

**Translation from Finnish
Legally binding only in Finnish and Swedish
Ministry of Justice, Finland**

Act on Forenames and Surnames

(946/2017)

By decision of Parliament, the following is enacted:

Chapter 1

Forename

Section 1

Obligation to have a forename and indispensable conditions for forenames

Everyone shall have a forename.

The maximum number of forenames is four.

As a forename may only be approved a name or a combination of forenames that is not:

- 1) likely to give offence;
- 2) likely to cause harm;
- 3) manifestly inappropriate as a forename.

Section 2

Discretionary conditions for forenames

As a forename may only be approved a name that:

- 1) in its form, content and spelling complies with the established forename practices;
- 2) is in established use of the same sex;
- 3) does not clearly resemble a surname.

A name cannot be approved as the first forename of a minor child, if it is the first forename of a living sibling or half sibling of the person being named, or if it is a name ending in *poika* ("son") or *tytär* ("daughter") or a name formed in a corresponding manner, unless there are special reasons for this.

Section 3

Grounds for derogation

A forename that does not meet the conditions laid down in section 2, subsection 1, may, however, be approved:

- 1) if the name is, according to information contained in the Population Information System, already used by five living persons of the same sex as the person being named;
- 2) if the person has a connection to a foreign state due to his or her citizenship, family relations or some other equivalent circumstance and the proposed forename complies with the established forename practices of that state;
- 3) because of religious custom;
- 4) if it is considered that there is some other special reason for the approval.

Chapter 2

Surname

Section 4

Obligation to have a surname and changing and combining surnames

Everyone shall have a surname.

A surname may be changed to a surname that is not being used by anyone (*newly coined surname*) or to another surname being used, or it may be combined with another surname. Provisions on changing and combining surnames are laid down below.

Section 5

Compound surname

Two different surnames that a person has the right to use under this Act may be combined to form a compound surname. No more than two surnames may be combined. The two surnames to be combined may be hyphenated or written separately. The order of the surnames and the possible use of a hyphen shall be decided upon when forming the compound surname.

Section 6

Determination of a child's surname

If parents have a common surname or a common compound surname when a notification of a child's name is made, the child is given this surname or compound surname.

If parents do not have a common surname or a common compound surname, a child is given the same surname or compound surname that his or her full sibling who is in the joint custody of the parents has.

If a child has only one parent when a notification of the child's name is made, the child is given the surname or compound surname of this parent.

In cases other than those referred to in subsections 1–3, the surname of either of the parents or a compound surname formed of the parents' surnames may be chosen as the child's surname.

Notwithstanding the provisions of subsections 1–4, a surname or a compound surname formed of the name of a parent or a grandparent or of the names of both of these may be chosen as the surname of a child, if the parent has a connection to a foreign state due to his or her citizenship, marriage or some other equivalent circumstance and the surname notified by the parents complies with the naming practices of that state.

Section 7

Giving a parent's compound surname to a child

If a parent has a compound surname, the child may, in a situation referred to in section 6, subsection 4, be given:

- 1) the parent's compound surname as such;
- 2) one of the surnames in the parent's compound surname as such or combined to the surname of the other parent or combined to one of the surnames in the other parent's compound surname.

Section 8

Determination of a minor's surname based on adoption

The provisions of sections 6 and 7 on the determination of a child's surname apply to the determination of an adoptee's surname.

An adoptee may, however, retain his or her own surname as such or as one of the surnames in a compound surname. A surname retained by an adoptee cannot be given to his or her siblings.

Section 9

Retention of surname upon marriage

Upon marriage, both spouses retain the surname or compound surname they had before marriage, unless they agree otherwise.

Section 10

Common surname and compound surname of spouses

Prospective spouses may together decide to adopt a common surname or a common compound surname upon marriage. The surname that either of the spouses has when requesting an examination of impediments to marriage or last had when unmarried may be adopted as the common surname or as one of the names in a common compound surname.

One of the surnames in a compound surname of either of the spouses may also be adopted as the common surname. The compound surname of either of the spouses may also be adopted as the common compound surname as such.

