

Original Sponsor: Senator Pollock

Offered: 2/14/66
Referred: Rules

1 IN THE SENATE

BY 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.

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

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1 holder and specifies the name and address of the transferee.

2 Sec. 10.35.040. REGISTRATION OF NAME. A person con-
3 ducting a business may register its name if the name is not
4 the same as, or deceptively similar to, the name of a domestic
5 corporation or a foreign corporation authorized to transact
6 business in the state, or a name reserved or registered
7 under AS 10.05. Registration of the name gives the exclusive
8 right to the use of the name and the person who has registered
9 the name may enjoin the use of the same name or a deceptively
10 similar name and has a cause of action for damages against
11 anyone who uses the same name or a deceptively similar name.

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

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

26 Sec. 10.35.070. RENEWAL OF REGISTERED NAME. A regis-
27 tered business name may be renewed every five years if an
28 application for renewal is filed. An application for re-
29 newal must set out the facts required in an original applica-

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1 tion for registration and be accompanied by a renewal fee
2 of \$10. An application for renewal may be filed between
3 October 1 and December 31 of any year. The renewal of the
4 registration extends the registration for the following five
5 calendar years.

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

10 Sec. 10.35.090. DEFINITIONS. In secs. 010 - 090 of
11 this chapter

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

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

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

19 Sec. 10.05.027. APPLICATION TO RESERVE CORPORATE NAME.
20 Reservation of a corporate name is made by filing an applica-
21 tion with the commissioner. If the commissioner finds that
22 the name is available for corporate use, and not a reserved
23 or registered business name as set out in AS 10.35.010 -
24 10.35.090, he shall reserve it for the exclusive use of the
25 applicant for a period of 120 days.

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

27 Sec. 10.05.033. REGISTRATION OF CORPORATE NAME. A
28 corporation organized and existing under the laws of any
29 state or territory of the United States may register its

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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 deceptively 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 registered 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.