

## Names Act

(694/1985; amendments up to 13/2015 included)

### Chapter 1 – General provisions

#### Section 1 (253/1991) – *Obligation to have a name*

- (1) Everyone must have a surname and a forename.
- (2) A person who does not have a surname must adopt one. The provisions of Chapter 4 on the change of surname are applied to the adoption of surname, where appropriate.
- (3) A person who does not have a forename must adopt one, as provided in Chapter 6a.

### Chapter 2 – Surname of a child

#### Section 2 – Determination of the surname of a child by virtue of birth

- (1) If the parents have a common surname at the time of the birth of a child, the child acquires the said surname at birth.
- (2) If the parents do not have a common surname, the child acquires the surname that the parents notify to be the child's surname and that one of the parents has at the time of the notification. However, if the parents have joint custody of another common minor child, the child acquires at birth the same surname as the sibling.
- (3) The child's surname must be notified to the Population Information System within two months of the child's birth. If the parents do not have joint custody of the child, the person or persons having custody of the child have the right to decide which parent's surname the child acquires. (617/1998)
- (4) The child's surname must be notified to the competent local register office of the child's municipality of residence or population registration municipality. The notification may also be submitted to that parish of the Evangelical-Lutheran Church or Orthodox Church of which the child is a member. The parish must establish the lawfulness of the name and submit the information on the name without delay to the Population Information System for registration. (617/1998)
- (5) If the surname of a child has not been notified to the Population Information System in accordance with the provisions of subsections 2 and 3, the child acquires the surname that the mother has when information on the child is submitted to the Population Information System. (617/1998)

#### Section 3 – *Adoption and surname*

- (1) When the adoption of a minor child is granted by a court, the child acquires the surname of the adoptive parent or the common surname of the adoptive parents. If the adoptive parents do not have a common surname, the child acquires the surname of one of the parents, as notified to the court by the adoptive parents. However, if the adoptive parents have joint custody of another common minor child, the adoptive child acquires the same surname as this child.
- (2) Notwithstanding the provisions of subsection 1, the court may, however, decide that a child retains his or her own surname, if this is deemed to be in the best interests

of the child, taking the child's age, the wish of the adoptive parents or other circumstances into consideration. The surname retained by a child shall not be acquired by a sibling under subsection 1 or section 2(2).

- (3) If some other surname than the one a minor child would have acquired under subsection 1 has been confirmed or registered for the child in a foreign state due to adoption in that foreign state, the adoptive parents may agree on changing the child's surname. In this case, the child acquires the adoptive parents' common surname or, if the adoptive parents do not have a common surname, the surname of one of the adoptive parents. However, if the adoptive parents have joint custody of another common minor child, the adoptive child may acquire only the same surname as this child. The surname of an adoptive child may be changed only once under this subsection. (485/1993)

#### Section 4 – *Changing a child's surname into the father's surname*

- (1) The parents may agree on changing a minor child's surname into the father's surname, if the parents did not have a common surname at the time of the child's birth and if paternity had not been established and entered into the Population Information System when the notification of the child's surname was submitted to the Population Information System. (617/1998)
- (2) However, the child's name may be changed into the father's surname by virtue of the establishment of paternity only once.
- (3) If the parents do not have joint custody of the child, the person or persons having custody of the child have the right to decide on changing the child's surname into the father's surname.
- (4) A child's surname may be changed into the father's surname after the death of the child, if the paternity has been established by acknowledgement after the death of the child.

#### Section 4 a (253/1991) – *Changing a child's surname into the parents' common surname*

If the parents of a minor child marry each other and adopt a common surname, they can agree on changing the child's surname into their common surname, if they have joint custody of the child.

#### Section 5 – *Giving the spouses' common surname to a child of one of the spouses*

- (1) If the parent of a minor child marries someone else than the other parent of the child and they adopt a common surname, the spouses can during the marriage agree on changing the child's surname into the spouses' common surname, provided that the parent has sole custody of the child or that the spouses have joint custody of the child. If the parents of a child have joint custody of the child, the child's surname can be changed in the above-mentioned manner only with the consent of both parents. (253/1991)
- (2) However, a child's name may be changed into the spouses' common surname by virtue of the same marriage only once.

