



# LAWS OF ALASKA

1999

**Source**

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**Chapter No.**

50

**AN ACT**

Relating to the purposes of certain businesses and corporations; relating to the names of businesses and organizations; relating to the registration under the Alaska Trademark Act of marks that resemble the name of another business or organization; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

**Approved by the Governor:** June 3, 1999

**Actual Effective Date:** Section 37 takes effect June 4, 1999; remainder of Act takes effect July 1, 1999

AN ACT

1 Relating to the purposes of certain businesses and corporations; relating to the names of  
2 businesses and organizations; relating to the registration under the Alaska Trademark Act of  
3 marks that resemble the name of another business or organization; and providing for an effective  
4 date.

5

6 \* **Section 1.** AS 06.05.301(b) is amended to read:

7 (b) The provisions of AS 10.06 (Alaska Corporations Code) apply to state  
8 banks, except those provisions inconsistent with this chapter. The provisions  
9 inconsistent with this chapter include AS 10.06.010(4) - (8), 10.06.105(a) **and (d)**,  
10 10.06.325, 10.06.356, 10.06.358 - 10.06.360, 10.06.370, 10.06.385 - 10.06.388,  
11 10.06.420(i), 10.06.430, 10.06.453, 10.06.460(b), 10.06.485, 10.06.522 - 10.06.868,  
12 10.06.915, 10.06.960, and 10.06.990(30) and (36).

13 \* **Sec. 2.** AS 10.06.005 is amended to read:

14 **Sec. 10.06.005. Purposes.** A corporation may be organized under this chapter

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1 for any lawful purpose [EXCEPT FOR THE PURPOSE OF INSURANCE].

2 \* Sec. 3. AS 10.06.105(a) is amended to read:

3 (a) A corporate name must [SHALL] contain the word "corporation",  
4 "company", "incorporated", or "limited", or an abbreviation of one of these words.  
5 The corporate name may not contain a word or phrase that indicates or implies that  
6 the corporation is organized for a purpose other than the purpose contained in its  
7 articles of incorporation. [THE CORPORATE NAME MAY NOT BE THE SAME  
8 AS, OR DECEPTIVELY SIMILAR TO, THE NAME OF A DOMESTIC  
9 CORPORATION EXISTING UNDER THE LAWS OF THIS STATE OR A  
10 FOREIGN CORPORATION AUTHORIZED TO TRANSACT BUSINESS IN THIS  
11 STATE, OR A NAME THAT HAS BEEN RESERVED OR REGISTERED  
12 AS PROVIDED IN THIS TITLE.]

13 \* Sec. 4. AS 10.06.105 is amended by adding a new subsection to read:

14 (d) A corporate name must be distinguishable on the records of the department  
15 from the name of any other organized entity and from a reserved or registered name.  
16 The department may adopt regulations to enforce this subsection. In this subsection,  
17 "organized entity" and "reserved or registered name" have the meanings given in  
18 AS 10.35.040.

19 \* Sec. 5. AS 10.06.115 is amended to read:

20 **Sec. 10.06.115. Application to reserve corporate name.** Reservation of a  
21 corporate name is made by filing an application with the commissioner. If the  
22 commissioner finds that the name is available for corporate use under  
23 AS 10.06.105(d) [, AND NOT A RESERVED OR REGISTERED BUSINESS NAME  
24 AS SET OUT IN AS 10.35], the commissioner shall reserve it for the exclusive use  
25 of the applicant for a period of 120 days.

26 \* Sec. 6. AS 10.06.125 is amended to read:

27 **Sec. 10.06.125. Registration of corporate name.** A corporation organized  
28 and existing under the laws of a state or territory of the United States may register its  
29 corporate name if the name is available for corporate use under AS 10.06.105(d)  
30 [NOT THE SAME AS, OR DECEPTIVELY SIMILAR TO, THE NAME OF A  
31 DOMESTIC CORPORATION, THE NAME OF A FOREIGN CORPORATION

1 AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE, OR A CORPORATE  
2 NAME RESERVED OR REGISTERED UNDER THIS CHAPTER OR A BUSINESS  
3 NAME RESERVED OR REGISTERED UNDER AS 10.35].

