

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

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

1 *****
 2 *****
 3 STAFF COMMENT
 4

5 The provisions in this bill draft authorizing the Secretary
 6 of State to administratively cancel trademarks, service
 7 marks and trade names are generally modeled after W.S. 17-
 8 16-1420 through 17-16-1423, which authorize the Secretary
 9 of State to administratively dissolve a corporation.

10 *****
 11 *****
 12 *****
 13

14 40-1-108. Cancellation of registration.

15

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

18

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

25

26 (A) If the secretary determines that
 27 grounds for cancellation under this paragraph exist, the
 28 secretary shall send the registrant written notice and an

1 explanation of the secretary's determination by certified
2 mail;

3
4 (B) The registrant may file a response
5 within sixty (60) days after the written notice and
6 explanation under subparagraph (A) of this paragraph is
7 sent to the registrant;

8
9 (C) If the registrant's response does not
10 demonstrate to the reasonable satisfaction of the secretary
11 that each ground determined by the secretary for
12 cancellation does not exist or the registrant does not
13 respond, the secretary shall cancel the registration and
14 send written notice of the cancellation to the registrant
15 by certified mail;

16
17 (D) The registrant may appeal the
18 cancellation to a district court of competent jurisdiction
19 within thirty (30) days after the written notice of
20 cancellation under subparagraph (C) of this paragraph is
21 sent to the registrant. The registrant appeals by
22 petitioning the district court to set aside the
23 cancellation and attaching to the petition copies of all

1 documents sent to the registrant and filed with the
2 secretary pursuant to subparagraphs (A) through (C) of this
3 paragraph. The district court may summarily order the
4 secretary to reinstate the cancelled registration or may
5 take other action the district court considers appropriate.
6 The district court's final decision may be appealed as in
7 other civil proceedings.

8
9 **40-2-107. Cancellation.**

10
11 (a) The secretary of state shall cancel from the
12 registration record:

13
14 (iv) Any registration if the secretary finds
15 that cancellation is in the public interest and that the
16 applicant or registrant has provided fraudulent information
17 or has failed to correct false information upon request of
18 the secretary on any filing under this act, subject to the
19 following:

20
21 (A) If the secretary determines that
22 grounds for cancellation under this paragraph exist, the
23 secretary shall send the registrant written notice and an

1 explanation of the secretary's determination by certified
2 mail;

3
4 (B) The registrant may file a response
5 within sixty (60) days after the written notice and
6 explanation under subparagraph (A) of this paragraph is
7 sent to the registrant;

8
9 (C) If the registrant's response does not
10 demonstrate to the reasonable satisfaction of the secretary
11 that each ground determined by the secretary for
12 cancellation does not exist or the registrant does not
13 respond, the secretary shall cancel the registration and
14 send written notice of the cancellation to the registrant
15 by certified mail;

16
17 (D) The registrant may appeal the
18 cancellation to a district court of competent jurisdiction
19 within thirty (30) days after the written notice of
20 cancellation under subparagraph (C) of this paragraph is
21 sent to the registrant. The registrant appeals by
22 petitioning the district court to set aside the
23 cancellation and attaching to the petition copies of all

1 documents sent to the registrant and filed with the
2 secretary pursuant to subparagraphs (A) through (C) of this
3 paragraph. The district court may summarily order the
4 secretary to reinstate the cancelled registration or may
5 take other action the district court considers appropriate.
6 The district court's final decision may be appealed as in
7 other civil proceedings.

8

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

10

11

(END)