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Code:  Section:

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**BUSINESS AND PROFESSIONS CODE - BPC**

**DIVISION 6. BUSINESS RIGHTS [14000 - 14704]** ( *Division 6 added by Stats. 1941, Ch. 56.*  )

**CHAPTER 2. Model State Trademark Law [14200 - 14272]** ( *Chapter 2 repealed and added by Stats. 2007, Ch. 711, Sec. 2.*  )

**ARTICLE 6. Cancellation [14230- 14230.]** ( *Article 6 added by Stats. 2007, Ch. 711, Sec. 2.*  )

**14230.** The secretary shall cancel from the register, in whole or in part, any of the following:

- (a) Any registration concerning which the secretary receives a voluntary request for cancellation from the registrant or the assignee of record.
- (b) All registrations granted under this chapter and not renewed in accordance with the provisions of this chapter.
- (c) Any registration concerning a mark with regard to which a court of competent jurisdiction finds any of the following:
  - (1) The registered mark has been abandoned.
  - (2) The registrant is not the owner of the mark.
  - (3) The registration was granted improperly.
  - (4) The registration was obtained fraudulently.
  - (5) The mark is or has become the generic name for the goods or services, or a portion thereof, for which it has been registered.
  - (6) The registered mark is so similar to a mark registered by another person in the United States Patent and Trademark Office prior to the date of the filing of the application for registration by the registrant hereunder, and not abandoned, as to be likely to cause confusion or mistake, or to deceive. However, should the registrant prove that the registrant is the owner of a concurrent registration of a mark in the United States Patent and Trademark Office covering an area including this state, the registration hereunder shall not be canceled for that area of the state.
- (d) Cancellation of a registration ordered on any ground by a court of competent jurisdiction.
- (e) Any registration or renewal if a check or other remittance accepted in payment of the filing fee is not paid upon presentation. The secretary shall give written notice of the applicability of this subdivision to the registrant. Thereafter, 30 days shall be allowed from the date of the notification letter for payment by cashier's check or the equivalent.
- (f) Within six months of the date of registration, any registration issued in error by the secretary that violates the requirements of subdivision (f) of Section 14205.

(*Repealed and added by Stats. 2007, Ch. 711, Sec. 2. Effective January 1, 2008.*)