

1975 S.C. Op. Atty. Gen. 153 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4077, 1975 WL 22374

Office of the Attorney General

State of South Carolina

Opinion No. 4077

August 12, 1975

*1 The Seal of the State of South Carolina may not be registered as a Trade-Mark and may, therefore, be used by private companies on gift items.

TO: Information Specialist
South Carolina American Revolution Bicentennial Commission

QUESTION:

Are there any limitations on the use of the South Carolina State Seal in connection with gift items manufactured by private enterprise?

STATUTES:

[15 U.S.C. Section 1052.](#)

DISCUSSION:

The seal of a state is not such an item as is susceptible to copyrighting or patenting. If it could be registered it would be as a trade-mark. However, [15 U.S.C. Section 1052\(b\)](#) provides:

No trade-mark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the principal register on account of its nature unless it

...

(b) Consists of or comprises the flag or coat of arms or other insignia of the United States, or of any State or municipality, or of any foreign nation, or any simulation thereof.

Since the State seal is an insignia of the State, it cannot and, therefore, has not been registered as a trade-mark. Consequently, a private manufacturing company may use the State Seal on gift items.

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