



## Georgia Structural Pest Control Commission

### **Notice 17-01 Business Naming Policy**

This policy is issued by the Georgia Structural Pest Control Commission (GSPCC) to provide guidance for determining what business names have the likelihood of confusion and/or are not distinguishable for consumers.

#### **Related Laws & Regulations**

*O.C.G.A. sec. 43-45-8(4) Issue licenses to each place of business of each business entity qualifying under this chapter.*

*Rule 620-2-.01(v) Licensee--means a business entity which holds a valid license to engage in the business of Structural Pest Control, subject to the provisions of the Act, provided; no licensee shall operate under more than one name, and a separate license shall be required for each different name under which a business entity operates. The Commission may reject a name, if in its opinion, it is likely to be confused with a previously issued licensee name or if it would be in violation of any state or federal requirements.*

#### **Authority**

The GSPCA authorizes the GSPCC to make such reasonable rules and regulations as may be necessary to protect the interest, health, and safety of the public and to ensure the efficiency of licensees, operators, and registered employees to carry out the SPCA. Rule 620-2-.01(v) (Licensee rule) serves both statutory purposes by preventing the public from being confused or misled and by facilitating a licensee's ability to conduct its business, which would be hampered if a competitor had a similar name.

The SPCA authorizes the SPCC to issue licenses to each place of business. While the responsibility to issue the license falls to GDA, the GSPCC considers each application for a business license and approves the application if all requirements are met. The business name is reviewed with currently licensed businesses with similar names. If the GSPCC finds that the name is similar and has the potential to be confused with a current licensee name then the GSPCC may approve the application pending the submission of another name that would be acceptable.

#### **Business Name Standards**

Georgia regulation provides that a business name must be distinguishable and not likely to cause confusion upon the records of the Georgia Department of Agriculture from the names of other businesses.

Without limiting the discretion of the GSPCC to determine that a name has the likelihood of confusion, the following are examples of when a requested name will be considered "not distinguishable from" and therefore "similar or confusing" with regard to an existing name:

- Names are not distinguishable if the only difference is "a," "an," or "the" at the beginning of the name. "The Kudzu Pest Control" is similar and not distinguishable from "Kudzu Pest Control."
- "&" and "and" do not make names distinguishable. "A & B Pest Control" is not distinguishable from "A and B Pest Control." And "A and B Pest Control" or "A & B Pest Control" is not distinguishable from "AB Pest Control" or "A.B. Pest Control."
- Punctuation does not make names distinguishable. "A.B.C Pest Control" is not distinguishable from "ABC Pest Control."
- The addition of a possessive word does not make a name sufficiently distinguishable. "John's Kudzu Pest Control" is not sufficiently distinguishable from "Kudzu Pest Control."
- Plural forms of the same word do not make names distinguishable.
- A suffix added to a word or any other deviation from or derivative of the same word does not make names distinguishable.
- Names are not distinguishable if the only difference is the abbreviation of a word in the name. "Ga. Pest Control" is not distinguishable from "Georgia Pest Control."

- Names are not distinguishable if the only difference is a phonetic spelling of the same word. “Boyz Pest Control” is not distinguishable from “Boys Pest Control.”
- Names are not distinguishable if the only difference includes any of the following terms or combination of terms: “Pest,” “Control,” “Solutions,” “Management,” “Exterminating,” “Exterminator,” “Fumigator,” “Services,” “Business,” “Removal”, “Termite”, “Bee” or “Inc.,” “LLC,” “LP.” “Georgia Exterminating” is not distinguishable from “Georgia Pest Control.”
- Names can be confusing if a word is added to an existing name. “Kudzu Green Pest Control” may be confusing with an existing name such as “Kudzu Pest Control.”

The GSPCC can exercise its discretion to reject a name as not being sufficiently distinguishable from another licensee’s name on grounds other than the 8 specifically delineated examples listed.

### **Restricted Names**

The GSPCC may restrict from use, require consent, or require further information before certain terms shall be used in the business name. The use of some words is controlled by laws not administered by the GSPCC or the GDA. Use of terms that reference or indicate an approval, endorsement, or recommendation of the GSPCC, GDA, or any agency of the State of Georgia or federal government will not be approved.

If a business license becomes expired or inactive for reasons such as suspension, revocation, or being sold to another business entity, the GSPCC may restrict the name until 24 months have passed.

The issuance of a business license creates no substantive rights to the use of the name. The business entity may wish to exercise care in selecting a name to avoid infringing on the names registered with the United States Patent and Trademark Office or other state, county or city agencies. To protect any rights a business claims to its name, the business entity must police its name and respond to anyone who infringes on its rights.

### **Doing Business As (DBA)**

A licensee name that includes a DBA name must use and make the DBA name conspicuous on all paperwork and advertisements. The licensee only has the right to advertise under the DBA name. All licensing requirements under the GSPCA must meet the DBA name of the licensee such as the marking requirement for vehicles and mobile equipment.

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