4 \* Sec. 7. AS 10.06.130 is repealed and reenacted to read:

5 **Sec. 10.06.130. Use of corporate name.** (a) A corporation that is organized  
6 under this chapter has the exclusive right to the name under which it was organized.  
7 A foreign corporation that has obtained a certificate of authority under this chapter has  
8 the exclusive right to the name under which it received its certificate of authority. A  
9 corporation that has registered a name under AS 10.06.125 has the exclusive right to  
10 the use of the registered name.

11 (b) A corporation with the exclusive right to a name under (a) of this section

12 (1) may enjoy the use of a name that is not distinguishable on the  
13 records of the department from the name to which the corporation has the exclusive  
14 right under (a) of this section;

15 (2) has a cause of action for damages against a person who uses a  
16 name that is not distinguishable on the records of the department from the name to  
17 which the corporation has the exclusive right under (a) of this section.

18 \* Sec. 8. AS 10.06.633(e) is amended to read:

19 (e) A corporation dissolved under this section may be reinstated within two  
20 years from the date of the certificate of involuntary dissolution if it is established to  
21 the satisfaction of the commissioner that in fact there was no cause for the dissolution,  
22 or if the neglect, omission, delinquency, or noncompliance resulting in dissolution has  
23 been corrected and payment made of double the amount delinquent along with the  
24 amount the corporation would have paid had it not been dissolved during the two-year  
25 period. Reinstatement may not be authorized if the name is not available for  
26 corporate use under AS 10.06.105(d) [SAME OR A DECEPTIVELY SIMILAR  
27 CORPORATE, RESERVED, OR REGISTERED NAME IS CURRENTLY ON FILE  
28 WITH THE COMMISSIONER,] unless the corporation being reinstated amends its  
29 articles of incorporation to change its name to conform with the provisions of this  
30 chapter.

31 \* Sec. 9. AS 10.06.720 is amended to read:

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1                   **Sec. 10.06.720. Corporate name of foreign corporation.** A certificate of  
2 authority may not be issued to a foreign corporation unless the corporate name of the  
3 corporation

4                   (1) contains the word "corporation", "company", "incorporated", or  
5 "limited", or an abbreviation of one of these words, or, for use in this state, adds at the  
6 end of its name one of these words or an abbreviation of one of them;

7                   (2) does not contain a word or phrase that indicates or implies that it  
8 is organized for a purpose other than the purpose contained in its articles of  
9 incorporation or that it is authorized or empowered to conduct the business of banking  
10 or insurance;

11                   (3) does not contain the word "city", "borough", or "village" or  
12 otherwise imply that the corporation is a municipality, but the name of a city, borough,  
13 or village may be used in the corporate name;

14                   (4) is **available for corporate use under AS 10.06.105(d)** [NOT THE  
15 SAME NAME AS, OR DECEPTIVELY SIMILAR TO, THE NAME OF A  
16 DOMESTIC CORPORATION EXISTING UNDER THE LAWS OF THIS STATE OR  
17 A FOREIGN CORPORATION AUTHORIZED TO TRANSACT BUSINESS IN THIS  
18 STATE, OR A NAME THE EXCLUSIVE RIGHT TO WHICH IS RESERVED IN  
19 THE MANNER PROVIDED IN THIS TITLE, OR THE NAME OF A  
20 CORPORATION THAT HAS IN EFFECT A REGISTRATION OF ITS NAME  
21 AS PROVIDED IN THIS CHAPTER].