Section 11

Adoption of spouse's surname or one of surnames in spouse's compound surname

If prospective spouses do not adopt a common surname or compound surname referred to in section 10, one of the spouses may, with the consent of the other spouse, form a compound surname by combining his or her own surname or one of the surnames in his or her own compound surname with the spouse's surname or one of the surnames in the spouse's compound surname. With the consent of the

other spouse, a prospective spouse may also adopt one of the surnames in the other spouse's compound surname as his or her surname.

Section 12

Conditions for transfer of spouse's surname

A surname that in the manner referred to in section 11 is adopted by a spouse as his or her surname or as one of the surnames in his or her compound surname shall be a surname that is used by the other spouse when an examination of impediments to marriage is requested or a surname that the other spouse last had when unmarried, and the other spouse shall retain this surname or adopt it upon marriage.

Section 13

Surname adopted from former spouse

A surname that a person has adopted from a former spouse cannot be adopted by a new spouse as his or her surname or as one of the surnames in a compound surname. Similarly, a compound surname that a person has adopted from a former spouse cannot be adopted by a new spouse.

Section 14

Adoption of common surname or spouse's surname during marriage

When changing surnames during marriage, the provisions of sections 10–13 on the surname options available to prospective spouses apply.

If a spouse has changed his or her surname after the examination of impediments to marriage, only the name or compound name that he or she has when an application referred to in subsection 1 is made may be transferred to the other spouse.

Section 15

Renouncing compound surname

A person who has a compound surname has the right to renounce one of the names in the compound surname.

Section 16

Adoption of surname in use

A surname that according to the Population Information System is being used by a living person may be adopted as a surname only if:

- 1) the applicant demonstrates that the surname has belonged to him or her or to one of his or her ancestors going back up to five generations from, and including, the applicant;
- 2) the case concerns a change of spelling or shortening of a foreign surname being used by the applicant so that the surname becomes easier to use;
- 3) the surname is being used by the applicant's cohabiting partner, with whom the applicant has lived in the same household for at least five years or with whom the applicant has or has had a common child or a child in joint custody, and the cohabiting partner gives his or her consent to the adoption of the name;
- 4) the surname is being used by the applicant's child or sibling and the applicant receives consent to the adoption of the name from all holders of the surname entered in the Population Information System;
- 5) the surname is being used by the applicant's foster parent and the foster parent gives his or her consent to the adoption of the name;
- 6) adoption of the surname proposed by the applicant shall, due to changes in family relations or for some other very important reason, be considered particularly justified.

Section 17

Indispensable conditions for newly coined surnames

As a newly coined surname may only be approved a name that is not:

- 1) likely to give offence;
- 2) likely to cause harm;
- 3) manifestly inappropriate as a surname.

Section 18

Discretionary conditions for approval of newly coined surnames

In the absence of a special reason for approval, as a newly coined surname may only be approved a name that:

- 1) in its form, content and spelling complies with the surname practices in Finland;

- 2) is not in established use of a specific, well-known and historically remarkable Finnish or foreign family;
- 3) does not clearly resemble a forename;
- 4) does not consist of two or more separately written names or parts of names.

Section 19

Protected identifiers

In the absence of a special reason for approval, as a newly coined surname may only be approved a name that cannot be confused with:

- 1) the name of a nationally known foundation, association or some other organisation;
- 2) a registered trade name or trademark or some other protected identifier used in industrial or commercial activities;
- 3) a nationally or internationally well-known artist name.

The provision of subsection 1, paragraph 2 does not apply to trade names of housing companies.

When assessing the acceptability of a newly coined surname, general place names or standard language words are not considered protected identifiers.

Section 20

Special reasons for approval of newly coined surnames

A newly coined surname may be approved for a special reason even if the conditions laid down in section 18 are not met, if:

- 1) the applicant demonstrates that the surname has belonged to him or her or to one of his or her ancestors going back up to five generations from, and including, the applicant;
- 2) the case concerns a change of spelling or shortening of a foreign surname being used by the applicant so that the surname becomes easier to use;
- 3) the applicant has a connection to a foreign state due to his or her citizenship, marriage or some other equivalent circumstance, and the surname proposed by the applicant complies with the naming practices of that state;
- 4) it is justified because of religious custom;
- 5) adoption of the newly coined surname proposed by the applicant shall otherwise be deemed particularly justified.

