

Original Sponsor: Senator Pollock

Offered: 2/14/66
Referred: Rules

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR SENATE BILL NO. 117
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the reservation and
7 registration of a business name; and pro-
8 viding for an effective date."

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

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

11 CHAPTER 35. BUSINESSES

12 ARTICLE 1. NAME

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

17 Sec. 10.35.020. APPLICATION TO RESERVE NAME. Reserva-
18 tion of a business name is made by filing an application
19 with the commissioner. If the commissioner finds that the
20 name is available for business use, he shall reserve it for
21 the exclusive use of the applicant for a period of 120 days.
22 A name is not available which is the same as, or deceptively
23 similar to, the name of a domestic corporation or a foreign
24 corporation authorized to transact business in the state,
25 or a name reserved or registered under AS 10.05 of this
26 chapter.

27 Sec. 10.35.030. TRANSFER OF RESERVED NAME. The holder
28 of a reserved name may transfer the right to the exclusive
29 use of the name to another person by filing with the

1 commissioner a notice of transfer which is signed by the
2 holder and specifies the name and address of the transferee.

3 Sec. 10.35.040. REGISTRATION OF NAME. A person con-
4 ducting a business may register its name if the name is not
5 the same as, or deceptively similar to, the name of a domestic
6 corporation or a foreign corporation authorized to transact
7 business in the state, or a name reserved or registered
8 under AS 10.05 of this chapter.

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

17 Sec. 10.35.060. FEE FOR AND DURATION OF REGISTERED
18 NAME. The fee for the initial registration of a business
19 name is \$10. The year in which the registration becomes
20 effective is considered a full year of registration and the
21 registration is effective until the close of the fifth
22 calendar year beginning with the year of initial registra-
23 tion.

24 Sec. 10.35.070. RENEWAL OF REGISTERED NAME. A regis-
25 tered business name may be renewed every five years if an
26 application for renewal is filed. An application for re-
27 newal must set out the facts required in an original applica-
28 tion for registration and be accompanied by a renewal fee
29 of \$10. An application for renewal may be filed between

1 October 1 and December 31 of any year. The renewal of the
2 registration extends the registration for the following five
3 calendar years.

4 Sec. 10.35.080. BUSINESS NAMES NOT REGISTERED. Secs.
5 010 - 090 of this chapter do not abrogate any rights between
6 persons who have not registered a business name under those
7 sections.

8 Sec. 10.35.090. DEFINITIONS. In secs. 010 - 090 of
9 this chapter

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

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

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

17 Sec. 10.05.027. APPLICATION TO RESERVE CORPORATE NAME.
18 Reservation of a corporate name is made by filing an applica-
19 tion with the commissioner. If the commissioner finds that
20 the name is available for corporate use, and not a reserved
21 or registered business name as set out in AS 10.35.010 -
22 10.35.090, he shall reserve it for the exclusive use of the
23 applicant for a period of 120 days.

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

25 Sec. 10.05.033. REGISTRATION OF CORPORATE NAME. A
26 corporation organized and existing under the laws of any
27 state or territory of the United States may register its
28 corporate name if the name is not the same as, or deceptively
29 similar to, the name of a domestic corporation, or the name

1 of a foreign corporation authorized to transact business in
2 the state, or a corporate name reserved or registered under
3 this chapter or a business name reserved or registered under
4 AS 10.35.010 - 10.35.090.

5 * Sec. 4. A person who wishes to register a business name under
6 which he is doing business on the date this Act is approved may
7 file an application for registration any time before January 1,
8 1967. If, before January 1, 1967, more than one person applies
9 for the registration of a business name which is the same or
10 deceptively similar, the commissioner shall approve the applica-
11 tion of the person who has continuously done business under the
12 name for the longest period of time.

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