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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 6. BUSINESS RIGHTS [14000 - 14704] (*Division 6 added by Stats. 1941, Ch. 56.*)

CHAPTER 3. Trade Names and Designations [14401 - 14495] (*Chapter 3 added by Stats. 1941, Ch. 59.*)

ARTICLE 5. Names Other Than Trade Names [14492 - 14495] (*Article 5 added by Stats. 1955, Ch. 1931.*)

14492. As used in this article, the following terms have the meanings set forth in this section unless the context otherwise requires:

(a) "Organization" includes any lodge, order, beneficial association, fraternal or beneficial society or association, historical, military, or veterans organization, labor union, or any other similar society, organization, or association or degree, branch, subordinate lodge, or auxiliary thereof.

(b) "Name and Ownership." Name is that name that has first been adopted and used by an organization within or beyond the limits of this state, which name has been registered in the Office of the Secretary of State, and the name of any organization that has complied with Chapter 5 (commencing with Section 17900) of Part 3 of Division 7, unless the name conflicts with a name duly registered in the Office of the Secretary of State prior to the compliance with those provisions, and any organization that has so first adopted and used the name is its original owner.

(*Amended by Stats. 2006, Ch. 538, Sec. 21. Effective January 1, 2007.*)

14493. Any court of competent jurisdiction may restrain by injunction: the use of the name of any organization in a commercial venture, trade or business, or in the solicitation of subscriptions for or sale of any newspaper, book, or other publication, or in the solicitation of advertising in any newspaper, book, or other publication or in the solicitation of, donations, aid, or other benefits by any other person, firm, or corporation representing directly or indirectly that such commercial venture, trade or business, newspaper or book or other publication or donation or solicitation for donation, is sponsored, endorsed or being offered by the organization owning such name, unless the person, firm, or corporation so using the name is entitled to use the name under the constitution, by-laws or rules of the organization owning such name, or by the written consent of such organization so owning the name to such use.

(*Added by Stats. 1955, Ch. 1931.*)

14494. In any action under Section 14493 it is not necessary to allege or prove actual damages or the threat thereof or actual injury or the threat thereof, to the plaintiff, but in addition to injunctive relief, any plaintiff in any such action is entitled to recover the amount of the actual damages, if any, sustained by such plaintiff.

(*Added by Stats. 1955, Ch. 1931.*)

14495. The use of the name of any organization by any person, firm, or corporation not entitled to use the same under the constitution, by-laws, rules or regulations of the organization which owns the name or by the written consent of such organization, is presumptive evidence of the unlawful use or traffic in such name.

(*Added by Stats. 1955, Ch. 1931.*)