#### Section 6 (617/1998) – *Notification of a change of a child's surname*

A notification of a change of a child's surname under sections 3(3), 4, 4 a and 5 must be made in writing to the competent local register office of the child's municipality of residence or the child's population registration municipality.

### Chapter 3 – Surname of a spouse

#### Section 7 – *Common surname of spouses*

- (1) Upon marriage, the prospective spouses can together decide to adopt a common surname. The surname that one of the spouses last had when unmarried may be adopted as the common surname. The marriage officiant must be notified of the common surname before the marriage ceremony.
- (2) Before the marriage ceremony, the marriage officiant must inquire whether the prospective spouses have decided to adopt a common surname.
- (3) A prospective spouse whose surname will change due to the adoption of a common surname may before the marriage ceremony notify the marriage officiant that he or she will take the surname that he or she last had when unmarried or the surname that he or she has when marrying into his or her personal use in front of the common surname.

#### Section 8 – *Retaining one's own surname at marriage*

If the spouses have not adopted a common surname when they married, each spouse retains the surname that he or she had before the marriage.

#### Section 8 a (617/1998) – *Taking a previous surname into personal use or giving it up during marriage*

- (1) If a person whose surname has changed because the spouses have upon marriage adopted a common surname has not notified the marriage officiant before the marriage ceremony that he or she will take the surname referred to in section 7(3) into his or her personal use in front of the common surname, the person may during the marriage submit a notification to this effect to the local register office of his or her municipality of residence or population registration municipality.
- (2) A spouse who upon marriage has notified the marriage officiant that he or she will take the surname referred to in section 7(3) into his or her personal use in front of the common surname may during the marriage give up the surname in his or her personal use by submitting a notification to this effect to the local register office referred to in subsection 1.
- (3) However, a spouse may during the same marriage make a notification referred to in either subsection 1 or 2 only once. The notification must be submitted in writing to the local register office referred to in subsection 1.

#### Section 9 – *Change of surname of a spouse after dissolution of marriage*

- (1) After the dissolution of marriage, a spouse may change the surname that he or she has acquired from the other spouse by virtue of marriage by readopting the name that he or she last had when unmarried.
- (2) If a spouse has, as provided in section 7(3) or 8 a(1), made a notification of using in front of the common surname the surname that he or she had when marrying, the spouse may also adopt this name as his or her surname after the dissolution of marriage. (253/1991)
- (3) The notification of a change of the surname of a spouse must be submitted in writing to the competent local register office of the spouse's municipality of residence or population registration municipality. (617/1998)

### Chapter 4 – Change of surname

#### Section 10 – *Prerequisites for a change of surname*

A surname may be changed, if the applicant establishes

- (1) that the use of his or her present surname causes inconvenience due to its foreign origin, its meaning in the standard language or its frequency, or for some other reason;

- (2) that the proposed new surname has previously been the name of the applicant or it has been established as the surname of his or her ancestors and changing the surname is to be deemed appropriate; or
- (3) that due to a change in circumstances or for other special reasons the adoption of a new surname is to be deemed justified.

#### Section 11 – *General impediments to approval of a new surname*

- (1) A name cannot be approved as a new surname if it is inappropriate or if its use may otherwise cause manifest inconvenience.
- (2) A name cannot be approved as a new surname without a special reason, if:
  - (1) the form or spelling of the name is contrary to the naming practices in Finland;
  - (2) the name is commonly used as a forename; or
  - (3) the name is formed by combining two surnames. (253/1991)

#### Section 12 – *Protected names and symbols*

- (1) A surname that has been entered into the Finnish Population Information System or a name that is commonly known to have been established as the name of a certain Finnish or foreign family cannot be approved as a new surname, unless there is a special reason for the approval. (617/1998)
- (2) In the absence of a special reason, a name cannot be approved as a new surname, if it may be confused with:
  - (1) the name of a foundation, association or another organisation;
  - (2) a registered trade name or trademark or another protected symbol used in industrial or commercial activities; or
  - (3) a generally known pseudonym.