22 \* **Sec. 10.** AS 10.13.120(a) is amended to read:

23                   (a) The corporate name of a licensee must include the word "BIDCO" or  
24 **"Bidco" and must be distinguishable on the records of the department from the**  
25 **name of any other organized entity and from a reserved or registered name.**  
26 ["BIDCO."] A licensee may not transact business under a name other than its  
27 corporate name. **In this subsection, "organized entity" and "reserved or registered**  
28 **name" have the meanings given in AS 10.35.040.**

29 \* **Sec. 11.** AS 10.15 is amended by adding a new section to article 8 to read:

30                   **Sec. 10.15.578. Distinguishable name.** The name of a cooperative association  
31 must be distinguishable on the records of the department from the name of any other

1 organized entity and from a reserved or registered name. The department may adopt  
2 regulations under AS 44.62 (Administrative Procedure Act) to implement this section.  
3 In this section, "organized entity" and "reserved or registered name" have the meanings  
4 given in AS 10.35.040.

5 \* Sec. 12. AS 10.20.021 is repealed and reenacted to read:

6 **Sec. 10.20.021. Corporate name.** (a) The name of a corporation may not  
7 contain a word or phrase that indicates or implies that it is organized for a purpose  
8 other than one or more of the purposes contained in the articles of incorporation of the  
9 corporation.

10 (b) The name of the corporation must be distinguishable on the records of the  
11 department from the name of any other organized entity and from a reserved or  
12 registered name. The department may adopt regulations under AS 44.62  
13 (Administrative Procedure Act) to implement this subsection. In this subsection,  
14 "organized entity" and "reserved or registered name" have the meanings given in  
15 AS 10.35.040.

16 \* Sec. 13. AS 10.20.470 is amended to read:

17 **Sec. 10.20.470. Corporate name of foreign corporation.** A certificate of  
18 authority may not be issued to a foreign corporation unless the corporate name of the  
19 corporation

20 (1) does not contain a word or phrase **that** [WHICH] indicates or  
21 implies that it is organized for any purpose other than the purpose contained in its  
22 articles of incorporation;

23 (2) is **available for use by the foreign corporation under**  
24 **AS 10.20.021(b)** [NOT THE SAME AS, OR DECEPTIVELY SIMILAR TO, THE  
25 NAME OF A CORPORATION, WHETHER FOR PROFIT OR NOT FOR PROFIT,  
26 EXISTING UNDER THE LAWS OF THIS STATE, OR A FOREIGN  
27 CORPORATION, WHETHER FOR PROFIT OR NOT FOR PROFIT, AUTHORIZED  
28 TO TRANSACT BUSINESS OR CONDUCT AFFAIRS IN THIS STATE, OR A  
29 CORPORATE OR BUSINESS NAME RESERVED OR REGISTERED  
30 AS PERMITTED BY THE LAWS OF THIS STATE].

31 \* Sec. 14. AS 10.20.471 is amended to read:

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1           **Sec. 10.20.471. Assumed corporate name.** When a foreign corporation,  
2 applying for a certificate of authority, has a name **that is not available for use by the**  
3 **foreign corporation under AS 10.20.021(b)** [THE SAME AS OR DECEPTIVELY  
4 SIMILAR TO THAT OF A CORPORATION OPERATING UNDER THIS  
5 CHAPTER], it shall

6                   (1) select a name under which it elects to do business in the state;

7                   (2) clearly identify on all advertising, contracts, and other legal  
8 documents its true corporate name as well as its assumed name.

9 \* **Sec. 15.** AS 10.25.040 is amended to read:

10           **Sec. 10.25.040. Name.** The name of a cooperative must include the words  
11 "electric" or "telephone," as appropriate to its purpose, and "cooperative," and the  
12 abbreviation "inc." [THE NAME OF A COOPERATIVE SHALL BE DISTINCT  
13 FROM THE NAME OF OTHER COOPERATIVES OR CORPORATIONS  
14 ORGANIZED UNDER THE LAWS OF OR AUTHORIZED TO DO BUSINESS IN  
15 THIS STATE. THIS SECTION DOES NOT APPLY TO A CORPORATION THAT  
16 BECOMES SUBJECT TO THIS CHAPTER BY COMPLIANCE WITH AS 10.25.290  
17 AND 10.25.300 OR 10.25.620 AND THAT ELECTS TO RETAIN A CORPORATE  
18 NAME THAT DOES NOT COMPLY WITH THIS SECTION.]

