

§482-6 Revocation of certificate; nonuse. (a) If any trade name is not used by the registrant in accordance with the declaration in this State for a period of three hundred sixty-five consecutive days, the certificate of registration shall be subject to revocation.

(b) Any person desiring such revocation shall file a verified petition in the office of the director, setting forth facts indicating such nonuse for a period of three hundred sixty-five consecutive days immediately preceding the date of the filing of the petition. The petitioner, at the petitioner's expense, shall notify the registrant of the hearing in the manner prescribed by the director and section 91-9.5, and the registrant shall be given the opportunity of a full hearing in accordance with chapter 91.

(c) After granting an opportunity for hearing to the petitioner and the registrant, the director shall grant or deny the petition for revocation, as the facts shall warrant. [L Sp 1933, c 29, pt of §2; RL 1935, §7455; RL 1945, §9290; am L 1947, c 163, pt of §1; RL 1955, §204-6; am L Sp 1959 2d, c 1, §15; am L 1963, c 114, §3; HRS §482-6; am L 1980, c 26, §7; am L 1982, c 204, §8; am L 1983, c 124, §17; gen ch 1985; am L 2001, c 15, §8; am L 2003, c 124, §87]

Case Notes

Nonuse of trade name. 399 F. Supp. 604.
Trademark lost by abandonment. 10 H. 162.

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