



Addition of a place name to a firm name must not be misleading - Commercial Law

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GRP Rainer Lawyers and Tax Advisors in Cologne, Berlin, Bonn, Dusseldorf, Frankfurt, Hamburg, Munich, Stuttgart and London - www.grprainer.com/en conclude: On July 19, 2013, the Superior Court (OLG) of Hamm (File number: 27 W 57/13) ruled that the additional designation "Osnabrück" to the trade name of a GmbH & Co. KG was not misleading in the case before the Court. The Court explained that the measure of judging whether such an addition is misleading is the accepted practice, i.e. the understanding an average member of the addressed groups would reasonably develop. Case law predominantly assumes that the addition of a place name to a trade name - regardless of the firm's actual location - is merely an indication if the firm's head office, the geographic centre of its activities or the origin of the products it manufactures. However, a condition for adding a place name is that there must be an actual connection with the place that is named. For that, it is enough if a firm names a large city as long as the company's head office is at least within that city's direct economic region.

After the court of registration rejected the application of a GmbH & Co. KG to include a place name in its trade name, an appeal was filed and registration was pursued. As the reason for the appeal, the company argued that it has its head office directly at the city limit and that 95% of its business was conducted in the city and the adjacent district. Therefore, it claimed that the firm has a direct relationship with the city.

Commercial law is the special private privilege of merchants. Thus, commercial law contains provisions about a merchant's legal relations with business partners and relations with other companies in terms of competition and corporate law. There are also requirements under commercial law pertaining to bookkeeping and record-keeping obligations. The most important legal source is the Commercial Code.

A lawyer with experience in commercial law can give comprehensive advice about legal questions in that field of law. On the one hand, he can clarify a merchant's rights and obligations, on the other hand, a lawyer experienced in commercial law can help to exercise legal and economic interests.

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Anlage: Bild

