

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 394

2015 Regular Session

Miller

TRADEMARKS/TRADE NAMES: Provides relative to names of business entities, trade names, trademarks, and service marks

Synopsis of Senate Amendments

1. Removes provisions of proposed law that prohibit the use of certain language in the names of business entities generally.
2. Authorizes a person to renew at any time a previously registered trademark or trade name that becomes expired pursuant to present law.
3. Requires any other person who wants to register an expired trademark or trade name to provide certain notice to the previous person who registered the trademark or trade name.
4. Makes technical changes.

Digest of Bill as Finally Passed by Senate

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

Proposed law requires the secretary of state to reserve specified names of partnerships and nonprofit corporations available for use for a nonrenewable period of 120 days.

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

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

Present law requires 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. Present law authorizes the secretary of state to extend the reservation, not more than twice, for an additional 30 days for good cause shown. Proposed law repeals the extension and reservation periods of present law and requires a nonrenewable reservation period of 120 days.

Present law requires 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. Present law authorizes the secretary of state to extend the reservation, not more than twice, for an additional 30 days for good cause shown. Proposed law repeals the extension and reservation periods of present law and requires a nonrenewable reservation period of 120 days.

Present law requires 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. Proposed law repeals present law.

(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))