A newly coined surname may be approved for a special reason referred to in subsection 1, paragraph 1 also when the conditions laid down in section 19 are not met. A special reason for the approval of a name also exists if the applicant receives consent from the holder of a protected identifier to the name change.

Chapter 3

Name authorities and procedural provisions

Section 21

Name authorities

Matters concerning forenames and surnames are decided by the local register office that is competent in the applicant's municipality of residence or population register municipality. Notifications and applications may be submitted to any local register office. The provisions of this Act concerning local register offices apply to the State Department of Åland in the Åland Islands. Provisions on the distribution of authority between the local register offices in a manner derogating from what is provided above may be issued by decree of the Ministry of Finance.

A court may issue a decision on the surname of a minor adoptee in conjunction with the granting of adoption.

The Names Board appointed by the Ministry of Justice acts as a special expert authority in questions concerning the application of this Act. Provisions on the composition and tasks of the Board are issued by government decree. Furthermore, provisions on the procedure to be followed in the issue of opinions may be issued by government decree.

Section 22

Notification of forename

A person who has custody of a child (custodian) shall notify the child's forename to a local register office within three months from the child's birth. The notification may also be submitted to that parish of the Evangelical-Lutheran or Orthodox Church of which the child is a member. The recipient of the notification shall establish the lawfulness of the forename notified. If there is reason to question the lawfulness of the forename, if the name is not already used by anyone, or if the name cannot be approved, the parish shall without delay refer the matter to a local register office for resolution.

If a person does not, in a case other than that referred to in subsection 1, have a forename when he or she is registered in the Population Information System in Finland, the person or his or her custodian shall notify the forename that the person will adopt to a local register office within six months from the date of registration in the Population Information System, unless there are special reasons to act otherwise.

If a notification of a minor's forename has not been made within the specified time limit, the local register office sends the custodian a request to fulfil the duty of notification. If the duty of notification has not been fulfilled within a reasonable time from the request, the local register office is obliged, notwithstanding secrecy provisions, to notify the matter to the body responsible for social services in the child's municipality of residence, which shall ensure that the duty of notification is fulfilled.

Section 23

Notification of surname

A child's custodian shall notify the child's surname to the local register office within three months from the child's birth. The notification may also be submitted to that parish of the Evangelical-Lutheran or Orthodox Church of which the child is a member. The recipient of the notification shall establish the lawfulness of the name. If there is reason to question the lawfulness of the surname or compound surname notified, if the notified surname or compound surname cannot be approved, or if the notified surname or compound surname is one of those referred to in section 6, subsection 5, the parish shall without delay refer the matter to a local register office for resolution.

If a person does not, in a case other than that referred to in subsection 1, have a surname when he or she is registered in the Population Information System in Finland, the person or his or her custodian shall notify the surname that the person will adopt to a local register office within six months from the date of registration in the Population Information System, unless there are special reasons to act otherwise. In this case, the provisions of sections 6 and 7 apply to the determination of surname or compound surname.

If a notification of a minor's surname has not been made within the specified time limit, the local register office sends the custodian a request to fulfil the duty of notification. If the duty of notification has not been fulfilled within a reasonable time from the request, the minor is given the surname of the parent who gave birth to him or her, or, if that name is not known, the surname of the other parent. If

the surname of either of the parents is not known, the local register office is obliged, notwithstanding secrecy provisions, to notify the matter to the body responsible for social services in the child's municipality of residence, which shall ensure that the duty of notification is fulfilled.

Section 24

Change of surname upon marriage

Where prospective spouses have decided to adopt a surname or a compound surname referred to in sections 10–13 upon marriage, they shall make a notification of their choice of surnames when they request an examination of impediments to marriage. Where the examination of impediments to marriage is requested from a parish of the Evangelical-Lutheran or Orthodox Church and there is reason to question the lawfulness of the notified name or the notified name cannot be approved, the parish shall without delay refer the matter to a local register office for resolution.

In addition to the information referred to in section 13 of the Marriage Act (234/1929), the certificate on the examination of impediments to marriage shall also contain a statement on the lawfulness of the chosen surname.

Both spouses may retain their own surnames upon marriage irrespective of the choice of name made in conjunction with the examination of impediments to marriage.

Section 25

Change of forename or surname

Unless a case concerns a forename or a surname that may under sections 22–24 be adopted in a notification procedure, a change of forename or surname requires an application that is submitted to a local register office.

