

# Expunging the trademark for violating the registration procedures: An investigation in Iraqi law.

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- **Abstract:** The issue of expunging the registered trademark is of special significance, because of the effects may be removed by expunging. There are several reasons that can lead to expunging the registered trademark, as well as several people can request to expunge the trademark, in addition to parties that can decide to expunge. Therefore, the registered trademark is worthy of removing if it appears that registering it lacks the formal requirements, including a violation in registration procedures. The right to have a trademark is acquired through using and registering it at the trademarks registrar, who works on the final registration of the trademark in the trademarks register. It is deemed to fulfill the conditions stipulated in the trademarks law, starting from the submitting application to issuing a certificate thereof. As for the holders of the right to request to expunge the registered trademark, they are either its owner or others who have an interest in this removing. The trademarks registrar is the one who decides this expunge by counting on the powers granted by law, or by a judicial ruling issued by the competent courts such as the Supreme Court of Justice in Jordan, the administrative court in Egypt and the court of First Instance specialized in the commercial lawsuits in Iraq regarding expunging the trademark.
- **Keywords:** Expunging, trademark, registering, registrar, stipulated, competent, lawsuits,