

TITLE 6

Commerce and Trade

SUBTITLE II

Other Laws Relating to Commerce and Trade

CHAPTER 31. REGISTRATION OF TRADE NAMES, PARTNERSHIPS AND ASSOCIATIONS

§ 3101. Use and registration of trade names or titles.

No person, firm or association shall engage in, prosecute or transact any business within the limits of this State, by using any trade name or title which does not disclose the Christian and surname of such person, or in case of a firm or association, the Christian and surname of each and every person comprising the firm or association without, in addition to what is otherwise required by the laws of this State, first filing a certificate under the hand of such person or, in case of a firm or association, under the hand of one of the members of the firm or association, in the office of the Prothonotary of each county in which it is prosecuting or transacting such business, designating the trade name or title and Christian and surname of such person, or, in case of a firm or association, the Christian and surname of each and every member comprising the firm or association. All certificates shall show the date when the partnership or association was organized, to which certificates there shall be attached the affidavit of the person signing it to the effect that the facts therein stated are true and correct.

(25 Del. Laws, c. 146, § 1; 27 Del. Laws, c. 177, § 1; Code 1915, § 2639; Code 1935, § 3111; 6 Del. C. 1953, § 3101.;)

§ 3102. Supplemental certificate upon change in membership.

Whenever a change occurs in the membership of any firm or association which has filed a certificate under § 3101 of this title, a supplemental certificate under the hand of one of the members of the firm or association shall, within 10 days after the change, be filed in the office of the Prothonotary of each county in which it had theretofore filed a certificate, designating the Christian and surname of each and every member comprising the firm or association after the change, and the date when the change took effect, to which certificate shall be attached the affidavit of the person signing it to the effect that the facts therein stated are true and correct.

(25 Del. Laws, c. 146, § 2; 27 Del. Laws, c. 177, § 2; Code 1915, § 2640; Code 1935, § 3112; 6 Del. C. 1953, § 3102.;)

§ 3103. Partnership and association docket; duty of Prothonotaries; fee for filing certificate.

The Prothonotary of each county shall number the certificates when filed, consecutively, and endorse thereon the date of filing, and enter and record in a book which the Prothonotary shall procure for that purpose, which is named "Partnership and Association Docket," the trade name and title of the person, firm or association, the date of the filing of the certificate, the date of the formation or change in the formation of the firm or association, and the number thereof. For the filing and making of the entries, the Prothonotary shall receive from the person filing the certificate a fee of \$5, to be disposed of in the same manner as other fees which are by law payable to the Prothonotary.

(25 Del. Laws, c. 146, § 3; 27 Del. Laws, c. 177, § 3; Code 1915, § 2641; Code 1935, § 3113; 6 Del. C. 1953, § 3103; 62 Del. Laws, c. 320, § 1; 70 Del. Laws, c. 186, § 1.;)

§ 3104. Unincorporated associations.

No unincorporated association of persons shall transact business in this State, unless the individual names of all concerned therein shall be first certified by an officer of such association and filed in the office of the Prothonotary of each county.

This section shall not apply to partnerships.

(13 Del. Laws, c. 32, § 1; Code 1915, § 4198; Code 1935, § 4676; 6 Del. C. 1953, § 3104; 63 Del. Laws, c. 407, § 1; 70 Del. Laws, c. 186, § 1.;)

§ 3105. False affidavit; penalty.

Whoever wilfully makes or files, under §§ 3101, 3102 and 3103 of this title, any affidavit which is false commits the crime of false swearing and shall be punishable therefor.

(25 Del. Laws, c. 146, § 4; 27 Del. Laws, c. 177, § 4; Code 1915, § 2642; Code 1935, § 3114; 6 Del. C. 1953, § 3105.;)

§ 3106. Penalties.

If any person, firm or association violates any of the provisions of §§ 3101, 3102, 3103 and 3104 of this title, every such person, and each and every person comprising such firm or association, shall be fined not more than \$100 or imprisoned not more than 3 months, or both.

(25 Del. Laws, c. 146, § 5; 27 Del. Laws, c. 177, § 5; Code 1915, § 2643; Code 1935, § 3115; 6 Del. C. 1953, § 3106; 63 Del. Laws, c. 407, § 2.;)

§ 3107. Application to joint stock associations of more than 50 members or corporations.

Nothing in §§ 3101-3105 of this title shall affect or apply to joint stock associations, using a common name, not being ordinary partnerships, which have more than 50 stockholders or members nor to legally incorporated companies.

(25 Del. Laws, c. 146, § 6; 27 Del. Laws, c. 177, § 6; Code 1915, § 2644; Code 1935, § 3116; 6 Del. C. 1953, § 3107.;)

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