19 \* **Sec. 16.** AS 10.25.040 is amended by adding new subsections to read:

20                   (b) The name of a cooperative must be distinguishable on the records of the  
21 Department of Commerce and Economic Development from the name of any other  
22 organized entity and from a reserved or registered name. The Department of  
23 Commerce and Economic Development may adopt regulations under AS 44.62  
24 (Administrative Procedure Act) to implement this subsection.

25                   (c) The provisions of (a) of this section do not apply to a corporation that  
26 becomes subject to this chapter by compliance with AS 10.25.290 and 10.25.300 or  
27 10.25.620 and that elects to retain a corporate name that does not comply with (a) of  
28 this section.

29 \* **Sec. 17.** AS 10.35.020 is amended to read:

30           **Sec. 10.35.020. Application to reserve name.** Reservation of a business name  
31 is made by filing an application with the commissioner. Upon finding that the name

1 is available for business use, the commissioner shall reserve it for the exclusive use  
 2 of the applicant for a period of 120 days. A name is not available **for business use**  
 3 **if the name** [WHICH] is **not distinguishable on the records of the department**  
 4 **under AS 10.35.040(a)** [THE SAME AS, OR DECEPTIVELY SIMILAR TO, THE  
 5 NAME OF A DOMESTIC CORPORATION OR A FOREIGN CORPORATION  
 6 AUTHORIZED TO TRANSACT BUSINESS IN THE STATE, OR A NAME  
 7 RESERVED OR REGISTERED UNDER THIS TITLE] or gives the impression that  
 8 the business is incorporated.

9 \* Sec. 18. AS 10.35.020 is amended by adding a new subsection to read:

10 (b) The department may adopt regulations under AS 44.62 (Administrative  
 11 Procedure Act) to implement this section.

12 \* Sec. 19. AS 10.35.040 is repealed and reenacted to read:

13 **Sec. 10.35.040. Registration of name.** (a) A person conducting a business  
 14 may register its name if the name is distinguishable on the records of the department  
 15 from the name of any other organized entity and from a reserved or registered name.  
 16 In this subsection,

17 (1) "organized entity" means

18 (A) a corporation under AS 10.06;

19 (B) a foreign corporation authorized under AS 10.06 to transact  
 20 business in this state;

21 (C) a BIDCO licensed under AS 10.13;

22 (D) a cooperative organized under AS 10.15;

23 (E) a foreign cooperative under AS 10.15 that is authorized  
 24 under AS 10.06 to do business in this state;

25 (F) a nonprofit corporation organized under AS 10.20;

26 (G) a nonprofit foreign corporation authorized under AS 10.20  
 27 to transact business in this state;

28 (H) a cooperative organized under AS 10.25;

29 (I) a religious corporation formed under AS 10.40;

30 (J) a professional corporation organized under AS 10.45;

31 (K) a limited liability company organized under AS 10.50;

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1 (L) a foreign limited liability company registered under  
2 AS 10.50;

3 (M) a registered limited liability partnership under AS 32.05;

4 (N) a foreign limited liability partnership registered under  
5 AS 32.05;

6 (O) a limited partnership formed under AS 32.11; or

7 (P) a foreign limited partnership registered under AS 32.11;

8 (2) "reserved or registered name" means a name reserved or registered  
9 under this chapter, AS 10.06, AS 10.50, AS 32.05, or AS 32.11.

10 (b) Registration of a name gives the person who has registered the name the  
11 exclusive right to the use of the name. A person who has registered a name under this  
12 chapter

13 (1) may enjoy the use by another person of a name that is not  
14 distinguishable on the records of the department from the registered name;

15 (2) has a cause of action for damages against another person who uses  
16 a name that is not distinguishable on the records of the department from the registered  
17 name.

