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LEGAL NAME OF A PRIVATE INDIVIDUAL

The legal name is a specific name which should be used by entities undertaking and carrying out economic and professional activities in the field of legal relationships, in mutual relations as well as in relations with the judiciary, administration and other public institutions. The sources of the so-called "legal name law" should be traced in international law, the law of the EU as well as in national legal systems. The legal name is a name which belongs only to a particular entrepreneur and constitutes one of his attributes. According to art. 43(2) § 1 of the Civil Code, an entrepreneur operates under the legal name, which means that while performing activities within the business he is identified and marked by his legal name.

De lege lata the legal name is exclusively associated with the entrepreneur rather than the object of his property rights. Both the structure and the content of the legal name, which identifies the entrepreneur, depend on the category of the entrepreneur concerned. According to art. 43 (4) of the Civil Code, the legal name of a private individual consists of the name and the surname of that person, which are its essential and sufficient elements. However, such construction of a legal name is prone to certain defects. In particular, the provision that only one name is specified in the legal name is incorrect. The concept that a private individual can be identified only by his name and surname seems also incorrect. First of all, the legal name of a private individual should indicate that he acts as an entrepreneur, for example, through the direct use of the term "entrepreneur". What's more, if the economic activity can be pursued only by a person with specific professional qualifications, the legal name should include the information that the person is appropriately qualified. Finally, the desirability of mandatory, additional (apart from the name and the surname) indication of such person for the purpose of business transactions and for their security should be recognized.

