

**Effective 5/12/2015**

**42-2-6.6 Assumed name.**

- (1) The assumed name:
  - (a) may not contain any word or phrase that indicates or implies that the business is organized for any purpose other than one or more of the purposes contained in its application;
  - (b) shall be distinguishable from any registered name or trademark of record in the offices of the Division of Corporations and Commercial Code, as defined in Subsection 16-10a-401(5), except as authorized by the Division of Corporations and Commercial Code pursuant to Subsection (2);
  - (c) without the written consent of the United States Olympic Committee, may not contain the words:
    - (i) "Olympic";
    - (ii) "Olympiad"; or
    - (iii) "Citius Altius Fortius";
  - (d) without the written consent of the Division of Consumer Protection issued in accordance with Section 13-34-114, may not contain the words:
    - (i) "university";
    - (ii) "college"; or
    - (iii) "institute" or "institution"; and
  - (e) an assumed name authorized for use in this state on or after May 1, 2000, may not contain the words:
    - (i) "incorporated";
    - (ii) "inc."; or
    - (iii) a variation of "incorporated" or "inc."
- (2) Notwithstanding Subsection (1)(e), an assumed name may contain a word listed in Subsection (1)(e) if the Division of Corporations and Commercial Code authorizes the use of the name by a corporation as defined in:
  - (a) Subsection 16-6a-102(26);
  - (b) Subsection 16-6a-102(35);
  - (c) Subsection 16-10a-102(11); or
  - (d) Subsection 16-10a-102(20).
- (3) The Division of Corporations and Commercial Code shall authorize the use of the name applied for if:
  - (a) the name is distinguishable from one or more of the names and trademarks that are on the division's records; or
  - (b) the applicant delivers to the division a certified copy of the final judgment of a court of competent jurisdiction establishing the applicant's right to use the name applied for in this state.
- (4) The assumed name, for purposes of recordation, shall be either translated into English or transliterated into letters of the English alphabet if it is not in English.
- (5) The Division of Corporations and Commercial Code may not approve an application for an assumed name to any person violating this section.
- (6) The director of the Division of Corporations and Commercial Code shall have the power and authority reasonably necessary to interpret and efficiently administer this section and to perform the duties imposed on the division by this section.
- (7) A name that implies by any word in the name that it is an agency of the state or of any of its political subdivisions, if it is not actually such a legally established agency, may not be approved for filing by the Division of Corporations and Commercial Code.

(8) Section 16-10a-403 applies to this chapter.

(9)

- (a) The requirements of Subsection (1)(d) do not apply to a person who filed a certificate of assumed and of true name with the Division of Corporations and Commercial Code on or before May 4, 1998, until December 31, 1998.
- (b) On or after January 1, 1999, any person who carries on, conducts, or transacts business in this state under an assumed name shall comply with the requirements of Subsection (1)(d).

Amended by Chapter 240, 2015 General Session