

Topic: Questions Regarding Name Standards
 Question by: Cheri L. Myers
 Jurisdiction: North Carolina
 Date: March 6, 2013

Jurisdiction	Question(s)
	<p>1) Do you require that the business suffix/qualifier/corporate indicator is required to be the last item in the business' legal name and do you control these indicators? E.G. Does "Somebusiness, Inc." require the Inc.? Is "Somebusiness MC" ok? Is "Somebusiness Inc. of City" ok?</p> <p>2) Do you allow a duplicate name from another jurisdiction? If so, do you include the jurisdiction in the legal name or mark these business entities by some other means? E.G. if "Somebusiness, Inc." exists in your records, do you allow another company of the same name and legal extension from say Virginia? Do you allow "Somebusiness, LLC."? Do you allow it but mark it as "Somebusiness, Inc. of Virginia"? Do you allow it but mark it differently and if so how?</p> <p>3) Do you allow a duplicate dba name from other jurisdictions? E.G. a domestic entity named "Somebusiness, Inc" and a Foreign entity named "Somebusiness, Inc." dba "Somebusiness, Inc. of Foreignland"?</p>
Manitoba	
Corporations Canada	
Alabama	
Alaska	
Arizona	<p>1.) We call them entity identifiers, and Arizona law requires specific ones for corps and specific ones for LLCs. The identifier does not have to be at the end of a name. Here is a link to our Naming Standards, which includes the legal requirements for the identifiers: http://www.azcc.gov/divisions/corporations/filings/namingpolicy.asp</p> <p>2.) We do not allow duplicate names at all.</p> <p>3.) In Arizona, the Sec. of State's office registers dba names, but their database is linked with ours for name-checking purposes, and they follow the same naming standards. They do not allow duplicate names as trade names. Foreign entities whose true name is not available in this state may use a fictitious name without having to register it as a trade name.</p>
Arkansas	
California	

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Colorado	<p>1.) Colorado statutes specifies "...name shall contain the term or abbreviation..." so the specific language does not have to be at the end of the name.</p> <p>2.) Names must be distinguishable on the records of our office so an exact duplicate is not allowed to be filed on the statement of foreign authority without the inclusion of an assumed name that is distinguishable. The person submitting the document for filing chooses the assumed name for their entity to use in Colorado. Our online process guides the filer through the process of whether the name is distinguishable or not. Both the true name, and the assumed entity name when required, are then displayed on the summary page for the record.</p> <p>3.) If the foreign entity's true name is not distinguishable, then the assumed entity name must be.</p> <p>Colorado also files trade names which are sometimes referred to as dba. Trade names do not need to be distinguishable.</p>
Connecticut	
Delaware	
District of Columbia	<p>1.) Yes we have that requirement</p> <p>2.) We will allow for duplicate name entity to add the name of the state of domicile or pick another alternate name.</p> <p>3.) No</p>

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<p>Florida</p>	<p>1.) The name of a profit corporation, nonprofit corporation, limited partnership, and limited liability limited partnership must merely "contain" an appropriate suffix. The name of a limited liability company, on the other hand, must "end" with the appropriate suffix.</p> <p>2.) The name of a profit corporation, nonprofit corporation, limited partnership, limited liability limited partnership, and limited liability company must be distinguishable on the records of this office. If the name of the out-of-state business entity is not distinguishable from the name of another business entity on the records of this office, it must adopt an alternate name for Florida.</p> <p>3.) If a Florida entity is transacting business under a name other than its legal/official name or a foreign entity is transacting business under a name other than the name under which it registered to transact business in this state, it must file a fictitious name registration. Because fictitious name registrations are filed for public notice purposes only here in Florida, Florida law allows more than one party to operate under the same fictitious name.</p> <p>Our computer records are updated to reflect both the entity's legal name in its home jurisdiction and the alternate name adopted for the state of Florida. The entity's jurisdiction does not have to be included in the alternate name. Many do, however, simply adopt an alternate name that includes their jurisdiction in order to meet our name availability requirements.</p>
<p>Georgia</p>	
<p>Hawaii</p>	<p>1.) We do not require the business suffix/qualifier/corporate indicator to be the last item in the entity name. The domestic entity name must contain the required business suffix/qualifier entity indicator.</p> <p>2.) We do not allow a duplicate name from another jurisdiction.</p> <p>3.) We do not allow a duplicate dba name or trade name from other jurisdictions.</p> <p>If we have a pending foreign entity and we have the same or substantially identical name registered, the foreign entity may transact business under a fictitious name by filing trade name application.</p>

