

(3) A COURT OF COMPETENT JURISDICTION ORDERS THAT IT BE CANCELED ON ANY GROUND; OR

(4) A COURT OF COMPETENT JURISDICTION FINDS THAT:

(I) THE MARK IS ABANDONED;

(II) THE REGISTRANT DOES NOT OWN THE MARK;

(III) THE REGISTRATION WAS GRANTED IMPROPERLY; OR

(IV) THE REGISTRATION WAS OBTAINED FRAUDULENTLY.

(B) REGISTRATION IN PATENT OFFICE.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE SECRETARY OF STATE SHALL CANCEL THE REGISTRATION OF A MARK IF A COURT OF COMPETENT JURISDICTION FINDS THE MARK TO BE LIKELY TO CONFUSE OR DECEIVE BECAUSE IT RESEMBLES A MARK THAT:

(I) WAS REGISTERED BY ANOTHER PERSON IN THE UNITED STATES PATENT OFFICE BEFORE THE DATE THE REGISTRANT APPLIED FOR REGISTRATION UNDER THIS SUBTITLE; AND

(II) IS NOT ABANDONED.

(2) THE SECRETARY OF STATE MAY NOT CANCEL THE REGISTRATION OF A MARK IF THE REGISTRANT PROVES THAT:

(I) THE REGISTRANT HOLDS A CONCURRENT REGISTRATION OF THE MARK IN THE UNITED STATES PATENT OFFICE; AND

(II) THE REGISTRATION IN THE UNITED STATES PATENT OFFICE COVERS AN AREA THAT INCLUDES THE STATE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 3-108(2) through (5).

Former Art. 41, § 3-108(1), which required the Secretary of State to cancel certain registrations "after one year from June 1, 1954", is deleted as obsolete.

Defined terms: "Mark" § 1-401

"Person" §§ 1-101 and 1-401

"Registrant" § 1-401