

SUBJECT II

CORPORATE NAME

I. Intro

A. Options

I. Intro

B. Factors in Choosing a Name?

Three Elements:

1. Distinctive element:
2. Descriptive element (not required):
3. Legal element:

I. Intro

B. Factors in Choosing a Name?

I. Intro

C. Use of Name

1. Must have legal element (s.10(1))
2. Alternate name in English/French (s.10(3))
3. Name in foreign language (s.10(4))

I. Intro

C. Use of Name

4. Must use name on all legal papers (s.10(5))
5. Trade name (s10.(6))

I. Intro

D. Definitions (Reg. 17)

1. Corporate Name

2. Trade Name

3. Trade Mark

I. Intro

D. Definitions (Reg. 17)

4. Official Mark

5. Confusion (Reg. 18)

II. Prohibited Names (S.12)

A. Reserved Names (s.12(1)(b))



II. Prohibited Names

B. Confusing Names (Reg. 19)

1. Factors

What will Director look at?:



II. Prohibited Names

B. Confusing Names (Reg. 19)

1. Factors



II. Prohibited Names

B. Confusing Names (Reg. 19)

2. Exceptions



II. Prohibited Names

C. Absolutely Prohibited Names (Reg. 25)



II. Prohibited Names

D. Qualified Prohibited Names (Reg. 26)

- Cant use name that connotes:



II. Prohibited Names

E. Obscene Names (Reg. 27)

F. Use of a Family Name (Reg. 28)



II. Prohibited Names

G. Lacking Distinctiveness (Reg. 30)

Reg. 30 (1)(a) Only descriptive



(b) Primarily a name



(c) Geographic name used alone



II. Prohibited Names

G. Lacking Distinctiveness (Reg. 30)

Reg. 30 (2) Secondary Meaning Rule (exception)



II. Prohibited Names

G. Deceptively Misdescriptive (Reg. 31)

- Name is prohibited if it misleads public of:



III. Quebec Requirements

A. Registration Obligation (Legal Publicity) (LPSPC)

1. Who has to register?

art.21(1) Sole proprietorships using other name



(2) Partnership founded in Que.

(3) Partnership founded outside Que.

(4) Inc. founded in Que.

(5) Inc. founded outside Que. but doing business inside Que.

art.21 Voluntary registration - law applies

III. Quebec Requirements


A. Registration Obligation (Legal Publicity) (LPSPC)

2. What has to declared?

- Art. 33

III. Quebec Requirements

B. Naming Requirements

- Art.17(1) Must conform to language Charter 
- (2) Can't use a reserved name
 - (3) No immoral, obscene or offensive name
 - (4) Must use proper legal element
 - (5) Can't falsely suggests it's a non-profit
 - (6) Can't falsely suggests it is or is related to, a public authority

III. Quebec Requirements

B. Naming Requirements

Art.17 (7) Can't falsely suggests it's related to another

(8) Must not cause confusion with other name

(9) Must not mislead third persons

par. 2 Non-French name: then need to declare
French version



III. Quebec Requirements

C. Language Requirements

1. Signs and posters (art.58)



2. Name of enterprise (art.63)



III. Quebec Requirements

C. Language Requirements

3. Juridical personality (art.64)



4. Name in other language (art.68)

