

365.607 Forum for actions regarding registration -- Service on out-of-state registrants.

- (1) Actions to require cancellation of a mark registered pursuant to KRS 365.561 to 365.613 or to compel registration of a mark pursuant to KRS 365.561 to 365.613 shall be brought in the Franklin Circuit Court. In an action to compel registration, the proceeding shall be based solely upon the record before the Secretary. In an action for cancellation, the Secretary shall not be made a party to the proceeding but shall be notified of the filing of the complaint by the clerk of the Franklin Circuit Court and shall be given the right to intervene in the action.
- (2) In any action brought against a nonresident registrant, service may be effected upon the Secretary as agent for service of the registrant in accordance with the procedures established for service upon nonresident corporations and business entities under KRS 454.210(3).

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 468, sec. 14, effective July 15, 1994.