

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
 COMMISSIONER'S OFFICE
 ADMINISTRATIVE CODE

CHAPTER 80-5-2
 CONFLICTING OR SIMILAR NAMES ON LICENSES

TABLE OF CONTENTS

80-5-2-.01	Purpose
80-5-2-.02	Applicability
80-5-2-.03	Similarity Of Names Prohibited
80-5-2-.04	Corporations Must Conform To Alabama Law
80-5-2-.05	Abandonment Of Name

80-5-2-.01 Purpose.

(1) The Commissioner of Agriculture and Industries under Code of Ala. 1975, §2-2-16, is charged with the execution and enforcement of all of the laws under which the Commissioner of Agriculture and Industries is authorized to administer. This necessarily requires the issuance of many licenses and permits for the operation of numerous activities.

(2) Since the public is necessarily involved with these permittees, licensees, and product registrations, if names are similar, there is always a chance that misrepresentation, confusion, mistake or fraud could occur.

(3) The purpose of these rules is to, as far as possible, see that the public is not misled and that there is complete understanding with exactly what entity the public is dealing.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-2-16.

History: Filed May 22, 1991.

80-5-2-.02 Applicability.

(1) These rules shall be applicable to all products, persons, corporations, agencies, associations or any other entity required to be registered, licensed or permitted, with the exceptions listed below.

(2) These rules shall not be applicable for any product, person, corporation, agency, association or other like entity that was registered, licensed, or permitted prior to the adoption of Chapter 80-5-2.

(3) These rules shall also not be applicable to registration requirements for gasoline which shall be regulated under Rule 80-1-16-.10.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-2-16.

History: Filed May 22, 1991.

80-5-2-.03 Similarity Of Names Prohibited.

(1) No product, person, corporation, agency, association or other like entity requesting registration, licensing or permitting under Alabama law enforced by the Commissioner of Agriculture and Industries shall be so similar in name to another person, corporation, agency, association or other like entity already registered, licensed or permitted, that the public could be confused or mistaken in purchasing the product or dealing with the entity.

(2) The decision on whether similarity creates confusion, misrepresentation, mistake or fraud to the public shall be wholly that of the Commissioner of Agriculture and Industries or his designated agent.

(3) Any person aggrieved by any decision of the Commissioner or his agent may request and receive a hearing. The hearing and any appeals henceforth shall be conducted under the provisions of the Alabama Administrative Procedure Act and those laws applicable to the specific registration, license or permit.

(4) The provisions of this rule shall not be applicable if it is in conflict with any state or federal laws or rules governing the registration of trademarks or brands. It is the responsibility of the registrant to demonstrate said conflict.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-2-16.

History: Filed May 22, 1991.

80-5-2-.04 Corporations Must Conform To Alabama Law.

Any entity requesting to be licensed or permitted reflecting that it is a corporation by the use of the words, **corporation, incorporated,** or any other words that might cause the public to believe that said entity is, in fact, a corporation, must be in full compliance with all Alabama laws regarding corporations, both domestic and foreign, and to include registration with the Secretary of State.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-2-16.

History: Filed May 22, 1991.

80-5-2-.05 Abandonment Of Name.

(1) The failure of a specific name to be registered, or the failure of an entity to be licensed or permitted, for a period of two consecutive years, will be considered an abandonment.

(2) Notwithstanding the provisions of paragraph (1) above, the attempt by anyone, by the use of an abandoned name, to mislead or confuse the public is prohibited and grounds for revocation of the registration, permit or license.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-2-16.

History: Filed May 22, 1991.