



# LAWS OF ALASKA

1966

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Chapter No.:

33

## AN ACT

Relating to the reservation and registration of a business name;  
and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. AS 10 is amended by adding a new chapter to  
read:

### CHAPTER 35. BUSINESSES.

#### ARTICLE 1. NAME.

Sec. 10.35.010. RESERVATION OF NAME. The exclusive right to the use of a business name may be reserved by a person intending to start a business or a person intending to change the name of his business.

Sec. 10.35.020. APPLICATION TO RESERVE NAME. Reservation of a business name is made by filing an application with the commissioner. If the commissioner finds that the name is available for business use, he shall reserve it for the exclusive use of the applicant for a period of 120 days. A name is not available which is the same as, or deceptively similar to, the name of a domestic corporation or a foreign corporation authorized to transact business in the state,

or a name reserved or registered under AS 10.05.

Sec. 10.35.030. TRANSFER OF RESERVED NAME. The holder of a reserved name may transfer the right to the exclusive use of the name to another person by filing with the commissioner a notice of transfer which is signed by the holder and specifies the name and address of the transferee.

Sec. 10.35.040. REGISTRATION OF NAME. A person conducting a business may register its name if the name is not the same as, or deceptively similar to, the name of a domestic corporation or a foreign corporation authorized to transact business in the state, or a name reserved or registered under AS 10.05. Registration of the name gives the exclusive right to the use of the name and the person who has registered the name may enjoin the use of the same name or a deceptively similar name and has a cause of action for damages against anyone who uses the same name or a deceptively similar name.

Sec. 10.35.050. PROCEDURE FOR REGISTRATION OF NAME. Registration of a business name is made by filing with the commissioner an application for registration. The application must be executed by an owner of the business and must contain his name and address, the name and addresses of the business, the name and address of each person having an interest in the business, a statement that he is doing business, and a brief statement of the nature of the business.

Sec. 10.35.060. FEE FOR AND DURATION OF REGISTERED NAME. The fee for the initial registration of a business name is \$10. The year in which the registration becomes effective is considered a full year of registration and the

registration is effective until the close of the fifth calendar year beginning with the year of initial registration.

Sec. 10.35.070. RENEWAL OF REGISTERED NAME. A registered business name may be renewed every five years if an application for renewal is filed. An application for renewal must set out the facts required in an original application for registration and be accompanied by a renewal fee of \$10. An application for renewal may be filed between October 1 and December 31 of any year. The renewal of the registration extends the registration for the following five calendar years.

Sec. 10.35.080. BUSINESS NAMES NOT REGISTERED. Secs. 10 - 90 of this chapter do not abrogate any rights between persons who have not registered a business name under those sections.

Sec. 10.35.090. DEFINITIONS. In secs. 10 - 90 of this chapter

(1) "commissioner" means the commissioner of commerce;

(2) "business" means any commercial or industrial enterprise which is not incorporated and which may be owned by a person or persons, partnership, firm, association or organization.

\* Sec. 2. AS 10.05.027 is amended to read:

Sec. 10.05.027. APPLICATION TO RESERVE CORPORATE NAME. Reservation of a corporate name is made by filing an application with the commissioner. If the commissioner finds that the name is available for corporate use, and not a

reserved or registered business name as set out in AS 10.-  
35.010 - 10.35.090, he shall reserve it for the exclusive  
use of the applicant for a period of 120 days.

\* Sec. 3. AS 10.05.033 is amended to read:

Sec. 10.05.033. REGISTRATION OF CORPORATE NAME. A  
corporation organized and existing under the laws of any  
state or territory of the United States may register its  
corporate name if the name is not the same as, or deceptively  
similar to, the name of a domestic corporation, or the name  
of a foreign corporation authorized to transact business in  
the state, or a corporate name reserved or registered under  
this chapter or a business name reserved or registered under  
AS 10.35.010 - 10.35.090.

\* Sec. 4. A person who wishes to register a business name under  
which he is doing business on the date this Act is approved may  
file an application for registration any time before January 1,  
1967. If, before January 1, 1967, more than one person applies  
for the registration of a business name which is the same or de-  
ceptively similar, the commissioner shall approve the application  
of the person who has continuously done business under the name  
for the longest period of time. However, no name may be regis-  
tered which is the same as, or deceptively similar to, the name  
of a domestic corporation or a foreign corporation authorized to  
transact business in the state, or a name reserved or registered  
under AS 10.05.

\* Sec. 5. This Act takes effect January 1, 1967.