18 (c) The department may adopt regulations under AS 44.62 (Administrative  
19 Procedure Act) to implement (a) of this section.

20 \* Sec. 20. AS 10.35.500 is amended by adding a new paragraph to read:

21 (3) "department" means the Department of Commerce and Economic  
22 Development.

23 \* Sec. 21. AS 10.40 is amended by adding a new section to read:

24 **Sec. 10.40.015. Distinguishable name.** A corporate name must be  
25 distinguishable on the records of the Department of Commerce and Economic  
26 Development from the name of another organized entity and from a reserved or  
27 registered name. The department may adopt regulations to enforce this section. In this  
28 section, "organized entity" and "reserved or registered name" have the meanings given  
29 in AS 10.35.040.

30 \* Sec. 22. AS 10.45.120 is amended by adding a new subsection to read:

31 (b) The corporate name of a professional corporation must be distinguishable

1 on the records of the Department of Commerce and Economic Development from the  
2 name of any other organized entity and from a reserved or registered name. The  
3 Department of Commerce and Economic Development may adopt regulations to  
4 implement this subsection. In this subsection, "organized entity" and "reserved or  
5 registered name" have the meanings given in AS 10.35.040.

6 \* Sec. 23. AS 10.50.025 is repealed and reenacted to read:

7 **Sec. 10.50.025. Distinguishable name.** The name of a limited liability  
8 company must be distinguishable on the records of the department from the name of  
9 any other organized entity and from a reserved or registered name. The department  
10 may adopt regulations to implement this section. In this section, "organized entity"  
11 and "reserved or registered name" have the meanings given in AS 10.35.040.

12 \* Sec. 24. AS 10.50.035 is amended to read:

13 **Sec. 10.50.035. Application to reserve company name.** Reservation of a  
14 name under AS 10.50.030 is made by filing an application with the department. If the  
15 department finds that the name is available for use by a limited liability company [,]  
16 and is distinguishable on the records of the department under AS 10.50.025 [NOT  
17 A RESERVED OR REGISTERED BUSINESS NAME UNDER AS 10.35 OR THIS  
18 CHAPTER], the department shall reserve it for the exclusive use of the applicant for  
19 a period of 120 days.

20 \* Sec. 25. AS 10.50.040 is amended to read:

21 **Sec. 10.50.040. Registration of company name.** A limited liability company  
22 or a foreign limited liability company may register its name if the name is  
23 distinguishable on the records of the department [FROM THE NAMES IDENTIFIED]  
24 under AS 10.50.025.

25 \* Sec. 26. AS 10.50.408(e) is amended to read:

26 (e) A company dissolved under this section may be reinstated within two years  
27 from the date of the certificate of involuntary dissolution if it is established to the  
28 satisfaction of the commissioner that in fact there was no cause for the dissolution, or  
29 if the delinquency, failure, or misrepresentation resulting in dissolution has been  
30 corrected and payment made of double the amount delinquent along with the amount  
31 the company would have paid had it not been dissolved during the two-year period.

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1 Reinstatement may not be authorized if the name of the company is not distinguishable  
2 upon the records of the department under AS 10.50.025 [,] unless the company being  
3 reinstated amends its articles of organization to change its name to conform with the  
4 provisions of this chapter.

5 \* **Sec. 27.** AS 32.05.480 is repealed and reenacted to read:

6 **Sec. 32.05.480. Distinguishable name.** The name of a limited liability  
7 partnership must be distinguishable on the records of the department from the name  
8 of any other organized entity and from a reserved or registered name. The department  
9 may adopt regulations to implement this section. In this section, "organized entity"  
10 and "reserved or registered name" have the meanings given in AS 10.35.040.

11 \* **Sec. 28.** AS 32.05.510(a) is amended to read:

12 (a) A foreign limited liability partnership not intending to conduct affairs in  
13 this state may register its name if the name is distinguishable on the records of the  
14 department under AS 32.05.480.

