key role in the business formation process. Document preclearance gives businesses and their representatives assurance of the acceptability of a filing, in advance of its formal submission to the Division of Revenue and Enterprise Services. Such assurance is often vital for the smooth processing of complex and time sensitive transactions such as mergers.

The rules proposed for readoption with amendments will ensure the continuity of required policies and procedures for the State’s trade/service mark program, covering all basic program elements. This includes initial registration, renewal/maintenance, cancellation/expiration, and records retrieval. These policies and procedures provide the bases for registering trade/service marks, which businesses use to identify goods and services they market and sell.

Finally, the rules proposed for readoption with amendments continue and expand facsimile filing services, thereby supporting streamlined and efficient processing of key commercial recording transactions.

Economic Impact

In connection with the positive social impacts noted above, commercial recording services continue to have a significant, positive impact on the economy. Commercial recording services enable business entities to legally establish and conduct their operations in this State. They provide information on the status of business entities, business name usage, the procedural validity of commercial transactions, and the existence of secured loans. This public information in turn helps to establish bases for capital transactions, authentication of signatures on real estate and commercial transactions, legal service of process, business/tax registration, and generally, for the efficient flow of commerce in this State. The rules proposed for readoption with amendments will have a positive economic impact because they contribute to the successful administration of these beneficial services.

Collectively, these service programs continue to provide the foundations for the efficient processing of key commercial recording transactions. The economic benefit derived from timely completion of business transactions such as loan processing and the execution of contracts and mergers. Other than the aforementioned fees, the rules will not impose any further direct costs on clients. Clients will continue to bear indirect costs associated with document preparation— for example, legal advice, typing/printing, etc.

Federal Standards Statement

A Federal standards statement is not required because the rules proposed for readoption with amendments relate strictly to the State of New Jersey’s commercial recording services. The rules are therefore independent from any Federal systems or requirements.
17:35-1.2 Definitions

The words and terms used in this chapter[,] shall have the following meanings, unless the context clearly indicates otherwise.

“Expedited service” means accelerated processing of work requests received by the Filing Office on a business day in one of [three] four timeframes selected by a submitter: same day of submission for limited liability company-related work requests only; 8.5 business hour service; one-business-hour service; or two-business-hour service.

“Filing Office” means the Department of the Treasury, Division of Revenue and Enterprise Services[, Bureau of Business Support Services].

“‘One-business-hour service’ means as soon as possible, but no later than one-business-hour following receipt of the over the counter work request no later than 3:00 P.M. by the Filing Office on a business day.

“‘Over the counter services’ means:

1. (No change.)

2. Subject to the approval of the Filing Office, documents [telefaxed or transmitted electronically to the Filing Office;

3. (No change.)

“Same day service” means as soon as possible, but not later than the close of business on the day on which the work request is delivered, provided such request is delivered no later than 12:30 P.M.

“8.5 business hours service” means completion of a work request no later than 8.5 business hours following receipt of the over the counter request by the Filing Office on a business day.

“Two-business-hour service” means as soon as possible, but no later than two-business-hours following receipt of the over the counter work request no later than 2:00 P.M. by the Filing Office on a business day.

...
other electronic method approved by the Filing Office, is also an acceptable payment [for hand deliveries] method.

1. When a credit card or electronic payment method acceptable to the Filing Office is utilized as a method of payment, the user may be charged a separate fee to cover reasonable [bank] service fees that are incurred [by the Filing Office] in processing the credit [charge] card or electronic payment.

2. (No change.)

SUBCHAPTER 3. NAME AVAILABILITY

17:35-3.1 Distinguishable defined

(a) For name availability purposes, a business entity name, meaning [A corporation] a corporate, limited liability company, limited liability partnership, or limited partnership name, can be distinguished from other business entity names recorded with the Filing Office if it is sufficiently different from those other business entity names. All changes except for the following should be sufficient to distinguish one [corporate] business entity name from another upon the records of the Filing Office:

1. (No change.)

2. The changing of a word in a [corporate title] business entity name into its plural or singular form;

3. The addition of a different [corporate designer as set forth in N.J.S.A. 14A:2-2(d)] business entity designator;

4. (No change.)

5. The addition of spaces in a [corporate] business entity name; [and or]

6. The misspelling in the word of a [corporate] business entity name.

SUBCHAPTER 4. TRADE/SERVICE MARKS

17:35-4.1 Definitions

The words and terms used in this subchapter shall have the following meanings, unless the context clearly indicates otherwise:

“Filing Office” means the Department of the Treasury, Division of Revenue and Enterprise Services, Bureau of Business Support Services.

17:35-4.2 Mark registration

(a) A person or business may register trade or service marks by:

1. Submitting a type-written or machine-printed application, or an electronic application in a form acceptable to the Filing Office, along with a $50.00 paper or, where applicable, electronic check payable to the Treasurer, State of New Jersey, with mailings directed to the Trade/Service Mark Section, Division of Revenue and Enterprise Services, (PO Box 453, Trenton, NJ 08625) [08646-0453]. The application shall include the following information:

i. Submitting a type-written or machine-printed application, or electronic application in a form acceptable to the Filing Office, along with a $50.00 paper or, where applicable, electronic check made payable to the Treasurer, State of New Jersey, with mailings directed to the Trade/Service Mark Section, Division of Revenue and Enterprise Services (PO Box 453, Trenton, NJ 08625) [08646-0453]. As noted, assignments may also be filed as part of the new (original) mark registration process as part of the renewal process (see N.J.A.C. 17:35-4.2 and 4.3(a)). The application shall include the following information:

(1)-(6) (No change.)

i. (No change.)

