

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

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

23

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

3
4 (iv) 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 a district court of competent jurisdiction
9 within thirty (30) days after the written notice of
10 cancellation under subparagraph (C) of this paragraph is
11 sent to the registrant. The registrant appeals by
12 petitioning the district court to set aside the
13 cancellation and attaching to the petition copies of all
14 documents sent to the registrant and filed with the
15 secretary pursuant to subparagraphs (A) through (C) of this
16 paragraph. The district court may summarily order the
17 secretary to reinstate the cancelled registration or may
18 take other action the district court considers appropriate.
19 The district court's final decision may be appealed as in
20 other civil proceedings.

21

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

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(END)