

Defined terms: "Applicant" § 1-401

"Mark" § 1-401

"Person" §§ 1-101 and 1-401

"State" § 1-101

1-407. HEARINGS.

(A) RIGHT TO HEARING.

BEFORE DENYING REGISTRATION OF A MARK, THE SECRETARY OF STATE SHALL GIVE THE APPLICANT AN OPPORTUNITY FOR A HEARING.

(B) APPLICATION OF CONTESTED CASE PROVISIONS.

THE SECRETARY OF STATE SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(C) OATHS.

THE SECRETARY OF STATE MAY ADMINISTER OATHS IN A PROCEEDING UNDER THIS SECTION.

(D) FAILURE TO APPEAR.

IF, AFTER DUE NOTICE, THE APPLICANT DOES NOT APPEAR, NEVERTHELESS THE SECRETARY OF STATE MAY HEAR AND DETERMINE THE MATTER.

REVISOR'S NOTE: Subsection (a) of this section is new language substituted for former Art. 41, § 3-104(c).

Subsection (b) of this section is standard language added to demonstrate clearly the intended application of the referenced subtitle to administrative hearings under this section.

Subsection (c) of this section is new language added to state expressly a power of the Secretary of State that is inherent under the authority of the Secretary of State to conduct a formal administrative hearing under this section.

Subsection (d) of this section is standard language added to clarify that, after an applicant has been given proper notice, the Secretary of State may proceed with a hearing even if the applicant fails to appear.

As to the Office of Administrative Hearings, see SG §§ 9-1601 through 9-1610.

The Business Regulation Article Review Committee notes, for consideration by the General Assembly, that former Art. 41, § 3-104(c) may require only an informal hearing before denying an application for registration.

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