

548.109 Cancellation.

The secretary shall cancel from the register, in whole or in part, any of the following:

1. A registration concerning which the secretary receives a voluntary request for cancellation from the registrant or the assignee of record.
2. A registration granted under this chapter and not renewed in accordance with this chapter.
3. A registration concerning which a district court finds any of the following:
 - a. That the registered mark has been abandoned.
 - b. That the registrant is not the owner of the mark.
 - c. That the registration was granted improperly.
 - d. That the registration was obtained fraudulently.
 - e. That the mark has become the generic name for the goods or services, or a portion of the goods or services, for which the mark has been registered.
 - f. That 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 under this chapter, and not abandoned. However, if the registrant proves 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 under this chapter shall not be canceled for such area of the state.
4. A registration ordered canceled by a court on any ground.

[C71, 73, 75, 77, 79, 81, §548.7]

94 Acts, ch 1090, §9

C95, §548.109

Referred to in §548.104