15 \* **Sec. 29.** AS 32.05.520 is amended to read:

16 **Sec. 32.05.520. Use of nondistinguishable name.** Registration or reservation  
17 under this chapter gives the person who has registered exclusive right to the use of the  
18 name. The person may enjoin the use of a name that is not distinguishable on the  
19 records of the department from the name to which the person has the exclusive right,  
20 and the person has a cause of action for damages against a person who uses a name  
21 that is not distinguishable on the records of the department from the name to which  
22 the person has the exclusive right.

23 \* **Sec. 30.** AS 32.05.620(e) is amended to read:

24 (e) If the registration of a registered limited liability partnership is cancelled  
25 under this section, the registration may be reinstated within two years from the date  
26 of the certificate of cancellation if it is established to the satisfaction of the  
27 commissioner that in fact (1) there was no cause for the cancellation, or the  
28 delinquency, failure, or misrepresentation resulting in cancellation has been corrected;  
29 and (2) the partnership pays two times the amount of any delinquent fee and the  
30 amount the partnership would have paid had it not been cancelled during the two-year  
31 period. Unless the partnership being reinstated amends its registration to change its

1 name to comply with AS 32.05.470 - 32.05.520, reinstatement may not be authorized  
2 if the name of the partnership is not distinguishable on [IN] the records of the  
3 department under AS 32.05.480.

4 \* Sec. 31. AS 32.11.120(d) is amended to read:

5 (d) A limited partner who knowingly permits the limited partner's name to be  
6 used in the name of the limited partnership, except under circumstances permitted by  
7 AS 32.11.810(a)(2) [AS 32.11.810(2)], is liable to creditors who extend credit to the  
8 limited partnership without actual knowledge that the limited partner is not a general  
9 partner.

10 \* Sec. 32. AS 32.11.810 is amended to read:

11 **Sec. 32.11.810. Name.** The name of a limited partnership as set out in its  
12 certificate of limited partnership

13 (1) must contain without abbreviation the words "limited partnership";

14 (2) may not contain the name of a limited partner unless

15 (A) it is also the name of a general partner or the corporate  
16 name of a corporate general partner; or

17 (B) the business of the limited partnership had been carried on  
18 under that name before the admission of that limited partner; and

19 (3) must be distinguishable on the records of the department from  
20 [MAY NOT BE THE SAME AS, OR DECEPTIVELY SIMILAR TO,] the name of  
21 any other organized entity and from a reserved or registered name; in this  
22 paragraph, "organized entity" and "reserved or registered name" have the  
23 meanings given in AS 10.35.040 [A CORPORATION OR LIMITED PARTNERSHIP  
24 ORGANIZED UNDER THE LAWS OF THIS STATE OR LICENSED OR  
25 REGISTERED AS A FOREIGN CORPORATION OR LIMITED PARTNERSHIP IN  
26 THIS STATE].

27 \* Sec. 33. AS 32.11.810 is amended by adding a new subsection to read:

28 (b) The department may adopt regulations under AS 44.62 (Administrative  
29 Procedure Act) to implement (a)(3) of this section.

30 \* Sec. 34. AS 32.11.820(b) is amended to read:

31 (b) The reservation shall be made by filing with the department an application,

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1           executed by the applicant, to reserve a specified name. If the department finds that  
2           the name is available for use by a domestic or foreign limited partnership under  
3           AS 32.11.810 [, AND NOT A RESERVED OR REGISTERED NAME UNDER  
4           AS 10.35], the department shall reserve the name for the exclusive use of the applicant  
5           for a period of 120 days. Once having reserved a name, the same applicant may not  
6           again reserve the same name until more than 60 days after the expiration of the last  
7           120-day period for which that applicant reserved that name. The right to the exclusive  
8           use of a reserved name may be transferred to another person by filing with the  
9           department a notice of the transfer executed by the applicant for whom the name was  
10          reserved and specifying the name and address of the transferee.

