

[(e) That the] (V) 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 Office, prior to the date of the filing of the application for registration by the registrant hereunder, and not abandoned, provided, however, that should the registrant prove that he is the owner of a concurrent registration of his mark in the United States Patent Office covering an area including this State, the registration hereunder shall not be cancelled; OR

(5) When a court of competent jurisdiction shall order cancellation of a registration on any ground.

DRAFTER'S NOTE: This corrects outdated cross-references and punctuation errors, corrects the omission of conjunctions, and corrects stylistic errors in Article 41, § 3-108.

Former subheading "Trademarks and Service Marks" became Title 3, Subtitle 1 of this Article when the sections of Article 41 were renumbered pursuant to Ch. 5 of the Acts of 1986. The punctuation and stylistic errors occurred in and the disjunctive conjunction, "or", was omitted from Ch. 63 of the Acts of 1954.

The outdated cross-references and the stylistic errors were noted by the Michie Company. The omission of the conjunction was noted by the professional staff of the Legislative Division of the Department of Legislative Reference.

3-112.

(a) Any owner of a mark registered under this [subheading] SUBTITLE may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof and any court of competent jurisdiction may grant injunctions to restrain such manufacture, use, display or sale as may be by the said court deemed just and reasonable, and may require the defendants to pay to such owner all profits derived from and/or all damages suffered by reason of such wrongful manufacture, use, display or sale; and such court may also order that any such counterfeits or imitations in the possession or under the control of any defendant in such case, be delivered to an officer of the court, or to the complainant, to be destroyed.

DRAFTER'S NOTE: This corrects an outdated cross-reference in Article 41, § 3-112(a).

Former subheading "Trademarks and Service Marks" became Title 3, Subtitle 1 of this article when the sections of Article 41 were renumbered pursuant to Ch. 5 of the Acts of 1986.