

RÉSUMÉ DIGEST

ACT 398 (HB 394)

2015 Regular Session

Miller

New law authorizes persons to specify names of partnerships and nonprofit corporations by filing a signed application with the secretary of state.

New law requires the secretary of state to reserve a specified name available for use for a partnership or nonprofit corporation for a nonrenewable period of 120 days.

New law provides the right to transfer specified, reserved names to a transferee through a signed application with the secretary of state.

Prior law required the secretary of state to reserve a specified name available for use for a domestic or foreign limited liability company for 60 days or less as may be requested by the applicant. Prior law authorized the secretary of state to extend the reservation, not more than twice, for an additional 30 days for good cause shown. New law repeals the reservation and extension periods of prior law and requires a nonrenewable reservation period of 120 days.

Prior law required the secretary of state to reserve a specified trade name, trademark, or service mark available for use for 60 days or less as may be requested by the applicant. Prior law authorized the secretary of state to extend the reservation, not more than twice, for an additional 30 days for good cause shown. New law repeals the reservation and extension periods of prior law and requires a nonrenewable reservation period of 120 days.

Prior law required a \$5 reservation fee to be paid to the secretary of state by the person, firm, corporation, association, partnership, or other entity making the reservation for a trade name, trademark, or service mark. New law repeals prior law.

New law authorizes a person who previously registered a trade name or trademark to renew an expired trade name or trademark at any time. Further requires any other person seeking to register an expired trade name or trademark to provide a 60-day notice, by certified mail, to the previous person who registered the expired trade name or trademark.

Effective October 5, 2015.

(Amends R.S. 12:204(B)(intro. para.) and 1307(B)(2) and R.S. 51:213(B)(2); Adds R.S. 9:3401(C), R.S. 12:204(G), and R.S. 51:216(F); Repeals R.S. 12:1307(B)(3))