#### Section 13 – *Special reasons for approval of a new surname*

- (1) A new surname that does not comply with the requirement laid down in section 11(2)(1) may be approved, if the applicant has a foreign surname and the adoption of the new surname is, considering the account presented, to be deemed appropriate.
- (2) A new surname that does not comply with the requirements laid down in section 11(2) or section 12 may be approved, if:
  - (1) the applicant establishes that he or she or his or her ancestors have earlier lawfully used the name that the applicant proposes as the new surname;
  - (2) the adoption of the surname proposed by the applicant is to be deemed justified due to changes in family relations or comparable circumstances; or
  - (3) the applicant has a connection to a foreign state by virtue of his or her citizenship, marriage or some other special circumstance, and the surname proposed by the applicant complies with the naming practices of the said state.

#### Section 14 – *Surname authorities*

- (1) The local register offices handle matters concerning a change of surname. If it is necessary to centralise the handling of matters concerning a change of surname to one or several local register offices in order to make the activities of the offices more effective or in order to promote a balanced regional development, further provisions determining which of the local register offices are competent to issue decisions in matters concerning a change of surname and the grounds for the division of competence between them shall be issued by decree of the Ministry of Finance. (1010/2007)

- (2) The Names Board acts as the special expert authority in matters concerning the application of this Act. Further provisions on the composition, appointment and duties of the Board shall be issued by decree.

#### Section 15 – *Application for a change of surname*

- (1) An application for a change of surname may be submitted to any local register office. If the application has been received by another local register office than a local register office competent under section 14(1), the application must be transferred to the competent office without delay. The applicant must be informed about the transfer. (958/2006)
- (2) The application must be made in writing. The application must state the grounds on which the application for the change of surname is made and the new surname proposed by the applicant.

#### Section 16 – *Supplementing an application*

If an application for a change of surname is incomplete, the applicant must be reserved an opportunity to supplement his or her application within reasonable time.

#### Section 16 a (421/2007) – *Change of surname of a child taken into care*

If an application for a change of surname concerns a child who has under section 40 of the Child Protection Act been taken into care, a statement on the prerequisites for a change of surname must be requested from the social welfare authorities of the municipality which has care of the child.

#### Section 17 (69/1999) – *Statement of the Names Board and hearing of the applicant*

- (1) Unless an application is to be transferred to another authority, dismissed or immediately rejected, the local register office must request a statement from the Names Board on the change of surname and on the new surname proposed by the applicant. However, it can be provided in a decree that a statement of the Names Board shall not be requested on the applications specified in the decree.
- (2) If the Names Board has found that the change of surname cannot be deemed appropriate under section 10 or that the new surname proposed by the applicant cannot be approved under sections 11–13, the local register office must reserve the applicant an opportunity to submit a written reply to the Board's statement within reasonable time.

#### Section 18 – *Public notice of application*

- (1) If the local register office, after the Names Board has given its statement, considers that there is no impediment to the change of surname under sections 10–13, it must publish a public notice of the application in the Official Gazette at the expense of the applicant. (69/1999)
- (2) However, a public notice of the application shall not be published in the Official Gazette, if it has been provided in a decree that a statement of the Names Board shall not be requested on the application. (253/1991)

#### Section 19 – *Submitting an objection*

- (1) If a person considers that the acquisition of a new surname by the applicant would be contrary to the provisions of section 12 and that the approval of the application would infringe his or her rights, he or she is entitled to submit an objection against the application.

- (2) The objection must be submitted in writing to the local register office within 30 days of the date when the public notice of the application was published in the Official Gazette. However, an objection submitted after the said time limit can be taken into consideration, if the matter has not yet been decided. (69/1999)

#### Section 20 – *Decision on application and reasons for it*

- (1) After the period determined in section 19(2) has elapsed, an application for a change of surname must be taken up for consideration without delay.
- (2) If the application is rejected, the decision must state the reasons for the disapproval of the change of surname or of the new surname proposed by the applicant.

#### Section 21 (69/1999) – *Service of decision*

The decision of the local register office concerning a change of surname must be served on the applicant and on the person having submitted an objection against the application under section 19.

#### Section 22 (69/1999) – *Appeal*

An applicant has the right to appeal against a decision of the local register office in so far as the application has been rejected. A person who has submitted an objection against an application under section 19 has the right to appeal against the decision of the local register office, if the application has been approved in the decision. A decision may be appealed against as provided in the Act on Administrative Judicial Proceedings (586/1996).

