

81-216. Forum for action regarding registration; service on nonresidents. (a) Actions to require cancellation of a mark registered pursuant to this act or in mandamus to compel registration of a mark pursuant to this act shall be brought in the district court. In an action in mandamus, the proceeding shall be based solely upon the record before the secretary. In an action for cancellation, the secretary shall not be made a party to the proceeding but shall be notified of the filing of the complaint by the clerk of the court in which it is filed and shall be given the right to intervene in the action.

(b) In any action brought against a nonresident registrant, service may be effected upon the secretary as agent for service in accordance with the procedures established for service upon foreign corporations under K.S.A. 60-304, and amendments thereto.

History: L. 1999, ch. 85, § 16; July 1.