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Nebraska Revised Statutes governing Trade Names may be found in Sections 87-208 to 87-220

Following are selected statutes relating to Trade Names.

Section 87-209 Trade name; not registered; when.

A trade name shall not be registered if it:

- (1) Consists of or comprises immoral, deceptive, or scandalous matter;
- (2) Consists of or comprises matter which may disparage, bring into contempt or disrepute, or falsely suggest a connection with, persons living or dead, institutions, beliefs, or national symbols;
- (3) Consists of, comprises, or simulates the flag or coat of arms or other insignia of the United States, any state or municipality, or any foreign nation;
- (4) Consists of or comprises the name, signature, or portrait of any living individual without his or her consent;
- (5)(a) Is merely descriptive or misdescriptive, or is primarily geographically descriptive or geographically misdescriptive as applied to the business of the applicant, or (b) is primarily merely a surname, but nothing in this subdivision shall prevent the registration of a trade name which has become distinctive of the applicant's business in this state. The Secretary of State may accept as evidence that a trade name has become distinctive proof of continuous use by the applicant as a trade name in this state or elsewhere for five years preceding the date of the filing of the application for registration;
- (6) Consists of or comprises a trade name which so resembles a trade name registered under sections 87-208 to 87-220, registered in this state, or the name of a business entity on file or registered with the Secretary of State pursuant to Nebraska law as to be likely to cause confusion, mistake, or deception of purchasers, except that a name, although similar, may be used if the business entity affected consents in writing and such writing is filed with the Secretary of State. The word incorporated, inc., or corporation shall not be a part of the trade name being registered unless the firm is duly incorporated in the State of Nebraska or some other state; or
- (7) Consists of the word geologist or any modification or derivative of such word, and the applicant does not meet the requirements of subsection (6) of section 81-3528.

Section 87-210 Trade name; application for registration; requirements; Secretary of State.

- (1) Subject to the limitations set forth in sections 87-208 to 87-220, any person who adopts a trade name for use in this state may file in the office of the Secretary of State on a form furnished by the Secretary of State an application, in duplicate,

for registration of the trade name setting forth, but not limited to, the following information:

- (a) The name and street address of the applicant for registration; and, if a corporation, the state of incorporation;
 - (b) The trade name sought to be registered;
 - (c) The general nature of the business in fact conducted by the applicant;
 - (d) The length of time during which the trade name has been used in this state;
 - (e) The signature of the applicant; and
 - (f) A filing fee of one hundred dollars.
- (2) Upon compliance by the applicant with the requirements of sections 87-208 to 87-220, the Secretary of State shall return the duplicate copy stamped with the date of filing to the applicant or the representative submitting the applications for filing.

87-211. Trade name; registration; term effective; renewal; fee; statement.

Registration of a trade name under sections 87-208 to 87-220 shall be effective for a term of ten years from the date of registration and, upon application filed in duplicate within six months prior to the expiration of such term on a form to be furnished by the Secretary of State, the registration may be renewed for a like term. A renewal fee of one hundred dollars payable to the Secretary of State shall accompany the application for renewal of the registration.

A trade name registration may be renewed for successive periods of ten years in like manner.

The Secretary of State shall notify registrants of trade names under sections 87-208 to 87-220 of the necessity of renewal within the year next preceding the expiration of the ten years from the date of registration or of last renewal by writing to the last-known street address of the registrants.

Any registration in force on August 27, 1971, shall expire ten years from the date of the registration or of the last renewal thereof, whichever is later, and may be renewed by filing an application with the Secretary of State on a form furnished by him or her and paying the renewal fee as provided in this section within six months prior to the expiration of the registration.

All applications for renewals under sections 87-208 to 87-220 whether of registrations made under sections 87-208 to 87-220 or of registrations effected under any prior act shall include a statement that the trade name is still in use in this state.

Section 87-212 Trade name; assignment; recordation; fee.

Any trade name registered under sections 87-208 to 87-220 shall be assignable with the goodwill of the business in which the trade name is used. Assignment shall be by an instrument in writing duly executed, in duplicate, and may be recorded with the Secretary of State upon the payment of a fee of five dollars. The street address, city, and state of the assignee must be included in the assignment. Upon recording of the assignment, the Secretary of State shall return the duplicate copy stamped with the date of filing to the applicant or the representative submitting the applications for filing. An assignment of any registration under

sections 87-208 to 87-220 shall be void as against any subsequent purchaser for value without notice unless the assignment is recorded with the Secretary of State prior to the subsequent purchase.

Section 87-214 Registration; Secretary of State; cancel; when.

The Secretary of State shall cancel from the register:

- (1) Any registration concerning which the Secretary of State shall receive a voluntary request for cancellation from the registrant or the assignee of record;
- (2) Any registration granted under sections 87-208 to 87-220 and not renewed in accordance with such sections;
- (3) Any registration concerning which a court of competent jurisdiction shall find:
 - (a) That the registered trade name has been abandoned;
 - (b) That the registrant is not the owner of the trade name;
 - (c) That the registration was granted improperly; or
 - (d) That the registration was obtained fraudulently;
- (4) Any registration that a court of competent jurisdiction shall order canceled on any ground; and
- (5) Any registration where the registrant has failed to publish such trade name within thirty days from the filing in the office of the Secretary of State and filing proof of publication with the Secretary of State and county clerk within the thirty days.

Section 87-219 Trade name; publication; file; failure; effect.

Every duplicate of the registration of a trade name shall be published by the applicant once in a newspaper of general circulation published in the city or village where the business is to be located, or, if there is no newspaper in the city or village, in some newspaper of general circulation in the county. Proof of such publication shall be filed in the office of the Secretary of State and with the county clerk of the county wherein the principal office is located, within thirty days from the date of registration in the office of the Secretary of State. If proof of publication is not filed with the Secretary of State and county clerk within the thirty days, the registration shall be canceled by the Secretary of State.

Section 87-219.01 Trade name; protest registration; procedure.

(1) Within sixty days after the publication of a new registered trade name as provided in section 87-219, a person holding a valid registration of a trade name, corporate name, or limited liability company name may protest the registration of the new trade name. The protest shall be submitted in writing to the Secretary of State. The Secretary of State shall forward a copy of the written complaint to the new registrant who shall have thirty days to respond to the complaint in writing. If, upon review of the complaint and the response to the complaint, the Secretary of State finds that the new registered trade name violates any provision of section 87-209, the Secretary of State shall cancel such trade name. Unless the dispute over the registration of the new trade name is otherwise resolved or settled by the parties, the Secretary of State shall make his or her finding within fifteen days after the response by the new registrant.

(2) The Secretary of State's decision may be appealed to the district court of Lancaster County within thirty days after notice of the decision is received by the appealing party. The appeal shall be commenced by petitioning the district court to compel the Secretary of State to cancel or reinstate such trade name, and attached to the petition shall be copies of the original filing for the trade name, proof of publication, the complaint, the response to the complaint, if any, and the Secretary of State's finding. The district court may summarily order the Secretary of State to cancel or reinstate such trade name or take any other action the district court considers appropriate. The district court's final decision may be appealed as in other civil proceedings.

Section 87-220 Trade name; failure to register; violation; penalty.

Any person, not excepted by section 87-210, who shall engage in or transact any business in this state under a trade name, as defined in sections 87-208 to 87-220, without registering such trade name shall be deemed guilty of a Class V misdemeanor. Each day any violation shall continue shall be deemed a separate and distinct offense.