

§1415. Fictitious name of foreign limited partnership

1. Requirements for use of fictitious name. As used in this section, "fictitious name" means a name adopted by a foreign limited partnership authorized to transact business in this State because its real name is unavailable pursuant to section 1308, subsection 1.

[PL 2005, c. 543, Pt. C, §2 (NEW).]

2. Authorized to transact business. Upon complying with this section, a foreign limited partnership authorized to transact business in this State may transact its business in this State under its fictitious name.

[PL 2005, c. 543, Pt. C, §2 (NEW).]

3. File statement indicating use of fictitious name. Prior to transacting business in this State under a fictitious name, a foreign limited partnership shall execute and deliver to the Secretary of State for filing a statement setting forth:

A. The foreign limited partnership name; [PL 2005, c. 543, Pt. C, §2 (NEW).]

B. The foreign limited partnership's jurisdiction of organization and date of organization; [PL 2005, c. 543, Pt. C, §2 (NEW).]

C. That the foreign limited partnership intends to transact business under a fictitious name; and [PL 2005, c. 543, Pt. C, §2 (NEW).]

D. The fictitious name that the foreign limited partnership proposes to use. [PL 2005, c. 543, Pt. C, §2 (NEW).]

[PL 2005, c. 543, Pt. C, §2 (NEW).]

4. Compliance required. A fictitious name must comply with the requirements of section 1308, subsection 1.

[PL 2005, c. 543, Pt. C, §2 (NEW).]

5. Enjoin use of fictitious name. If a foreign limited partnership uses a fictitious name without complying with the requirements of this section, the continued use of the fictitious name may be enjoined upon suit by the Attorney General or by any person adversely affected by the use of the fictitious name.

[PL 2005, c. 543, Pt. C, §2 (NEW).]

6. Enjoin use despite compliance. Notwithstanding its compliance with the requirements of this section, the use of a fictitious name may be enjoined upon suit of the Attorney General or of any person adversely affected by such use if:

A. The fictitious name did not, at the time the statement required by subsection 3 was filed, comply with the requirements of section 1308, subsection 1; or [PL 2005, c. 543, Pt. C, §2 (NEW).]

B. The fictitious name is not distinguishable on the records of the Secretary of State from a name in which the plaintiff has prior rights by virtue of the common law or statutory law of unfair competition, unfair trade practices, common law copyright or similar law. [PL 2005, c. 543, Pt. C, §2 (NEW).]

The mere filing of a statement pursuant to subsection 3 does not constitute actual use of the fictitious name set out in that statement for purposes of determining priority of rights.

[PL 2005, c. 543, Pt. C, §2 (NEW).]

7. Terminate use of fictitious name. A foreign limited partnership may terminate a fictitious name by executing and delivering a statement setting forth:

A. The name of the foreign limited partnership; [PL 2005, c. 543, Pt. C, §2 (NEW).]

B. The foreign limited partnership's jurisdiction of organization and date of organization; [PL 2005, c. 543, Pt. C, §2 (NEW).]

C. The date on which the foreign limited partnership was authorized to transact business in this State; [PL 2005, c. 543, Pt. C, §2 (NEW).]

D. That the foreign limited partnership no longer intends to transact business under the fictitious name; and [PL 2005, c. 543, Pt. C, §2 (NEW).]

E. The fictitious name the foreign limited partnership intends to terminate. [PL 2005, c. 543, Pt. C, §2 (NEW).]

[PL 2005, c. 543, Pt. C, §2 (NEW).]

SECTION HISTORY

PL 2005, c. 543, §C2 (NEW).

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