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Idaho	
Illinois	
Indiana	<p>1.) The statute requires "that a corporate name must contain corporation, incorporated, company or limited or an abbreviation or one of those words or words or abbreviations of like import in another language." It does not require the qualifier to be the last item.</p> <p>2.) IN does not allow duplicate names from other jurisdictions. We require the entity to file a fictitious name if there name is not distinguishable on the IN record. IN code states "a corporate name must be distinguishable upon the record from the corporate name of a corporation or other business entity". We would not allow ABC, INC and ABC, LLC.</p> <p>3.) In IN assumed business names are filed with the SOS. IN allows duplicate assumed business names - we do not check name availability for assumed names.</p>
Iowa	
Kansas	
Kentucky	
Louisiana	<p>1.) No we do not</p> <p>2.) If the name is already in use we allow the entity to add "of _____" and this is the exact way the name is listed on our records.</p> <p>3.) Our office does not register DBA names we do file trade names. We would not allow a duplicate trade name.</p>
Maine	
Maryland	

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Massachusetts	<p>1.) Massachusetts does require a corporate indicator for all domestic business corporations. The following indicators are acceptable: Company (Co.), Corporation (Corp.), Incorporated (Inc.) or Limited (Ltd.). The corporate indicator must be in the legal name but we do not require that it be at the end of the name. In your examples, both Somebusiness Inc. and Somebusiness Inc. of City would be ok</p> <p>2.) Massachusetts does not allow for the registration of a foreign corporation with a name that is the same as, or so similar that it is likely to be mistaken for another corporation, trademark, fictitious name, trade name trademark or service mark. Adding a geographical or numerical word at the end of the name will not take the name out of conflict. For example, Somebusiness, Inc., is registered with this office, and Somebusiness of Virginia, Inc. wants to register, they will need either a letter of consent from Somebusiness, Inc. or they will be required to file with a d/b/a name that also does not conflict with a name currently in use in the Commonwealth.</p> <p>3.) d/b/a names are only filed in this office in the instances of a name conflict and the foreign entity is being required to come in utilizing a d/b/a as their legal name is not available in Massachusetts. In those instances where the d/b/a is required the d/b/a would be searched for a conflict with an entity doing business within the records of this Office. However, if any entity files a d/b/a of its own volition this office would not do a name search.</p>
Michigan	
Minnesota	
Mississippi	
Missouri	

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Montana	<p>1.) In Montana a Corporation/LLC/LP/LLP must include a corporate identifier in the name. A Corporation for instance may use Corporation, Company, Incorporated, Limited or an abbreviation. If a state does not require a modifier, but the company wants to qualify in Montana, we do not require them to change their name in their state of incorporation/organization, but the name as used in Montana must include their corporate Identifier. So if corporation "Idobusiness" is a qualified corporation in another state, to qualify in Montana they would be known as "Idobusiness, Inc." .</p> <p>2.) if the name is not available in Montana due to a previous filing the company may file their qualification and include a "Known in Montana As" name that is significantly different from the active registered name already filed with this office. The filing is an Assumed Business name, owned by the foreign entity that is accompanied by a resolution of the board of directors stating that the company will only operate under the Known in Montana as name for their business dealings in Montana. The name may be the original corporate name with the addendum (Somebusiness, Inc. of Virginia), but must include the corporate identifier of the parent company, and be significantly different from the current registered name.</p> <p>3.) See the answer for question 2. We do not file exact duplicates of names, so if the DBA is not distinguishable from a registered name, it would not be in compliance with our requirements</p>
Nebraska	
Nevada	