### Chapter 5 – Forfeiture of surname

#### Section 23 – *Effect of annulment of paternity on the surname of a child*

If paternity has been annulled, a court may, upon request of the man, decide that the child must adopt the surname that the mother had at the time of the birth of the child, unless it is to be deemed important that the child retain his or her surname, considering the best interests of the child. A claim for a change of a child's surname must be brought within one year of the annulment of paternity.

#### Section 24 – *Ordering forfeiture of surname*

- (1) If a person has acquired a new surname upon application and the use of the name essentially infringes someone's right to a protected name or symbol referred to in section 12, the holder of the name or symbol may bring a claim for an order of forfeiture of the surname in a district court. (153/2009)
- (2) A claim for the order of forfeiture of a surname must be brought within five years of the entry of the surname into the Population Information System. A person whose surname has been ordered forfeit pursuant to subsection 1 must readopt his or her previous surname. (617/1998)

### Chapter 6 – Rules of private international law

#### Section 25 – *Determination of surname*

For the purposes of this Chapter, *determination of surname* means the acquisition or change of surname by virtue of birth, marriage or dissolution of marriage, establishment or annulment of paternity, adoption, or other family relations, when the acquisition or

change of the name is directly based on a provision of law or on a notification to the competent authority.

#### Section 26 – *Law applicable to determination of surname*

- (1) If the person whose surname is to be determined is habitually resident in Finland when the grounds for the determination of a surname appear or when a notification of the surname is made, the surname is determined in accordance with Finnish law. However, a citizen of Iceland who is habitually resident in Finland has the right to demand that his or her name be determined in accordance with the Icelandic naming system as provided in Icelandic law. (253/1991)
- (2) If the person whose surname is to be determined is not habitually resident in Finland at the time referred to in subsection 1, the surname is determined in accordance with the act on surnames applicable by the competent authority in the state where the person is habitually resident at the said time.
- (3) A Finnish citizen habitually resident in a state other than Finland, Norway, Sweden or Denmark has the right to demand that Finnish law be applied in the determination of surname, notwithstanding the provision of subsection 2. Further provisions on the exercise of this right shall be issued by decree.
- (4) When a Finnish court grants an adoption, Finnish law is applied on the determination of the surname of a minor child.

#### Section 27 – *Jurisdiction of Finnish authorities in matters concerning surnames*

- (1) A surname may, upon application, be changed in Finland by a decision of the local register office, if the applicant is habitually resident in Finland. (69/1999)
- (2) If a Finnish citizen is habitually resident in a state other than Finland, Norway, Sweden or Denmark, an application for a change of surname can be taken up for consideration in Finland, if a Finnish decision is recognised in the state of the applicant's habitual residence. (958/2006)
- (3) A claim for forfeiture of a surname can be taken up for consideration in a Finnish court, if the defendant is habitually resident in Finland.
- (4) When a Finnish court grants an adoption, it can issue a decision on the surname of a minor child.

#### Section 28 – *Law applicable to matters concerning surnames*

Finnish law is applied to matters concerning the change of surname upon application, matters concerning the order of forfeiture of a surname, and matters concerning the surname in connection with an adoption granted in Finland.

#### Section 29 – *Legitimacy of a new surname adopted abroad*

An adoption of a new surname in a foreign state without a decision of an authority may be recognised in Finland, if the adoption of the name was permissible in the state in which the person was habitually resident at the time of the adoption of the name.

#### Section 30 – *Recognition of a foreign decision on change or forfeiture of surname*

- (1) A final foreign decision on a change or forfeiture of surname is recognised in Finland without a separate confirmation, if the decision has been issued by an authority in that state in which the person was habitually resident at the time of the decision or if the decision is recognised in the said state.
- (2) A decision is recognised in Finland also when it has been issued by an authority in the state of which the person was a citizen at the time of the decision.

