

Topic: Question on Assumed Names
 Question by: Rebecca Longfellow
 Jurisdiction: Indiana
 Date: January 3, 2012

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Manitoba	
Corporations Canada	
Alabama	
Alaska	
Arizona	
Arkansas	
California	

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Colorado	<p>In Colorado, an assumed entity name applies to the foreign entity whose true name is not distinguishable on the records to use. Here is a copy of the section in Colorado Revised Statutes:</p> <p>7-90-603. Assumed entity name of foreign entity If the name that a foreign entity would use as its foreign entity name is not permitted to be used by the foreign entity under section 7-90-601, the foreign entity, in order to obtain authority to transact business or conduct activities in this state, shall assume for use in this state as its foreign entity name a foreign entity name that would comply with section 7-90-601.</p> <p>Section 7-90-601 further defines the words each entity type shall include in its name. However, we do not reject any filing if the name does not fit the applicable criteria. These filings are all online so we put this information out there on the web page and expect the filer to read and follow the suggestions – or file a correction to fix the error once they become aware.</p> <p>We also file all trade names and those documents are online filings also. Trade names do not need to be distinguishable on the records.</p>
Connecticut	
Delaware	
District of Columbia	<p>In the District of Columbia trade name may not contain any corporate indicators with the exception of the word “company”. We also have restriction on the words “insurance” and “banking” and cross validate the trade names against the corporate names.</p>

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Florida	<p>In Florida, section 865.09(14), F.S., states "a fictitious name registered as provided in this section may not contain the words "Corporation" or "Incorporated," or the abbreviations "Corp." or "Inc.," unless the person or business for which the name is registered is incorporated or has obtained a certificate of authority to transact business in this state pursuant to chapter 607 or chapter 617."</p> <p>Therefore, by statute, we can prohibit non-corporations from using the words "Corporation" and "Incorporated" or their abbreviations "Corp." and "Inc." in a fictitious name. Unfortunately, Chapter 865, F.S., did not address this issue for the other business entity types. Therefore, we cannot statutorily prohibit non-LLC's from using "Limited Liability Company" or the abbreviation "LLC"; non-limited partnerships from using "Limited Partnership" or "LP"; or non-limited liability partnerships from using "Limited Liability Partnership" or "LLP".</p> <p>We will, however, still reject the fictitious name registration if we receive such a filing by mail. Electronic filings, however, are not screened and will be processed automatically. While we do not have the statutory authority to reject for the incorrect use of such business endings/suffixes, most of the filers appreciate the rejection because they are usually trying to file the actual documentation to form a limited liability company, limited partnership, etc. on our records and inadvertently submitted the fictitious name registration in error.</p>
Georgia	
Hawaii	<p>In Hawaii, foreign corporations, LLCs and limited partnerships are required to file a fictitious name or trade name application when its legal name is not available. The fictitious name or trade name under the foreign entity must meet the availability standards and use an organizational designation that complies.</p>
Idaho	
Illinois	
Indiana	

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Iowa	
Kansas	
Kentucky	
Louisiana	In Louisiana Assumed and DBA names are filed at a parish (county) level.
Maine	
Maryland	
Massachusetts	
Michigan	<p>In Michigan, Section 217 (1) of the Business Corporation Act states in part that: A domestic or foreign corporation may transact business under any assumed name or names other than its corporate name, if not precluded from use by section 212, by filing a certificate stating the true name of the corporation and the assumed name under which the business is to be transacted. A certificate of assumed name filed under this section does not create substantive rights to the use of a particular assumed name.</p> <p>Section 206 (1) of the Limited Liability Company Act provides: A domestic or foreign limited liability company may transact business under an assumed name or names other than its name as set forth in its articles of organization or certificate of authority, if not precluded from use of the assumed name or names under section 204(3), by filing a certificate stating the true name of the company and the assumed name or names under which business is to be transacted.</p> <p>Section 204(2)(b) of the Limited Liability Company Act provides that the name of the limited liability company shall not contain the word "corporation" or "incorporated" or the abbreviation "corp." or "inc."</p> <p>Neither Act requires that an assumed name contain a corporate ending or designation such as Corp, Inc, LLC, etc.</p>

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Minnesota	
Mississippi	
Missouri	
Montana	<p>In Montana the statute for assumed names specifically states that “An applicant for an assumed business name may not use a business name identifier that incorrectly states the type of entity that it is or incorrectly implies that it is a type of entity other than the type of entity that it is.”</p> <p>For example, if a limited liability company is registering an assumed name, the assumed name may contain “LLC”, “limited liability company”, “limited company” or “lc” but may not contain “company”, “corporation”, “limited” or “incorporated” since those are identifiers for a corporation in Montana.</p>
Nebraska	
Nevada	<p>In Nevada, Fictitious Firm names or DBAs are filed at the county level. Each jurisdiction sets its filing parameters. Most do not allow for the endings required for corporate entities.</p>
New Hampshire	<p>New Hampshire is the same as D.C.</p>
New Jersey	
New Mexico	
New York	
North Carolina	<p>In North Carolina assumed names are registered at the Register of Deeds Office in each county the entity has an office. I checked the Mecklenburg County Register of Deeds website and there is no information regarding what is or isn't acceptable.</p>
North Dakota	

