

Superseded 5/12/2015

48-3a-108 Permitted names.

- (1) Except as provided in Section 48-3a-1104 or 48-3a-1302, the name of a limited liability company must contain the words "limited liability company" or "limited company" or the abbreviation "L.L.C.", "LLC", "L.C.", or "LC". "Limited" may be abbreviated as "Ltd.", and "company" may be abbreviated as "Co."
- (2) Except as otherwise provided in Subsection (4), the name of a limited liability company, and the name under which a foreign limited liability company may register to do business in this state, must be distinguishable on the records of the division from:
 - (a) the name of an existing person whose formation required the filing of a record by the division;
 - (b) the name of a limited liability partnership;
 - (c) the name of a person registered to do business in this state by the filing of a record by the division;
 - (d) each name reserved under Section 48-3a-109 or other law of this state providing for the reservation of a name by the filing of a record by the division;
 - (e) each name registered under Section 48-3a-110 or other law of this state providing for the registration of a name by the filing of a record by the division; and
 - (f) an assumed name registered under Title 42, Chapter 2, Conducting Business Under Assumed Name.
- (3) If a person consents in a record to the use of its name and submits an undertaking in a form satisfactory to the division to change its name to a name that is distinguishable on the records of the division from any name in any category of names in Subsection (2), the name of the consenting person may be used by the person to which the consent was given.
- (4) Except as otherwise provided in Subsection (5), in determining whether a name is the same as or not distinguishable on the records of the division from the name of another entity, words, phrases, or abbreviations indicating the type of entity, such as "corporation", "corp.", "incorporated", "Inc.", "professional corporation", "PC", "P.C.", "professional association", "PA", "P.A.", "Limited", "Ltd.", "limited partnership", "LP", "L.P.", "limited liability partnership", "LLP", "L.L.P.", "registered limited liability partnership", "RLLP", "R.L.L.P.", "limited liability limited partnership", "LLLLP", "L.L.L.P.", "registered limited liability limited partnership", "RLLLLP", "R.L.L.L.P.", "limited liability company", "LLC", "L.L.C.", "professional limited liability company", "PLLC", or "P.L.L.C.", may not be taken into account.
- (5) A person may consent in a record to the use of a name that is not distinguishable on the records of the division from its name except for the addition of a word, phrase, or abbreviation indicating the type of person as provided in Subsection (4). In such a case, the person need not change its name pursuant to Subsection (2).
- (6) The division may not approve for filing a name that implies that a limited liability company is an agency of this state or any of its political subdivisions, if it is not actually such a legally established agency or subdivision.
- (7) The authorization to file a certificate under or to reserve or register a limited liability company name as granted by the division does not:
 - (a) abrogate or limit the law governing unfair competition or unfair trade practices;
 - (b) derogate from the common law, the principles of equity, or the statutes of this state or of the United States with respect to the right to acquire and protect names and trademarks; or
 - (c) create an exclusive right in geographic or generic terms contained within a name.
- (8) The name of a limited liability company or foreign limited liability company may not contain:
 - (a) the words:
 - (i) "association";

- (ii) "corporation";
- (iii) "incorporated";
- (iv) "partnership"; or
- (v) "limited partnership";
- (b) any word or abbreviation that is of like import to the words listed in Subsection (8)(a);
- (c) without the written consent of the United States Olympic Committee, the words:
 - (i) "Olympic";
 - (ii) "Olympiad"; or
 - (iii) "Citius Altius Fortius"; and
- (d) without the written consent of the Division of Consumer Protection issued in accordance with Section 13-34-114 the words:
 - (i) "university";
 - (ii) "college"; or
 - (iii) "institute" or "institution".