



CHAPTER 80
ARTICLE 1 - TRADEMARK REGISTRATION ACT

N.C.G.S. § 80-1.

Definitions.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 1997-476, s. 1 — seventh act in the lineage	RETRIEVED 21 September 2026, 03:28 UTC	SOURCE FINGERPRINT bf927cf933005d7e54562853 - d873c02b4f12d51adb965424 - 32626e5e7dfc892a
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- § 80-1(a)

The term "applicant" as used herein means the person filing an application for registration of a trademark under this Article, the person's legal representatives, successors or assigns.
- § 80-1(b)

The term "mark" as used herein includes any trademark or service mark entitled to registration under this Article whether registered or not.
- § 80-1(c)

The term "person" as used herein means any individual, firm, partnership, corporation, association, union or other organization.
- § 80-1(d)

The term "registrant" as used herein means the person to whom the registration of a trademark under this Article is issued, the person's legal representatives, successors or assigns.
- § 80-1(d1)

The term "Secretary" as used herein means the Secretary of State or the designee of the Secretary charged with the administration of this Article.
- § 80-1(e)

The term "service mark" as used herein means a mark used in the sale or advertising of services to identify the services of one person and distinguish them from the services of others.
- § 80-1(f)

The term "trademark" as used herein means any word, name, symbol, or device or any combination thereof adopted and used by a person to identify goods made, sold, or

distributed by him and to distinguish them from goods made, sold, or distributed by others.

§ 80-1(g)

The term "use" means the bona fide use of a mark in the State of North Carolina in the ordinary course of trade, and not merely the reservation of a right to a mark. For the purposes of this Article, a mark shall be deemed to be "used" in this State (i) on goods when it is placed in any manner on the goods or their containers or the displays associated therewith or on the tags or labels affixed thereto, or if the nature of the goods makes placement impractical, then on documents associated with the goods, and the goods are currently sold or otherwise distributed in the State, and (ii) on services when it is used or displayed in the sale or advertising of services and the services are currently being rendered in this State, or are being offered and are available to be rendered in this State.

§ 80-1(h)

PRIMA FACIE EVIDENCE

A mark shall be deemed to be "abandoned" when either of the following occurs:

- (1) When its use has been discontinued with intent not to resume its use. Intent not to resume may be inferred from circumstances. Nonuse for three consecutive years shall constitute prima facie evidence of abandonment.
- (2) When any course of conduct of the owner, including acts of omission as well as commission, causes the mark to lose its significance as a mark.

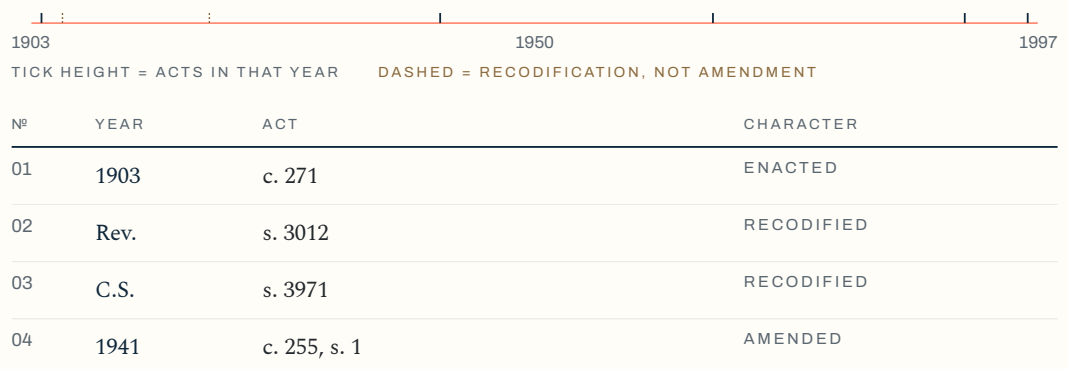
END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
7 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



05	1967	c. 1007, s. 1	AMENDED
06	1991	c. 626, s. 1	AMENDED
07	1997	S.L. 1997-476, s. 1	AMENDED

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 80-1 (1997).

PINPOINT

N.C. Gen. Stat. § 80-1(a) (1997).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1903, c. 271; Rev., s. 3012; C.S., s. 3971; 1941, c. 255, s. 1; 1967, c. 1007, s. 1; 1991, c. 626, s. 1; 1997-476, s. 1.)

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