30 KAR 1:040. Indistinguishable names.

RELATES TO: KRS 271B.4-010, 271B.15-060, 273.177, 273.364, 274.077, 1994 Ky. Acts ch. 389

STATUTORY AUTHORITY: 1994 Ky. Acts ch. 389

NECESSITY, FUNCTION, AND CONFORMITY: KRS 271B.4-010, 271B.15-060, 273.177, 273.364, 274.077, and 1994 Ky. Acts ch. 389 require the Secretary of State to set standards for the use of indistinguishable names.

Section 1. (1) A corporation or limited liability company applying to use an indistinguishable name shall be an existing corporation or limited liability company registered on the records of the Kentucky Secretary of State and be in good standing as defined in 30 KAR 1:010.

(2) The business entities shall jointly submit one (1) written application in the form set out in Section 2 of this administrative regulation. The application shall state the names and mailing addresses of the two (2) business entities, the indistinguishable name which the second corporation or limited liability company wishes to use, and an acknowledgment that the second corporation or limited liability company agrees to resume the use of its original name if it does not acquire the indistinguishable name.

(3) If the Secretary of State finds that the indistinguishable name filing is correct, he shall permit the two (2) business entities to use one (1) indistinguishable name for a nonrenewable sixty (60) day period.

(4) An indistinguishable name shall not be transferred.

Section 2. The form required in Section 1 of this administrative regulation is as follows:

APPLICATION FOR THE USE OF AN
INDISTINGUISHABLE NAME

Name:
Business Address:

is a business entity which consents to the use of the indistinguishable name,
Indistinguishable Name:
by Name:
Business Address:

and undertakes to change its name to a name that is distinguishable upon the records of the Secretary of State within sixty (60) days from the date the application is filed.

Each business entity agrees to resume its name if the name change is not completed prior to the expiration of the application.

This application shall be effective for a nonrenewable sixty (60) day period and is nontransferable.

I certify that the above statements are true and accurate.

Business Entity Name:
Signature:
Print or Type Name & Title:
Business Entity Name:
Signature:
Print or Type Name & Title: (17 Ky.R. 3581; 18 Ky.R. 276; eff. 8-2-1991; 20 Ky.R. 3207; eff. 8-4-

1994; TAm 8-2-2016.)