

Stricken language would be deleted from and underlined language would be added to the law as it existed  
prior to this session of the General Assembly.  
**Act 1008 of the Regular Session**

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

# A Bill

HOUSE BILL 2693

5 By: Representative Bond  
6  
7

## For An Act To Be Entitled

9 AN ACT TO REQUIRE THE SECRETARY OF STATE TO  
10 PROVIDE NOTICE TO REGISTRANTS OF CORPORATE,  
11 FICTITIOUS, OR ASSUMED NAMES THAT THE  
12 REGISTRATION DOES NOT GRANT THE REGISTRANT THE  
13 RIGHT TO USE THE NAME IN VIOLATION OF A THIRD  
14 PARTY'S TRADEMARK RIGHTS.  
15

## Subtitle

16 AN ACT TO REQUIRE SECRETARY OF STATE TO  
17 PROVIDE CERTAIN NOTICE TO REGISTRANTS OF  
18 CORPORATE, FICTITIOUS, OR ASSUMED NAMES.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code Title 4, Chapter 27, Subchapter 4, is amended  
25 to add an additional section to read as follows:

26 4-27-406. Notice to registrant regarding use of corporate, fictitious,  
27 or assumed names in violation of trademark.

28 (a) Neither the reservation of any proposed name, nor the acceptance  
29 of the filing of any articles of incorporation, nor the registration of any  
30 foreign corporation's name, nor the registration of an assumed or fictitious  
31 name shall authorize the use of the corporate, assumed, or fictitious name in  
32 violation of any rights of another arising under the trademark laws of the  
33 United States, this state, or the common law, or provide a defense to an  
34 action for violation of any such rights.

35 (b) Upon reserving any proposed corporate name, or upon accepting the



1 filing of any articles of incorporation, or upon registering for any foreign  
2 corporation's name, or upon registering any assumed or fictitious name, the  
3 Secretary of State shall issue the following notice to the registrant  
4 (selecting the appropriate name from each bracket):  
5 "The Secretary of State of Arkansas has [reserved your proposed corporate  
6 name; accepted the filing of your articles of incorporation; registered your  
7 corporate name; recorded your assumed or fictitious name]. However, this  
8 does not necessarily give you the right to use your [proposed corporate name;  
9 corporate name; assumed or fictitious name] in this state if the use violates  
10 someone else's trade name, trademark, or service mark rights under the  
11 trademark laws of the United States, this state, or the common law. Prior to  
12 your use of the name, you are encouraged to research the names and marks of  
13 other parties used or registered in this state, or registered in the United  
14 States Patent and Trademark Office, or consult an attorney to determine the  
15 existence of any conflicting rights."

16  
17 APPROVED: 4/3/2007  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36