

- 81-210. Cancellation.** The secretary shall cancel from the register, in whole or in part: (a) Any registration which the secretary receives a voluntary request for cancellation thereof from the registrant or the assignee of record; (b) all registrations granted under this act and not renewed in accordance with the provisions of this act; (c) any registration concerning which a court of competent jurisdiction finds that: (1) The registered mark has been abandoned; (2) the registrant is not the owner of the mark; (3) the registration was granted improperly; (4) the registration was obtained fraudulently; (5) the mark is or has become the generic name for the goods or services, or a portion of the goods or services, for which it has been registered; or (6) the registered mark is so similar, as to be likely to cause confusion or mistake or to deceive, to a mark registered by another person in the United States patent and trademark office prior to the date of the filing of the application for registration by the registrant hereunder, and not abandoned, except that should the registrant prove that the registrant is the owner of a concurrent registration of a mark in the United States patent and trademark office covering an area including this state, the registration hereunder shall not be canceled for such area of the state; or (d) when a court of competent jurisdiction orders cancellation of a registration on any ground.

History: L. 1999, ch. 85, § 10; July 1.