

ORIGINAL SENATE
FILE NO. SF0053

ENROLLED ACT NO. 78, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

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

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

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

40-1-108. Cancellation of registration.

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

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

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

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

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

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

40-2-107. Cancellation.

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

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

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

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

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

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk