

Entry in the Commercial Register as a partnership limited by shares (KGaA)

The partnership limited by shares (KGaA) does not become a legal entity until it is entered in the commercial register. Since the KGaA is a corporation, it is entered in section B of the commercial register.

Competent Department

- [Registergericht](#)

Basic information

The commercial register is a public register kept by the district courts. It serves to ensure legal certainty in commercial transactions by providing complete and reliable evidence of the factual and legal circumstances whose disclosure is of particular interest to the general public. Two sections are maintained:

- Department A: For sole traders and partnerships (e.K., OHG, KG).
- Department B: For corporations (GmbH, AG)

The commercial register enjoys public faith. This means that bona fide legal transactions are protected to a limited extent in their trust in the correctness of the entries and announcements.

The content of the entry is published ex officio in the electronic Federal Gazette. In principle, all entries are published in their full wording.

The entry in the Commercial Register must be filed in electronic form with the locally competent district court. The signature of the merchant or the person or body authorized to represent the company must be certified by a notary public. Depending on the form of the company, different information must be provided and attachments must be included.

Procedure

The registration of a company in the Commercial Register Section B is generally carried out by a notary public.

The entry itself is made by the district court.

Legal bases

- [§ 12 Handelsgesetzbuch \(HGB\)](#)
- [§§ 14, 36, 37, 278, 280, 282 Aktiengesetz \(AktG\)](#)
- [Gerichts und Notarkostengesetz \(GNotKG\)](#)
- [Verordnung über Gebühren in Handels-, Partnerschafts- und Genossenschaftsregistersachen \(HRegGebV\)](#)

How long does it take to process

The registration court must decide on the registration immediately after receipt of the application. If all documents are available and no objections by the court are necessary, registrations are usually made within a few working days.