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Ohio	<p>In Ohio, we have a restriction in the law which prohibits a trade name to include a corporate entity word/abbreviation, but there is not a similar restriction for fictitious names. Also, there is no restriction on a trade name using an entity word/abbreviation that would imply it is a LLC, partnership or other entity type. For example, if the trade name “ABC Inc.” is filed with our office we would only accept it if the registrant is a corporation, but would otherwise be rejected. However, the customer could file “ABC Inc.” as a fictitious name and it would be accepted. We also have an exception for the word “company” which can be used by any entity type.</p>
Oklahoma	<p>Oklahoma Secretary of State does not have a filing for “Assumed Names”. Instead, Trade Names may be filed on behalf of existing entities to do business as a name other than their legal name. Individuals may also file a trade name. Trade names are not filed with a corporate indicator.</p> <p>Foreign entities must file a Fictitious Name in the case their legal name is not available in the state of Oklahoma. In the case of a Foreign LLC or Foreign LP, if their legal name does not have the necessary LLC or LP ending required by Oklahoma statutes, they must also file a Fictitious Name form to include the necessary ending, and this is how they shall do business in the state of Oklahoma.</p>
Oregon	<p>In Oregon, much like Utah, the corporate designation, if any, must match the registrants' entity identifier. Of course, there's an exception - the word "company", which can be a corporate designation or just part of an ABN.</p> <p>The clearest explication of this is in our administrative rule: 160-010-0014 Prohibitions (1) An entity identifier, except for “company” and abbreviations thereof, cannot be used with an assumed business name, unless all the registrants on the assumed business name are entities identified in the name.</p>

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Pennsylvania	<p>Pennsylvania is similar to Utah with the exception that “the use of the word “company” or any derivation or abbreviation thereof by a sole proprietorship, a partnership or a corporation is permissible.” Any other designation must match that of the parent entity.</p>
Rhode Island	<p>Good morning! Rhode Island allows fictitious business name statements to be filed by business corporations, non-profit corporations, limited partnerships, and limited liability companies. An entity ending can be included; however, it must be one of the statutory endings associated with its entity structure. The only exception is “company.”</p> <p>Multiple names cannot be filed on one statement. If the entity is electing to hold one or more fictitious names, a statement must be recorded for each. Fictitious names do not expire; however, are subject to the same name availability rules as the true entity name. Therefore, if the entity allows itself to become revoked and fails to reinstate within the first year, its true name and all fictitious names become available for use.</p> <p>Each Chapter of the Rhode Island General Laws has a “name” section. I’ve attached the business corporation section for your reference together with our filing form.</p>
South Carolina	
South Dakota	
Tennessee	

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<p>Texas</p>	<p>Chapter 71 of the Texas Business & Commerce Code require the filing of an assumed name certificate by all entities that file formation documents with the Secretary of State, in addition to limited liability partnerships that are registered with this office, when the entity regularly conducts business under a name in addition to or other than its legal name. Note that these entities also file on the county level.</p> <p>Sole proprietorships, general partnerships, joint ventures and other unincorporated entities file only on the county level in the county where the principal office is located or the county where the registered office is located if no principal office is maintained in Texas.</p> <p>This is a notice filing and the filing officer (SOS or county clerk) has no authority under chapter 71 to reject a filing for substantive reasons including whether or not the assumed name misuses an organizational designation. The filing officer may only reject if information required to be in the certificate is omitted. Section 5.051 of the Texas Business Organizations Code specifically provides of that the requirements of subchapter B of chapter 5 of the Code (relating to the availability and organizational designations of entity names) does not apply to assumed names filed under chapter 71 of the BB&CC.</p> <p>There are civil and criminal penalties for failing to file. In addition, the Texas Deceptive Trade Practice Act does provide that it is a deceptive trade practice to use corporation, incorporated or abbreviations of those terms if the entity is not incorporated.</p> <p>Note that a foreign entity is required to conduct business under an assumed name when its legal name is not available. Under this circumstance, the assumed name under which the foreign entity must qualify must meet the availability standards and use an organizational designation which complies with chapter 5 of the BOC.</p>

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Utah	<p>In Utah, because the assumed name is merely a "nickname" of the parent (whether it is a corporation or any other person) we require any entity identifier match the parent. If we have to defend our position we go to the name statute associated with the parent and that requires the appropriate identifier and none else.</p>
Vermont	
Virginia	
Washington	<p>Washington does not have similar statutes. RCW 19.80 applies to trade names which are now filed with the Business Licensing Services through Department of Revenue (long story, don't ask). http://apps.leg.wa.gov/rcw/default.aspx?cite=19.80&full=true</p> <p>In general, if someone uses a corporate ending (Inc, LLC, etc.) the department checks to see if they are filed with SOS. This is a new process and not working a hundred percent yet.</p>
West Virginia	
Wisconsin	
Wyoming	

Additional comments:

Full text of email:

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Thank you for you input.

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