

Cherokee Nation Code Annotated

Title 18: Corporations

Chapter 2: Cherokee Nation Limited Liability Company Act

Article 1: General Provisions

§ 206. Name of limited liability company

Cite as: 18 CNCA § 206

The name of each limited liability company as set forth in its articles of organization:

1. shall contain either the words "limited liability company" or "limited company" or the abbreviations "LLC", "LC", "L.L.C.", or "L.C." The word "limited" may be abbreviated as "LTD." and the word "Company" may be abbreviated as "CO."; and

2. may not be the same as or indistinguishable from:

a. names upon the records in the Office of the Principal Chief of then existing limited liability companies whether organized pursuant to the laws of Cherokee Nation or authorized as foreign limited liability companies, or

b. names upon the records in the Office of the Principal Chief of corporations organized under the laws of Cherokee Nation or of foreign corporations registered in accordance with the laws of Cherokee Nation then existing or which existed at any time during the preceding three (3) years, or

c. names upon the records in the Office of the Principal Chief of limited partnerships formed under the laws of Cherokee Nation or of foreign limited partnerships registered in accordance with the laws of Cherokee Nation, or

d. trade names, fictitious names, or other names reserved with the Office of the Principal Chief.

3. The provisions of subdivision 2 of this section shall not apply if one of the following is filed with the Office of the Principal Chief:

a. the written consent of the other limited liability company, corporation, limited partnership, or holder of the trade name, fictitious name or other reserved name to use the same or indistinguishable name with the addition of one or more words, numerals, numbers or letters to make that name distinguishable upon the records of the Office of the Principal Chief, except that the addition of words, numerals, numbers or letters to make the name distinguishable shall not be required where such written consent states that the consenting entity is about to change its name, cease to do business, withdraw from Cherokee Nation or be wound up, or

b. a certified copy of a final decree of a court of competent jurisdiction establishing the prior right of such limited liability company or holder of a limited liability company name to the use of such name in Cherokee Nation.

4. A limited liability company may use the name, including a fictitious name, of another domestic or foreign company which is used in Cherokee Nation if the other company is organized or authorized to transact business in Cherokee Nation and the company proposing to use the name has:

a. merged with the other company;

b. been formed by reorganization with the other company; or

c. acquired substantially all of the assets, including the name, of the other company.

Historical Data

LA 32-04, eff. July 16, 2004.