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New Hampshire	<p>1.) For corporations and LLC's the name must contain qualifier but it doesn't have to be at the end of the name. "Somebusiness, Inc. of Somewhere" would be acceptable</p> <p>2.) New Hampshire does not allow duplicate names except in very specific circumstances: •A trade name holder may form a corporation or LLC under the same name as the trade name or; • the entity has either purchased all or substantially all of the assets of the name or; has a court order giving them the rights to the name.</p> <p>3.) See above.</p>
New Jersey	
New Mexico	
New York	
North Carolina	
North Dakota	

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Ohio	<p>1.) There is no requirement in Ohio law that the business suffix/qualifier be at the end of the name, we would accept the name if it contains one of the required words or abbreviations such as "Somebusiness, Inc.," "Inc. Somebusiness."</p> <p>2.) If a foreign corporation files in Ohio, the name must be available on our records. If the name is not available, they file a license application providing the name in their jurisdiction of formation and they must select an assumed name to use in Ohio. They could select the name "Somebusiness, Inc. of Virginia" as the assumed name, and it would then be distinguishable from "Somebusiness, Inc."</p> <p>3.) As stated in (2) these names would be distinguishable in Ohio, so this is an option.</p>
Oklahoma	
Oregon	<p>1.) Entity identifiers are defined as separate word or words at the end of a name. Statute denotes which identifiers are appropriate for which entity.</p> <p>2.) We don't allow duplicates. If a foreign has the same name as a domestic, in most cases, they can use the format, "Name, an entity type of jurisdiction" Entity identifiers don't make a name distinguishable.</p> <p>3.) Again, our standard is distinguishability, and we don't do "dba". We do allow for assumed business names (ABN) that have a separate registration. ABNs may duplicate (filed by county), and can be duplicate by affidavit (attesting noncompetition or prior use).</p>
Pennsylvania	<p>1.) The designator is not required to be the last word in the name.</p> <p>2.) We do not allow. (see below)</p> <p>3.) If the name of an entity registered in another jurisdiction is not available in PA, the entity may register their name but must also register to do business under a fictitious name. This requires the fictitious name to be disclosed on the certificate of authority application and a separate fictitious name registration.</p>
Rhode Island	

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South Carolina	
South Dakota	
Tennessee	
Texas	<p>1.) Organizational designation must be included in the name but Texas law does not dictate where in the name it must be included.</p> <p>2.) The application for registration will be filed when the name of the foreign filing entity is the same as the name of another entity on our records so long as the foreign filing entity adopts an assumed name for use in Texas. We refer to this assumed name as the fictitious name to distinguish it from an assumed name used on a voluntary basis. Assumed name in this instance has to meet the same availability standard as a legal name. Jurisdiction is not required to be included in the assumed name. Records show both the legal name and the fictitious name.</p> <p>3.) No, legal names of other entities as well as the fictitious names are considered in determining name availability.</p>
Utah	Utah is like Hawaii
Vermont	
Virginia	

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Washington	<p>1.) Yes, we require an ending: "corporation, incorporated, company, or limited," or the abbreviations of those terms. (RCW 23B.04.010 (a))</p> <p>2.) No, the ending is not considered in determining "distinguishable upon our records" (RCW 23B.04.010 (5)(a))</p> <p>3.) If the name is already in use, a foreign entity must use a DBA that meets our name statute (RCW 23B.01.010) However, there are certain exceptions in RCW 23B.04.010 (3).</p>
West Virginia	
Wisconsin	
Wyoming	<p>1.) We require an ending on limited liability companies and limited partnerships only.</p> <p>2.) If a foreign entity wants to register and the name is currently in use by a Wyoming company, they must file a Fictitious Name form to use another name in Wyoming.</p> <p>3.) Wyoming does not recognize DBAs. Instead, the company or individual can file a Trade Name registration</p>

Additional comments:

Full text of email:

BOS,
 I have been asked to post the following questions. Please take a minute to respond. Thanks, Cheri

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