

"The Secretary Of State Has No Issue With Bimbo" - Should She?

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A dozen years ago, I posed the question of whether it might be possible to incorporate under a crass, indecent or otherwise offensive name. That post mentioned the Court of Appeal's holding in *Lee v. Superior Court*, 9 Cal.App.4th 510 (1992). In that case, the petitioner attempted to change his name to include a racial epithet. The Court of Appeal, however, found that "no person has a statutory right to officially change his or her name to a name universally recognized as being offensive." Later, the Secretary of State proposed, but did not adopt a rule, prohibiting offensive business entity names. Still later, the U.S. Supreme Court held that the "disparagement clause" of the Lanham Act violates the Free Speech Clause of the First Amendment. *Matal v. Tam*, 518 U.S. 218 (2017). See [Incorporating Under A Disparaging Name](#).

The *Lee* case resurfaced yesterday in an opinion issued by the First District Court of Appeal in *Wood v. Superior Ct.*, 2014 WL 1110085. In *Wood*, the petitioner had sought to change her name to "Candi Bimbo Doll". Her petition was unopposed. The Superior Court nonetheless rejected the petition, citing *Lee*:

The judiciary should not lend the Great Seal of the State of California to aid a person in a 'social experiment' who proposes to change their name to a word or phrase that is determined to be vulgar and offensive.

The Court of Appeal disagreed, finding "Bimbo" was neither a fighting word or vulgar. The Court of Appeal also found that numerous business entities had made filings with the California Secretary of State. Thus, it concluded that "The Secretary of State has no issue with Bimbo".

The meaning of the word "bimbo" has evolved over time - at various times it has referred to an alcoholic punch, a bad pugilist, and a beautiful but intellectually limited woman. The Court of Appeal did not mention the fact that the largest baking company in the United States includes the word in its name - Bimbo Bakeries USA, Inc. According to the company's website, the name "Bimbo" is a combination of Bingo, a popular song in America when the company was formed in 1945 and the Disney movie, Bambi.

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