

STATE OF NEW YORK  
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Application of:	:
	:
THE UNION WORKS, LLC	:
	:
	:
For Approval of a Certificate of Assumed Name	:
pursuant to General Business Law § 130.	:
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DOCKET NO. CI 14-013

RESOLUTION OF DISAPPROVAL

**WHEREAS:**

By letter dated August 6, 2014, The Union Works, LLC sought the approval of the Industrial Board of Appeals (Board) for a Certificate of Assumed Name for the names “UnionWorks,” “UnionWorks NY,” and “UnionWorks TR.”

General Business Law § 130 (2) (c) provides in relevant part that:

“No corporation, limited partnership or limited liability company shall use or file a certificate for the use of any name or designation to carry on or conduct or transact business in this state which consists of or includes a word or words the use of which is prohibited or restricted by...subdivisions (d) through (i) of section two hundred four of the limited liability law...without having obtained any necessary consents or approvals which would permit the use of the word or words pursuant to such laws.”

Limited Liability Company Law § 204 (d) states that:

“The name of each limited liability company as set forth in its articles of organization: . . .(d) shall not contain any word or phrase, or any abbreviation or derivative thereof, the use of which is prohibited or restricted by any other statute of this state, unless in the latter case the restrictions have been complied with...”

The proposed assumed name includes the word “union” the use of which is restricted under New York statutes and must be approved by the Board.

Labor Law § 104 governs the Board’s review of corporate instruments that are submitted to it for approval in accordance with the requirements of other statutes, including General Business Law § 130, Business Corporation Law § 301 and Not-For-Profit Corporation Law § 404.

Section 104 states that the Board:

“...shall make such inquiry as it may deem advisable . . . to determine . . . whether the corporate name is in all respects consistent with its purposes and activities or tends to be misleading.”

Pursuant to Labor Law § 104, the Board has made inquiry into the objectives and purposes of the corporation as it has deemed necessary and advisable. The Board finds that use of the name “UnionWorks” and the two variations of same cannot be approved because the public may be misled to believe that the company is a labor union or an organization associated or affiliated with a labor union or that the business or products are created by union workers when by the representations contained in its application it is not (*see Matter of Tool Owners Union v Roberts*, 190 Misc 577 [Sup Ct New York County 1947] [misleading and confusing name is one of the grounds upon which Board may deny approval of an application before it]). *Public Union Corporation*, CI 11-013 [December 14, 2012]; *Fateh Ahmed, Dentist P.C.*, CI07-017 [January 28, 2008]; *V.J.R. Management Corporation of America*, CI 09-005 [April 22, 2009]; *Union Payroll Agency*, CI 08-010 [May 30, 2008]; and *La Union, Inc.*, CI 08-013 [July 30, 2008]. Accordingly, the application for approval for use of the names “UnionWorks,” “UnionWorks NY,” and “UnionWorks TR” in the proposed certificate of assumed name is denied.

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:**

1. The application for approval to use the names UnionWorks, UnionWorks NY, and UnionWorks TR in the proposed certificate of assumed name under Section 130 of the General Business Law is denied; and
2. A certified copy of this Resolution shall be annexed to the proposed certificate of assumed name.


WITNESS, the signatures of the Members of the Industrial Board of Appeals and the Seal of the Industrial Board of Appeals of the State of New York, at Albany, New York, on the 24th day of September, 2014.

  
Vilda Vera Mayuga, Chairperson

  
J. Christopher Meagher, Member

  
LaMarr J. Jackson, Member

  
Michael A. Arcuri, Member

  
Frances P. Abriola, Member

Dated and signed in the Office  
of the Industrial Board of Appeals  
at New York, New York, on  
September 24, 2014.