Section 26

Notification and application

Notifications and applications concerning forenames and surnames shall be made in writing. The desired forename or surname shall be mentioned in the notification or application. The application shall state reasons for the adoption of the new forename or surname, unless this is manifestly unnecessary.

An application for a change of name is personal. A joint application may, however, be made regarding adoption of a common surname or compound surname, if the applicants are spouses or cohabiting partners referred to in section 16, subsection 1, paragraph 3. Furthermore, a joint application may be made by a parent and his or her minor child living in the same household.

Section 27

Decisions in name matters concerning children taken into care

Before resolving a matter concerning the forename or surname of a child taken into care, the local register office shall request an opinion of the municipal body responsible for social services that has the care of the child.

Section 28

Notifications and applications free of charge

Provisions on the general criteria for charging for performances by local register offices under this Act and for the amount of fees charged for the performances are laid down in the Act on Criteria for Charges Payable to the State (150/1992). No fee is charged for the processing of notifications.

Similarly, no fee is charged for a decision made upon an application, the purpose of which is that:

- 1) a minor child receives the surname or compound surname that both of the child's parents have;
- 2) a minor child receives the surname or compound surname of a parent whose parenthood had not been confirmed when the notification of the child's name after birth was made;
- 3) a minor child receives the surname or compound surname of an adoptive parent after granting of adoption;
- 4) a minor child receives the surname or compound surname of the other parent after annulment of paternity;
- 5) a minor child receives the surname or compound surname that his or her parent has adopted upon marriage or registered partnership and that both spouses have and to the adoption of which the other spouse gives his or her consent;
- 6) a minor child renounces one of the surnames in a compound surname after reaching the age of 15;
- 7) an applicant changes his or her forename upon or after recognition of gender to correspond to the gender that has been entered into his or her details in the Population Information System under the Act on the Population Information System and the Certificate Services of the Population Register Centre (661/2009).

Section 29

Informing general public about newly coined surnames and submission of objection

If a local register office considers that there are no impediments to the approval of a newly coined surname, the office shall, before approving the name, inform the general public of the newly coined surname by publishing it on its website.

Anyone who considers that the adoption of the newly coined surname by the applicant would be contrary to the provisions of section 18, paragraph 2 or section 19 and that the approval of the application would infringe his or her rights has the right to submit an objection against the application.

The objection shall be submitted to the local register office in writing within 30 days from the date on which information on the proposed newly coined surname was published on the website. However, an objection submitted after the said time limit can be taken into consideration, if the matter has not yet been decided. Provisions on the contents of the notice to be published on the website of a local register office may be issued by government decree.

Section 30

Opinion of the Names Board

Unless an application is to be transferred to another authority, ruled inadmissible or immediately rejected, the local register office shall request an opinion of the Names Board, if the application concerns:

- 1) a forename in cases where there are reasonable grounds to suspect that the name does not meet the conditions laid down in sections 1–3;
- 2) a newly coined surname in cases where the name has not been used by the applicant before; or
- 3) a surname which has belonged to an ancestor of the applicant and in regard of which the latest document notation has been made before the year 1900.

The local register office shall request an opinion of the Names Board in a matter concerning a forename or a surname also in other cases where it considers that there are special reasons for this.

However, provisions may be issued by government decree stating that an opinion of the Names Board shall not be requested on applications specified in the decree.

Section 31

Resolving name matters

A name matter that is based on a notification and where a decision is not required is considered to have been resolved when a local register office or a parish has entered the name in the Population Information System.

A name matter that is based on an application as well as a notification concerning a name that cannot be approved is resolved by decision of a local register office. If no objection has been submitted against an application, the approved name shall be entered in the Population Information System without delay.

If an opinion of the Names Board has been requested in a matter, the decision of the local register office shall be submitted to the Names Board for information.

Section 32

Rectification of information and request for review

Provisions on local register offices' obligation to rectify erroneous information entered in the Population Information System are laid down in the Act on the Population Information System and the Certificate Services of the Population Register Centre.

Decisions of local register offices may be appealed against to an administrative court in the manner provided in the Administrative Judicial Procedure Act (586/1996). A decision of an administrative court may be appealed against only if the Supreme Administrative Court grants leave to appeal. A decision of an administrative court and the Supreme Administrative Court in a matter concerning a name shall be submitted to the Names Board for information.