11       \* **Sec. 35.** AS 45.50.010(a) is amended to read:

12           (a) A mark may not be registered if it consists of or comprises

13                   (1) immoral, deceptive, or scandalous matter;

14                   (2) matter that may disparage or falsely suggest a connection with  
15           persons, living or dead, institutions, beliefs, or national symbols, or bring them into  
16           contempt or disrepute;

17                   (3) the flag, coat of arms, or other insignia of the United States, this  
18           or another state, a municipality of this or another state, a foreign nation, or simulation  
19           of any of these;

20                   (4) the name, signature, or portrait identifying a living individual,  
21           except with the written consent of the individual;

22                   (5) a mark that, (A) when used on or in connection with goods or  
23           services of the applicant, is merely descriptive or deceptively misdescriptive of them;  
24           (B) when used on or in connection with the goods or services of the applicant, is  
25           primarily geographically descriptive or deceptively misdescriptive of them; (C) is  
26           primarily merely a surname; however, this paragraph does not prevent the registration  
27           of a mark used by the applicant that has become distinctive of the applicant's goods  
28           or services; the commissioner may accept as evidence that the mark has become  
29           distinctive, as used on or in connection with the applicant's goods or services, proof  
30           of continuous use of the mark as a mark by the applicant in this state for the five years  
31           immediately preceding the date on which the claim of distinctiveness is made; [OR]

1 (6) a mark that so resembles a mark registered in the state or in the  
2 United States Patent and Trademark Office, or a mark previously used by another and  
3 not abandoned, as to be likely, when used on or in connection with the goods or  
4 services of the applicant, to cause confusion or mistake or to deceive; or

5 (7) a mark that so resembles the name of another organized entity,  
6 or a reserved or registered name, that the mark is likely to cause confusion or  
7 mistake or to deceive; the form of operation of the organized entity without the  
8 mark, or of the person without the mark who holds the right to the reserved or  
9 registered name, is not a factor in determining whether the mark resembles a  
10 name under this paragraph; in this paragraph, "organized entity" and "reserved  
11 or registered name" have the meanings given in AS 10.35.040.

12 \* Sec. 36. APPLICABILITY. (a) Sections 1 and 3 - 34 of this Act may not be interpreted  
13 to enable the Department of Commerce and Economic Development or any other person to  
14 take action under AS 10 or AS 32 against an organization because the organization's name  
15 does not comply with secs. 1 and 3 - 34 of this Act on or after the effective date of this  
16 section if the name complied with the provisions of AS 10 or AS 32 applicable to the  
17 organization's name before the effective date of this section, except that a corporation  
18 applying for reinstatement under AS 10.06.633(e) on or after the effective date of this section  
19 must comply with AS 10.06.633(e), as amended by sec. 8 of this Act, and a limited liability  
20 company applying for reinstatement under AS 10.50.408(e) on or after the effective date of  
21 this section must comply with AS 10.50.408(e), as amended by sec. 26 of this Act.

22 (b) Sections 1 and 3 - 34 of this Act do not affect any cause of action that accrues  
23 before the effective date of this section.

24 (c) AS 45.50.010(a)(7), as enacted by sec. 35 of this Act, does not invalidate the  
25 registration of a mark that is registered under AS 45.50.010 - 45.50.205 before the effective  
26 date of this section.

27 \* Sec. 37. TRANSITION: REGULATIONS. Notwithstanding sec. 39 of this Act, the  
28 Department of Commerce and Economic Development may immediately proceed to adopt  
29 regulations necessary to implement the changes made by secs. 1 and 3 - 34 of this Act. The  
30 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the  
31 effective date under sec. 39 of this Act.

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- 1 \* **Sec. 38.** Section 37 of this Act takes effect immediately under AS 01.10.070(c).
- 2 \* **Sec. 39.** Except as provided in sec. 37 of this Act, this Act takes effect July 1, 1999.