

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 690

Introduced by Langemeier, 23.

Read first time January 06, 2010

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to trade names; to amend sections 87-214 and
2 87-219, Reissue Revised Statutes of Nebraska; to change
3 deadline provisions relating to trade name publication
4 filings; and to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 87-214, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 87-214 The Secretary of State shall cancel from the
4 register:

5 (1) Any registration concerning which the Secretary of
6 State shall receive a voluntary request for cancellation from the
7 registrant or the assignee of record;

8 (2) Any registration granted under sections 87-208 to
9 87-220 and not renewed in accordance with such sections;

10 (3) Any registration concerning which a court of
11 competent jurisdiction shall find:

12 (a) That the registered trade name has been abandoned;

13 (b) That the registrant is not the owner of the trade
14 name;

15 (c) That the registration was granted improperly; or

16 (d) That the registration was obtained fraudulently;

17 (4) Any registration that a court of competent
18 jurisdiction shall order canceled on any ground; and

19 (5) Any registration where the registrant has failed to
20 publish such trade name within ~~thirty~~ forty-five days from the
21 filing in the office of the Secretary of State and filing proof of
22 publication with the Secretary of State and county clerk within the
23 ~~thirty~~ forty-five days.

24 Sec. 2. Section 87-219, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 87-219 Every duplicate of the registration of a trade
2 name shall be published by the applicant once in a newspaper of
3 general circulation published in the city or village where the
4 business is to be located, or, if there is no newspaper in the
5 city or village, in some newspaper of general circulation in the
6 county. Proof of such publication shall be filed in the office of
7 the Secretary of State and with the county clerk of the county
8 wherein the principal office is located, within ~~thirty~~ forty-five
9 days from the date of registration in the office of the Secretary
10 of State. If proof of publication is not filed with the Secretary
11 of State and county clerk within the ~~thirty~~ forty-five days, the
12 registration shall be canceled by the Secretary of State.

13 Sec. 3. Original sections 87-214 and 87-219, Reissue
14 Revised Statutes of Nebraska, are repealed.