Section 33

Forfeiture of surname

If a person has adopted a new surname upon application and the use of the name essentially infringes someone else's right to the protection of a name as referred to in section 16, section 18, paragraph 2 or section 19, the holder of the name may institute a claim for declaring the surname forfeited.

The claim shall be brought within five years from the date on which the surname was entered in the Population Information System.

The person whose right to the surname has been declared forfeited under subsection 1 shall be obliged to re-adopt his or her previous surname.

Chapter 4

Rules of private international law

Section 34

Determination of name

For the purposes of this chapter, determination of name means the adoption or change of name by virtue of birth, marriage or divorce, establishment or annulment of parenthood, child adoption, or other family relations, when the adoption or change of name is directly based on a provision of law or on a notification made to the competent authority and the case has a connection to a foreign state.

Section 35

Law applicable to determination of name

If the person whose name is to be determined is habitually resident in Finland when the grounds for determination of name appear or when a notification of the name is made, the name is determined in accordance with Finnish law.

If the person whose name is to be determined is not habitually resident in Finland at the time referred to in subsection 1, the name is determined in accordance with the law that the competent authority shall apply in the state where the person is habitually resident at the said time.

Notwithstanding the provision of subsection 2, 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 name. Provisions on the authority to which the demand shall be addressed are issued by government decree.

When a Finnish court grants an adoption, the name of a minor child is determined in accordance with Finnish law.

If the provisions of subsections 1–4 cannot be applied, the law of that state to which the person concerned has the closest connection to, considering all circumstances, shall be applied to the determination of name.

Section 36

Jurisdiction of Finnish authorities in name matters

A name may be changed to another name in Finland by decision of a Finnish authority if the person concerned is habitually resident in Finland. If the person concerned is not habitually resident in Finland, a matter concerning a change of name may be ruled admissible in Finland if the person is a Finnish citizen and habitually resident in some other state than Norway, Sweden or Denmark.

A claim for forfeiture of name may be considered by a Finnish court if the defendant is habitually resident in Finland.

When a Finnish court grants an adoption, it may issue a decision on the surname of a minor child.

In addition to situations referred to in subsections 1–3, a name may, upon application, be changed in Finland by decision of a Finnish authority also if the matter cannot be resolved in the foreign state where the applicant is habitually resident and a very important reason exists for resolving the matter in Finland.

Section 37

Effect of matter pending in foreign state

If a name matter is pending before an authority of a foreign state and it is evident that the decision to be issued in the case will be recognised in Finland, the Finnish authority shall suspend the consideration of the same matter, initiated here later than in the foreign state, until it has been established whether the decision issued in the foreign state will be recognised here.

The Finnish authority may, however, choose not to suspend the consideration of the matter or continue the consideration of a suspended matter, if it is shown that the issue of a decision in the case would otherwise be unreasonably delayed.

Section 38

Law applicable to name matters

Finnish law shall be applied to matters concerning a change of name, declaration of forfeiture of a name, and determination of surname in connection with an adoption of a child granted in Finland.

Section 39

Legitimacy in Finland of a new name adopted abroad

If a new name has been adopted in a foreign state without a decision of an authority, it may be approved as legitimate 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.

Section 40

Recognition of decision issued in foreign state

A final decision issued in a foreign state on a name change or declaration of forfeiture of a name is recognised in Finland without any separate confirmation, if the decision has been issued by an authority of that state in which the person was habitually resident or domiciled at the time of the decision, or if the decision is recognised in the said state.

A decision is recognised in Finland also when it has been issued by an authority of the state of which the person was a citizen at the time of issue of the decision.

Section 41

Refusal to recognise decision issued in foreign state

However, a decision concerning a name issued in a foreign state is not recognised in Finland, if:

- 1) the competence of the foreign authority that issued the decision was not based on the habitual residence or domicile, citizenship or some other connection of any of the parties that could be deemed a justified reason for the authority to take up the matter for consideration;
- 2) proceedings in the same matter are pending in Finland and the matter was initiated in Finland earlier than the proceedings that led to the decision issued in the foreign state;
- 3) the decision is incompatible with a decision issued on the same matter in Finland and the matter was initiated in Finland earlier than the proceedings that led to the decision issued in the foreign state;

- 4) the decision is incompatible with a decision that has been issued on the same matter in some other foreign state in proceedings initiated earlier and that is recognised in Finland; or
- 5) the decision has been issued in proceedings that are contrary to the public policy of Finland or the recognition of the decision would result in an outcome that is contrary to the public policy of Finland.