#### Section 31 – *Refusal to recognise a foreign decision*

A foreign decision concerning a surname is not recognised in Finland, if:

- (1) proceedings on the same matter between the same parties are pending in Finland and these proceedings have been initiated in Finland before the foreign decision was issued;
- (2) the decision is incompatible with a decision of a Finnish court or another Finnish authority issued on the same matter between the same parties, and the proceedings on the matter have been initiated in Finland before the foreign decision was issued;
- (3) the decision is incompatible with a decision recognised in Finland and issued in another state on the same matter between the same parties in proceedings initiated before the proceedings in Finland; or
- (4) the decision has been issued in proceedings that are contrary to the Finnish public policy (*ordre public*) or if the recognition of the decision would result in such controversy.

Section 32 – *Non-application of foreign law*

Foreign law concerning determination of surname or adoption of surname without a decision of an authority shall not be applied, if the application would result in controversy with the public policy (*ordre public*) of Finland.

Chapter 6 a (253/1991) – Forename

Section 32 a (617/1998) – *Adoption and notification of forename*

- (1) After the birth, a child must be given a forename. No more than three forenames may be given. The given forenames must be notified to the Population Information System within two months of the child's birth. The child's forename must be notified to the competent local register office of the child's municipality of residence or population registration municipality. The notification may also be submitted to that parish of the Evangelical-Lutheran Church or Orthodox Church of which the child is a member. The parish must establish the lawfulness of the name and submit the information on the name without delay to the Population Information System for registration.
- (2) If a person whose birth has not been entered into the Population Information System does not have a forename at the time when he or she is being entered into the Population Information System in Finland, the person must notify the forename that he or she will adopt to the competent local register office of his or her municipality of residence or population registration municipality. No more than three forenames may be adopted.
- (3) A forename that has been entered into the Population Information System may be changed only as provided below.

Section 32 b (253/1991) – *General impediments to approval of forename*

- (1) A name cannot be approved as a forename if it is inappropriate or if its use may otherwise cause manifest inconvenience.
- (2) A name cannot be approved as a forename without a reason specified in subsection 3, if:
  - (1) the form or spelling of the name is contrary to the naming practices in Finland;
  - (2) the name is a woman's name given to a boy or a man's name given to a girl;
  - (3) the name is a surname, unless it is constructed from the forename of the father or the mother ending in poika ("son") or tytär ("daughter") and is used after another forename; or

- (4) the name already belongs to a sibling or a stepsibling, unless it is used together with another forename.
- (3) However, a forename that does not comply with the requirements in subsection 2 may be approved
  - (1) because of religious custom;
  - (2) if the person has a connection with a foreign state by virtue of his or her citizenship, family relations or some other special circumstance and the proposed forename complies with the naming practices of the said state; or
  - (3) it is deemed that there is some other adequate reason for the approval.

Section 32 c (485/1993) – *Notification of a change of forename*

- (1) If the forenames have not been changed before, a forename may be changed by submitting a written notification to the competent local register office of the municipality of residence or population registration municipality of the person changing the forename. A person is allowed to change his or her forename by virtue of this section only once. (617/1998)
- (2) Provisions on the number and grounds for approval of forenames in sections 32 a and 32 b apply to a change of forename.

Section 32 d (253/1991) – *Application for a change of forename*

- (1) A forename may be changed, if the name is contrary to the provisions of section 32 b or if the applicant presents some other adequate reason for the change and there is no impediment to the approval of the proposed forename.
- (2) The provisions of sections 14–16, 16 a and 20–22 apply to the application for a change of forename, where appropriate. (421/2007)
- (3) Unless the application is to be transferred to another authority, dismissed or immediately rejected, the local register office must request a statement from the Names Board on the new forename proposed by the applicant. However, provisions on cases where a statement of the Names Board shall not be requested may be laid down by decree. If the Names Board has not considered the proposed forename approvable, the local register office must reserve the applicant an opportunity to submit a written reply to the Board's statement. (69/1999)

Section 32 e (485/1993) – *Applicable law and jurisdiction of Finnish authorities in matters concerning forenames*

If a person whose forename is the issue is habitually resident in Finland or if the person is a Finnish citizen, the provisions of sections 25–28 are applied to the notification, adoption and change of forename.

Section 32 f (253/1991) – *Legitimacy of a forename adopted abroad and recognition of a foreign decision on change of forename*

If a person has, in a foreign state, adopted a new forename or the forename has been changed without a decision by an authority or the forename has been changed by a decision of an authority, the provisions of sections 29–31 are applied to the forename.

