

ACT No. 398

2015 Regular Session

HOUSE BILL NO. 394

BY REPRESENTATIVE MILLER

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AN ACT

To amend and reenact R.S. 12:204(B)(introductory paragraph) and 1307(B)(2) and R.S. 51:213(B)(2), to enact R.S. 9:3401(C), R.S. 12:204(G), and R.S. 51:216(F), and to repeal R.S. 12:1307(B)(3), relative to names of business entities, trade names, trademarks, and service marks; to provide an application process to specify partnership and nonprofit corporate names with the secretary of state; to provide for a reservation period of the specified name; to provide for the right to transfer specified partnership and nonprofit corporate names; to amend the reservation period for specified names of limited liability companies; to include partnerships as a business entity for which names are required to be distinguishable; to amend the reservation period for specified trade names, trademarks, or service marks; to provide for renewal of a trademark or trade name; to provide for notice; to repeal the assessed fee relative to reserving a trade name, trademark, or service mark; to provide for technical corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:3401(C) is hereby enacted to read as follows:

§3401. Central registry; creation

* * *

C.(1) A person may reserve a specified partnership name by filing a signed application with the secretary of state.

(2) If the secretary of state finds that the name is available for use by a partnership, he shall reserve the name for the exclusive use of the applicant for a nonrenewable period of one hundred twenty days.

(3) The exclusive right to use a reserved name may be transferred to another person or partnership by filing with the secretary of state a notice of the transfer that

1 specifies the name and address of the transferee and is signed by the applicant for
2 whom the name was reserved.

3 Section 2. R.S. 12:204(B)(introductory paragraph) and 1307(B)(2) are hereby
4 amended and reenacted and R.S. 12:204(G) is hereby enacted to read as follows:

5 §204. Corporate name

6 * * *

7 B. As used in this Subsection, the term "corporation" includes nonprofit
8 corporations, business corporations, and foreign corporations. The corporate name
9 shall be distinguishable from a name reserved pursuant to R.S. 12:23(G) and shall
10 be distinguishable from the name of any other corporation, limited liability company,
11 partnership, or trade name registered with the secretary of state unless any of the
12 following Paragraphs ~~applies~~ apply:

13 * * *

14 G.(1) A person may reserve a specified name for a nonprofit corporation by
15 filing a signed application with the secretary of state.

16 (2) If the secretary of state finds that the name is available for use by a
17 nonprofit corporation, he shall reserve the name for the exclusive use of the applicant
18 for a nonrenewable period of one hundred twenty days.

19 (3) The exclusive right to use a reserved name may be transferred to another
20 person or nonprofit corporation by filing with the secretary of state a notice of the
21 transfer that specifies the name and address of the transferee and is signed by the
22 applicant for whom the name was reserved.

23 * * *

24 §1307. Reservation of name; transfer of reserved name

25 * * *

26 B.

27 * * *

1 (2) If the secretary of state finds that the name is available for use by a
2 limited liability company, he shall reserve the name for the exclusive use of the
3 applicant for ~~sixty days or such shorter period as may be requested~~ a nonrenewable
4 period of one hundred twenty days.

5 * * *

6 Section 3. R.S. 51:213(B)(2) is hereby amended and reenacted and R.S. 51:216(F)
7 is hereby enacted to read as follows:

8 §213. Powers of the secretary of state; reservation of trade names, trademarks, and
9 service marks

10 * * *

11 B.

12 * * *

13 (2) Application to reserve a trade name, trademark, or service mark shall be
14 filed with the secretary of state. If the secretary of state finds that the trade name,
15 trademark, or service mark is available for use, he shall reserve the trade name,
16 trademark, or service mark for the exclusive use of the applicant for a ~~period of sixty~~
17 ~~days or such shorter period as may be requested~~ nonrenewable period of one hundred
18 twenty days. ~~When a trade name, trademark, or service mark is reserved as herein~~
19 ~~provided, the person, firm, corporation, association, partnership, or other entity~~
20 ~~making such reservation shall pay to the secretary of state, for the use and benefit of~~
21 ~~the state, a fee of five dollars as a condition of such reservation. The secretary of~~
22 ~~state may, for good cause shown, extend the reservation for an additional period of~~
23 ~~not more than thirty days. Not more than two such extensions shall be granted.~~

24 * * *

25 §216. Duration and renewal

26 * * *

27 F. (1) After expiration of the mark or trade name, the person who previously
28 registered the mark or trade name may renew at any time.

1 (2) Any other person seeking to register the expired mark or trade name shall
 2 give sixty days notice, by certified mail, to the previous person's last known address
 3 that registered the mark or trade name, prior to registering the expired mark or trade
 4 name.

5 Section 4. R.S. 12:1307(B)(3) is hereby repealed in its entirety.

6 Section 5. This Act shall become effective on October 5, 2015.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____