

Sunsets 1/1/2016

48-2c-1607 Company name and assumed company name of foreign company.

- (1) Except as provided in Subsection (2), if the name of a foreign company does not satisfy the requirements of Section 48-2c-106 which applies to domestic companies, the foreign company in order to obtain authority to transact business in this state, must assume for use in this state a name that satisfies the requirements of Section 48-2c-106.
- (2) A foreign company may obtain authority to transact business in this state with a name that does not meet the requirements of Subsection (1) because it is not distinguishable as required under Subsection 48-2c-106(2), if the foreign company delivers to the division for filing either:
 - (a) a written consent to the foreign company's use of the name, given and signed by the other person entitled to the use of the name together with a written undertaking by the other person, in a form satisfactory to the division, to change its name to a name that is distinguishable from the name of the applicant; or
 - (b) a certified copy of a final judgment of a court of competent jurisdiction establishing the prior right of the foreign company to use the requested name in this state.
- (3) A foreign company may use in this state the name, including the assumed name, of another domestic or foreign company or other entity that is used or registered in this state if the other company is formed or organized or authorized to transact business in this state and the foreign company:
 - (a) has merged with the other company; or
 - (b) has been formed by conversion of the other entity.
- (4) If a foreign company authorized to transact business in this state, whether under its name or an assumed name, changes its name to one that does not satisfy the requirements of Subsections (1) through (3), or the requirements of Section 48-2c-106, it may not transact business in this state under the changed name but must use an assumed name that does meet the requirements of this section and must deliver to the division for filing an amended application for authority to transact business pursuant to Section 48-2c-1605.