

42-2-9 Corporate names, limited liability company names, and trademark, service mark, and trade name rights not affected.

- (1) This chapter does not affect or apply to any corporation organized under the laws of any state if it does business under its true corporate name.
- (2)
 - (a) This chapter does not affect the statutory or common law trademark, service mark, or trade name rights granted by state or federal statute.
 - (b) An act listed in Subsection (2)(c) of itself does not authorize the use in this state of an assumed name in violation of the rights of another as established under:
 - (i) this chapter;
 - (ii) Title 70, Chapter 3a, Registration and Protection of Trademarks and Service Marks Act;
 - (iii) the state law relating to names of corporations, partnerships, and other legal business entities;
 - (iv) the federal Trademark Act of 1946, 15 U.S.C. Section 1051 et seq.; or
 - (v) the common law, including rights in a trade name.
 - (c) Subsection (2)(b) applies to:
 - (i) a filing under this chapter;
 - (ii) an approval by the Division of Corporations and Commercial Code pursuant to this chapter;
or
 - (iii) the use of an assumed name.
- (3) This chapter does not affect or apply to any limited liability company doing business in this state under its true name.

Amended by Chapter 318, 2002 General Session