

SENATE FILE NO. SF0053

Trademarks and trade names-administrative cancellation.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to trade and commerce; authorizing the
2 secretary of state to administratively cancel trademarks,
3 service marks and trade names as specified; providing the
4 right to appeal administrative cancellations; and providing
5 for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 40-1-108(a) by creating a new
10 paragraph (vi) and 40-2-107(a) by creating a new paragraph
11 (iv) are amended to read:

12

13 **40-1-108. Cancellation of registration.**

14

1 (a) The secretary shall cancel from the register in
2 whole or in part:

3

4 (vi) Any registration if the secretary finds
5 that cancellation is in the public interest and that the
6 applicant or registrant has provided fraudulent information
7 or has failed to correct false information upon request of
8 the secretary on any filing under this act, subject to the
9 following:

10

11 (A) If the secretary determines that
12 grounds for cancellation under this paragraph exist, the
13 secretary shall send the registrant written notice and an
14 explanation of the secretary's determination by certified
15 mail;

16

17 (B) The registrant may file a response
18 within sixty (60) days after the written notice and
19 explanation under subparagraph (A) of this paragraph is
20 sent to the registrant;

21

22 (C) If the registrant's response does not
23 demonstrate to the reasonable satisfaction of the secretary

1 that each ground determined by the secretary for
2 cancellation does not exist or the registrant does not
3 respond, the secretary shall cancel the registration and
4 send written notice of the cancellation to the registrant
5 by certified mail;

6
7 (D) The registrant may appeal the
8 cancellation to the chancery court or a district court of
9 competent jurisdiction within thirty (30) days after the
10 written notice of cancellation under subparagraph (C) of
11 this paragraph is sent to the registrant. The registrant
12 appeals by petitioning the chancery court or district court
13 to set aside the cancellation and attaching to the petition
14 copies of all documents sent to the registrant and filed
15 with the secretary pursuant to subparagraphs (A) through
16 (C) of this paragraph. The chancery court or district court
17 may summarily order the secretary to reinstate the
18 cancelled registration or may take other action the
19 chancery court or district court considers appropriate. The
20 district court's or chancery court's final decision may be
21 appealed as in other civil or chancery proceedings.

22
23 **40-2-107. Cancellation.**

1

2 (a) The secretary of state shall cancel from the
3 registration record:

4

5 (iv) Any registration if the secretary finds
6 that cancellation is in the public interest and that the
7 applicant or registrant has provided fraudulent information
8 or has failed to correct false information upon request of
9 the secretary on any filing under this act, subject to the
10 following:

11

12 (A) If the secretary determines that
13 grounds for cancellation under this paragraph exist, the
14 secretary shall send the registrant written notice and an
15 explanation of the secretary's determination by certified
16 mail;

17

18 (B) The registrant may file a response
19 within sixty (60) days after the written notice and
20 explanation under subparagraph (A) of this paragraph is
21 sent to the registrant;

22

1 (C) If the registrant's response does not
2 demonstrate to the reasonable satisfaction of the secretary
3 that each ground determined by the secretary for
4 cancellation does not exist or the registrant does not
5 respond, the secretary shall cancel the registration and
6 send written notice of the cancellation to the registrant
7 by certified mail;

8
9 (D) The registrant may appeal the
10 cancellation to the chancery court or a district court of
11 competent jurisdiction within thirty (30) days after the
12 written notice of cancellation under subparagraph (C) of
13 this paragraph is sent to the registrant. The registrant
14 appeals by petitioning the chancery court or district court
15 to set aside the cancellation and attaching to the petition
16 copies of all documents sent to the registrant and filed
17 with the secretary pursuant to subparagraphs (A) through
18 (C) of this paragraph. The chancery court or district court
19 may summarily order the secretary to reinstate the
20 cancelled registration or may take other action the
21 chancery court or district court considers appropriate. The
22 district court's or chancery court's final decision may be
23 appealed as in other civil or chancery proceedings.

1

2 **Section 2.** This act is effective July 1, 2025.

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(END)