

State of Arkansas  
86th General Assembly  
Regular Session, 2007

# A Bill

HOUSE BILL 2693

By: Representative Bond

## For An Act To Be Entitled

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

## Subtitle

AN ACT TO REQUIRE SECRETARY OF STATE TO  
PROVIDE CERTAIN NOTICE TO REGISTRANTS OF  
CORPORATE, FICTITIOUS, OR ASSUMED NAMES.

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

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

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

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

(b) Upon reserving any proposed corporate name, or upon accepting the filing of any articles of incorporation, or upon registering for any foreign



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