3. An owner may amend a registered mark to reflect updated information pertaining to: the owner’s name (that is, to reflect owner’s new name, not an assignment); owner’s address; and mark classification (add or delete). All three amendment types may be incorporated in a single amendment application. An amendment shall not include alterations to the mark name or drawings/facsimiles associated with the original application. A new registration application shall be submitted if changes to any of these elements occur. The owner may obtain an amendment by:

i. Submitting a type-written or machine-printed application, or electronic application in a form acceptable to the Filing Office, along with a $50.00 paper or, where applicable, electronic check made payable to the Treasurer, State of New Jersey, with mailings directed to the Trade/Service Mark Section, Division of Revenue and Enterprise Services, (PO Box 453, Trenton, NJ 08625) [08646-0453]. The application shall include the following information:

(1)-(6) (No change.)

4. An owner may cancel a registered mark by:

i. Submitting a type-written or machine-printed application, or electronic application in a form acceptable to the Filing Office, along with a $50.00 paper or, where applicable, electronic check made payable to the Treasurer, State of New Jersey, with mailings directed to the Trade/Service Mark Section, Division of Revenue and Enterprise Services (PO Box 453, Trenton, NJ 08625) [08646-0453]. The application shall include the following information:

(1)-(6) (No change.)

17:35-4.6 Fees

Fees for the various trademark/service mark filing and information retrieval services are as follows:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-business-hour service, meaning as soon as possible, no later than one business-hours following receipt of an over the counter request by the Filing Office no later than 3:00 P.M. on a business day</td>
<td>$1,000, charged in addition to the basic filing fees</td>
</tr>
<tr>
<td>Two-business-hour service, meaning as soon as possible, no later than two business-hours following receipt of an over the counter request by the Filing Office no later than 2:00 P.M. on a business day</td>
<td>$500.00, charged in addition to the basic filing fees</td>
</tr>
<tr>
<td>Same day service meaning [as soon as possible, but no later than 8.5 business hours following receipt of an over the counter request by the Filing Office on a business day] no later than the close of business on the day on which the work request is delivered to the Filing Office, provided such request is delivered no later than 12:30 P.M. on a business day</td>
<td>$15.00, charged in addition to the basic filing fee</td>
</tr>
<tr>
<td>8.5 business hours service means completion of a work request no later than 8.5 business hours following receipt of the over the counter request by the Filing Office on a business day</td>
<td>$15.00, charged in addition to the basic filing fees</td>
</tr>
</tbody>
</table>
SUBCHAPTER 5. FACSIMILE FILING SERVICE

17:35-5.1 Filing service
(a) The Filing Office shall offer a [telecopy] facsimile filing service [hereafter termed facsimile filing service] for any business entity or related document type submitted to the Filing Office, which [can be processed through facsimile transmission] the Filing Office determines is suitable for facsimile filing. This service may include the transmission of filed documents and related data to persons requesting such content. The Filing Office shall publish which filings and related data are suitable for facsimile filing, along with the approved facsimile filing methods, on its web site at www.nj.gov/treasury/revenue.

(b) (No change.)

(c) Documents delivered via the facsimile filing service [shall] may be processed as non-expedited work with no specific turnaround service level, or be processed on one of the following accelerated service levels: [the] same work day received; [or] within 8.5 business hours of receipt; [or] one business-hour of receipt; [or] two business-hours of receipt, [based on the service level chosen]. The service level shall be indicated on a covering communication approved by the Filing Office by persons who deliver the documents via the facsimile [transmission] filing service.

17:35-5.2 Definitions
The following words and terms, as used in this subchapter, shall have the following meanings:
“Delivered” means submitted to the Filing Office via [direct] a facsimile transmission in accordance with a format and processing method approved by the Filing Office, or to any other location designated by the Filing Office.
“Filing Office” means the Department of the Treasury, Division of Revenue and Enterprise Services[, Bureau of Business Support Services].
“Processed” means that a facsimile document submitted via [the] a facsimile [file service] transmission in accordance with a format and processing method approved by the Filing Office that is reviewed by the Filing Office and accepted or rejected with the appropriate acknowledgment being sent back to the submitter, [that is] including, as applicable, a rejection notice or stamped copy of an approved [facsimile document] filing.

17:35-5.3 Exceptions
Services pursuant to this subchapter shall be rendered as soon as possible[, but]. However, turnaround times may extend beyond [the] requested accelerated service levels [timeframe,] if the computer systems, [facsimile devices and/or] or communications devices/systems utilized by the Filing Office malfunction, or if the Filing Office experiences other difficulties beyond its control, making a timely response impossible. In such cases, upon resuming normal operations, the Filing Office will [first] process facsimile filing service requests on a first-in first-out basis, in the following priority order: one business-hour; two business-hour; [and] same day; and 8.5 business hours. These requests will be given priority over mail-in requests.

17:35-5.4 Fees
The fees for facsimile filing services shall be: $15.00 for each 8.5 business hours request; $50.00 for each same day service request; $1,000 for each one-business-hour service request; and $500.00 for each two-business-hour service request. The filing fee shall be in addition to the basic statutory filing fee usually charged for filing a document.

17:35-5.5 Methods of payment for facsimile filing service
(a) All fees assessed pursuant to this subchapter may be paid via a pre-paid deposit account, provided the delivery process allows for the use of such accounts, or charged against a major credit card held by the service user [of the facsimile filing service]. An electronic method approved by the Filing Office is also an acceptable payment method.
1. When a credit card or electronic payment method acceptable to the Filing Office is utilized as a method of payment, the user may be charged a separate fee to cover reasonable [bank] service fees that are incurred [by the Filing Office] in processing the credit [charge] card or electronic payment. [If no bank fees are incurred in processing the charges, no separate fee shall be charged.]
2. (No change.)