

**Introduced by Senator Gaines**

January 20, 2016

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An act to amend Section 14254 of the Business and Professions Code, relating to trademarks.

LEGISLATIVE COUNSEL'S DIGEST

SB 889, as introduced, Gaines. Trademarks.

Existing law, the Model State Trademark Law, provides for the registration of trademarks and service marks with the Secretary of State and requires an application for registration of a mark to provide specified information on the application. Existing law requires an action to require cancellation of a mark registered under that law to be brought in the superior court.

This bill would make nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 14254 of the Business and Professions  
2 Code is amended to read:  
3 14254. (a) ~~Actions~~ *An action* to require cancellation of a mark  
4 registered pursuant to this chapter or in mandamus to compel  
5 registration of a mark pursuant to this chapter shall be brought in  
6 the superior court.  
7 (b) In an action in mandamus, the proceeding shall be based  
8 solely upon the record before the secretary. In an action for  
9 cancellation, the secretary shall not be made a party to the  
10 proceeding, but shall be notified of the filing of the complaint by

1 the clerk of the court in which ~~it~~ *the action* is filed and shall be  
2 given the right to intervene in the action.

3 (c) In any action brought against a nonresident registrant, service  
4 may be effected upon the secretary as agent for service of the  
5 registrant in accordance with the procedures established for service  
6 upon nonresident corporations and business entities under Sections  
7 416.10 to 416.40, inclusive, of the Code of Civil Procedure, and  
8 Sections 2110, 2111, and 2114 of the Corporations Code.

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