

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](#)