Section 42

Non-application of foreign law

Foreign law concerning determination of name or adoption of a new name without a decision of an authority shall not be applied, if the application would result in an outcome that is contrary to the public policy of Finland.

Chapter 5

Miscellaneous provisions

Section 43

Right of action in name matters

The right of action in a matter concerning the name of a minor is exercised by the person who has custody of the child (custodian) or by another legal representative of the child.

If a person who has reached the age of majority is not capable of understanding the significance of a name matter or of expressing his or her will, the right of action is exercised on his or her behalf by a guardian referred to in section 29, subsection 2 of the Guardianship Services Act (442/1999).

Section 44

Minor's right to self-determination

A minor who has reached the age of 15 may exercise the right of action together with his or her custodian or another legal representative. If a minor who has reached the age of 15 and his or her custodian or another legal representative disagree, the minor's opinion is decisive. A matter may be decided on the initiative of a minor having reached the age of 15 without hearing the custodian or another legal representative, if these cannot be reached.

The forename or surname of a minor cannot be changed without his or her written consent, if the minor has reached the age of 12. Consent is not necessary, however, if the minor does not, due to a

mental health disorder, intellectual disability or some other corresponding reason, understand the significance of the matter or is unable to express his or her will. Moreover, the forename or surname of a minor under 12 years of age cannot be changed against his or her will, if the child is so mature that his or her will can be taken into consideration.

Section 45

Restrictions on change of name of minors

In the absence of a special reason, a change of a minor's name cannot be approved if the child's forename or surname has been changed three times before he or she reaches the age of 12.

In the absence of a special reason, a change of a child's surname cannot be approved, if the change would lead to a situation where the child's name would no longer have any link to the name of either parent or where the family's minor full siblings would have different surnames.

A child's surname may be changed to a parent's surname after the child's death merely in cases where parenthood has been confirmed on the basis of acknowledgement only after the death of the child.

Section 46

Further provisions

Provisions specifying the documents needed in name matters, to be given on forms approved for this purpose, are issued by government decree. Provisions specifying the authority who approves the forms are also issued by government decree.

Chapter 6

Entry into force

Section 47

Entry into force

This Act enters into force on 1 January 2019.

This Act repeals the Names Act (694/1985), hereinafter *the repealed act*.

Section 48

Application of this Act

Unless otherwise provided below, provisions in force upon the entry into force of this Act apply to a name matter that has been initiated before the entry into force of this Act. However, the provisions of this Act apply to a matter that a court has referred back to a local register office for reconsideration.

The repealed act applies to a change of surname upon marriage, if an examination of impediments to marriage has been requested before the entry into force of this Act.

Section 49

Compliance with obligation to have a name

The provisions of this Act concerning compliance with the obligation to have a name apply also in cases where the grounds for the obligation have arisen before the entry into force of this Act. In such a case, the time limit referred to in section 22, subsection 2 and section 23, subsection 2 of this Act is calculated from the date of entry into force of this Act. If a child has been born before the entry into force of this Act, the repealed act applies to the time limit for complying with the obligation to have a name.

Section 50

Surnames in personal use

A combination of a common surname and a surname in personal use, referred to in section 7, subsection 3 of the repealed act, is after the entry into force of this Act deemed a compound surname referred to in section 5 of this Act.

Section 51

Term of members of the Names Board

The term of the members of the Names Board who are in office upon the entry into force of this Act continues until the end of the period they have been appointed for.

Section 52

Rules of private international law

The rules of private international law laid down in chapter 6 of the repealed act concerning the determination of name and recognition of a decision issued in a foreign state apply, if the grounds for the determination of name have arisen, the notification has been made, or the matter has been initiated before the entry into force of this Act.

Section 53

References to previous act

Where references are made in other legislation to the act in force upon entry into force of this Act, this Act is applied instead.