

NC Trademark Registration Appeal Process

Denial of Registration of a Mark: If the Secretary of State finds that the applicant's mark is not entitled to registration, the Secretary shall advise the applicant of the reasons why the mark is not entitled to registration. The applicant shall have a reasonable period of time, specified by the Secretary, in which to reply and/or amend the application and/or the specimens depicting the mark. If the applicant replies and amends the application and/or specimens, the Secretary shall reexamine the application and specimens. This procedure may be repeated until (i) the Secretary finally refuses registration of the mark (final action), or (ii) the applicant fails to reply within the specified period, at which time the application shall be deemed to have been abandoned. **Should the applicant still desire to register the Trademark of Service Mark in North Carolina after abandonment, a new application and fee is required.**

Request for Reconsideration: During the period between a final action (refusal to register the mark) and expiration of the time for filing a response, the applicant may request the examiner to reconsider the final action. The filing of a request for reconsideration will not extend the time for petitioning the Director for a review. Amendments accompanying requests for reconsideration after final action will be taken into consideration.

Petition Director for Review: During the period between a final action (refusal of registration) and expiration of the time for filing a response, the applicant may petition the Director for a review of the final action.

Request for Writ of Mandamus: If the Secretary finally refuses registration of the mark, the applicant may seek a writ of mandamus to compel registration. The writ may be granted, without cost to the Secretary, on proof that all of the statements in the application are true and that the mark is entitled to registration.