

365.591 Cancellation.

The Secretary shall cancel from the register, in whole or in part:

- (1) Any registration concerning which the Secretary receives a voluntary request for cancellation from the registrant or the assignee of record;
- (2) All registrations granted under KRS 365.561 to 365.613 and not renewed in accordance with those provisions;
- (3) Any registration concerning which a court of competent jurisdiction has found:
 - (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 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
 - (f) That the registered mark is so similar to a mark registered by another person in the United States Patent and Trademark Office prior to the date of the filing of the registrant's application and not abandoned as to likely cause confusion or mistake, or to deceive. If the registrant proves that he 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 granted pursuant to KRS 365.561 to 365.613 shall not be canceled for that area of the state; or
- (4) Any registration for which a court of competent jurisdiction orders cancellation on any ground.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 468, sec. 9, effective July 15, 1994.