## Chapter 7 – Miscellaneous provisions

Section 33 – *Right of a minor to decide on his or her name and the right of a person without legal capacity to be heard* (253/1991)

- (1) The surname of a minor child cannot be changed under Chapters 2 and 4 of this Act nor can his or her forename be changed under Chapter 6 a without the consent of the child, if the child has reached the age of twelve. However, the consent is not necessary, if the child is incapable of expressing his or her will because of an illness

or a disability. Furthermore, the surname of a child under twelve years of age cannot be changed under Chapter 4 nor can his or her forename be changed under Chapter 6 a against his or her will, if the child is mature enough for his or her will to be taken into consideration. (253/1991)

- (2) A minor intending to marry has the right to decide on his or her surname upon marriage.
- (3) In other respects, the provisions of Chapter 12, sections 1, 3, 4 and 5 of the Code of Judicial Procedure are applied to the exercise of the right of a person without legal capacity to be heard in matters referred to in Chapters 4 and 6 a of this Act. (253/1991)

#### Section 33 a (1396/2009) – *Competent authority in the province of Åland*

The provisions concerning local register offices in this Act apply also to the State Department of Åland.

#### Section 34 – *Authorisation to issue a decree and regulations* (253/1991)

- (1) Further provisions on the application of this Act shall be issued by decree.
- (2) If necessary, the Ministry of Justice shall issue more detailed regulations on observing the legislation and naming practices of a foreign state in the application of this Act. (253/1991)

### Chapter 8 – Entry into force and transitional provisions

#### Section 35 – *Entry into force*

- (1) This Act enters into force on 1 January 1986.
- (2) This Act repeals the Surnames Act (328/1920), as amended, sections 32 and 84 of the Marriage Act (234/1929), as amended, and section 3(2) of the Act on the Implementation of the Paternity Act (701/1975).

#### Section 36 – *Retaining a previously acquired surname*

- (1) The provisions of this Act do not effect a change in a surname that has been entered into the Population Register before the entry into force of this Act.
- (2) If a surname has not been entered into the Population Register before the entry into force of this Act and a final decision referred to below has been issued before the entry into force of this Act, the previous law is applied, if:
  - (1) the new surname has been approved under the Surnames Act (328/1920);
  - (2) a court has, under section 84 of the Marriage Act (234/1929), ordered that a wife does not have the right to use the surname of her husband; or
  - (3) a court has given its consent to an adoption or revoked an adoption, as provided in the Act on Adopted Children (208/1925), or granted an adoption, as provided in the Adoption Acts (32/1979 and 153/1985).

*Section 84 of the Marriage Act 234/1929 has been repealed by the Act 411/1987. The Act on Adopted Children 208/1925 has been repealed by the Act 32/1979. The Adoption Act 153/1985 has been repealed by the Adoption Act 22/2012.*

#### Section 37 – *Change of a previously acquired surname*

The provisions of Chapters 2, 3, 4 and 5 of this Act shall be applied to a change of surname even when the surname has been entered into the Population Register before the entry into force of this Act, as well as when a surname referred to in section 36(2) has been entered into the Population Register after the entry into force of this Act.

#### Section 38 (617/1998) – *Right of a wife to readopt her previous surname*

If spouses have got married before the entry into force of this Act, the wife has during the marriage the right to readopt the surname that she had when unmarried by submitting a written notification to the competent local register office of her municipality of residence or population registration municipality.

*Section 39 – Transitional provisions for Chapter 6*

- (1) The provisions of Chapter 6 of this Act on determination of a surname and recognition of a foreign decision shall also be applied when the grounds for the determination of surname have appeared, the notification has been made, or the decision has been issued before the entry into force of this Act and the person in question has not been habitually resident in Finland when the grounds for the determination of surname appeared or when the decision was issued, or after this before entry into force of this Act.
- (2) The provisions of Chapter 6 of this Act on the jurisdiction of a court and a Provincial Government shall be applied also in proceedings initiated before the entry into force of this Act, if no decision on the matter has been issued before the entry into force of this Act.