



CHAPTER 80
ARTICLE 1 - TRADEMARK REGISTRATION ACT

N.C.G.S. § 80-2.

Registrability.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 1997-476, s. 3 — seventh act in the lineage	21 September 2026, 01:59 UTC	e1808036a8e1187f115b13e7 - aadeb45ac78ccf29f983208e - ff0ea37b1ad99e73

A mark by which the goods or services of any applicant for registration may be distinguished from the goods or services of others shall not be registered if it

Consists of or comprises immoral, deceptive or scandalous matter; or

Consists of or comprises matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute; or

Consists of or comprises the flag or coat of arms or other insignia of the United States, or of any state or municipality, or of any foreign nation, or any simulation thereof; or

Consists of or comprises the name, signature or portrait of any living individual, except with his written consent; or

Consists of a mark which (i) when applied to the goods or services of the applicant, is merely descriptive of them or merely describes one or more of the characteristics, or is deceptively misdescriptive of them, or falsely describes the nature, function, capacity, or characteristics of them, or (ii) when applied to the goods or services of the applicant, is primarily geographically descriptive or deceptively misdescriptive of them, or (iii) is primarily merely a surname; provided, however, that nothing in this subdivision (5) shall prevent the registration of a mark used in this State by the applicant which has become distinctive of the applicant's goods or services. The Secretary may accept as evidence that the mark has become distinctive, as applied to the applicant's goods or services, proof of continuous use thereof as a mark by the applicant in this State for the five years preceding the date on which the claim of distinctiveness is made; or

Consists of or comprises a mark which so resembles a mark registered in this State or a mark or trade name previously used in this State by another and not abandoned, as to be likely, when applied to the goods or services of the applicant, to cause confusion or mistake or to deceive.

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.

	1903		1950		1997
	TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT				
Nº	YEAR	ACT	CHARACTER		
01	1903	c. 271	ENACTED		
02	Rev.	ss. 3012, 3017	RECODIFIED		
03	C.S.	ss. 3971, 3976	RECODIFIED		
04	1941	c. 255, s. 1	AMENDED		
05	1967	c. 1007, s. 1	AMENDED		
06	1991	c. 626, s. 2	AMENDED		
07	1997	S.L. 1997-476, s. 3	AMENDED		

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 80-2 (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., ss. 3012, 3017; C.S., ss. 3971, 3976; 1941, c. 255, s. 1; 1967, c. 1007, s. 1; 1991, c. 626, s. 2; 1997-476, s. 3.)

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