

## Title 14: Aeronautics and Space

### PART 215 USE AND CHANGE OF NAMES OF AIR CARRIERS, FOREIGN AIR CARRIERS AND COMMUTER AIR CARRIERS

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Authority: 49 U.S.C. Chapters 401, 411, 413, 417.

Source: 53 FR 17923, May 19, 1988, unless otherwise noted.

#### 215.1 Applicability.

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This part applies to all certified air carriers, commuter air carriers, and foreign direct air carriers and to initial or amended applications for authority, applications for certificate or permit transfers or reissuances, and registration of business names.

#### 215.2 Purpose.

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This part sets rules under which direct air carriers may use the names in their operating authorizations and change those names. It further provides

for notification to air carriers that may be affected by the use by other air carriers of the same or similar names. Its purpose is to place the responsibility for resolving private disputes about the use of similar names with the air carriers involved, through recourse to the trade names statutes and the courts. These rules do not preclude Department intervention or enforcement action should there be evidence of a significant potential for, or of actual, public confusion.

#### 215.3 Use of name.

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In holding out to the public and in performing air transportation services, a direct air carrier or foreign direct air carrier subject to this part shall use only the name in which its operating authorization is

issued or trade name is registered, and shall not operate or hold out to the public in a name not acknowledged by the Department to be so registered. Minor variations in the use of this name, including abbreviations, contractions, initial letters, or other variations of the name that are identifiable with the authorized name, are permitted. Slogans and service marks shall not be considered names for the purpose

of

this part, and their use is not restricted.

[53 FR 17923, May 19, 1988, as amended at 70 FR 25768, May 16, 2005]

215.4 Change of name or use of trade name.

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(a) Registrations. Any air carrier subject to this part that desires to change the name in which its operating authorization has been issued, or to use a trade name, or to obtain initial operating authority must register the name with the Department. The Department will construe

any

application for initial, reissued, or transferred authority as containing a registration of the intended name. A separate name registration document need not be filed. A carrier registering use of a trade name, without seeking reissuance of its underlying certificate commuter or foreign air carrier permit or exemption authority, must file a statement that complies with 302.3 and 302.4 of this chapter registering its intended name with the Air Carrier Fitness Division if it is a U.S. certificated or commuter carrier, or within the Licensing Division if it is a foreign air carrier.

(b) Montreal Agreement. Each registration under this section shall be accompanied by three copies of a counterpart to the Montreal Agreement (Agreement 18900) (OST Form 4523) signed by the carrier using the

proposed

name. Upon arrival of the application, the Department will place a copy of the signed OST form 4523 in Docket 17325.

(Reporting and recordkeeping requirements in paragraph (b) were approved

by the Office of Management and Budget under control number 30240064.)

[53 FR 17923, May 19, 1988, as amended at 70 FR 25768, May 16, 2005]

215.5 Procedure in case of similarity of names.

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The Department will compare the proposed name in any registration filed under this part or in an application for new, reissued, or transferred authority with a list of names used by existing certificated, commuter and foreign direct air carriers. The Department will notify the applicant of any other certificated, foreign or commuter carriers that may have an identical or similar name. The registrant must then notify those carriers of its registration. The notification will identify the applicant and state its proposed name or the name requested, area of operation or

proposed area of operation, type of business, and other pertinent matters.  
The registrant must then file a certificate of service of the notification  
with the Department.

215.6 Acknowledgment of registration.

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After completion of the filing and notification requirements of this part,  
the Department may acknowledge the registration by notice in the action  
granting the application for initial operating authority, transfer, or  
reissuance or by separate notice in the case of use of a trade name.

Non-action under this provision shall not be construed as an adjudication  
of any rights or liabilities.

[53 FR 17923, May 19, 1988, as amended at 70 FR 25768, May 16, 2005]

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