

Topic: Name Availability  
 Question by: Kathy M. Sachs  
 Jurisdiction: Kansas  
 Date: November 10, 2014

Jurisdiction	Question(s)
	<p>Once a business entity forfeits for failure to file an annual report the name is immediately available. The forfeiture occurs 90 days after their due date has passed.</p> <p>A customer called today asking why we don't have a one year waiting period so that he doesn't have to change his name.</p> <p>Do any of you have a longer period of longer than 90 days to protect the name?</p>
<b>Manitoba</b>	
<b>Corporations Canada</b>	
<b>Alabama</b>	
<b>Alaska</b>	
<b>Arizona</b>	In Arizona, for administrative dissolution/revocation, the name is held for 6 months.
<b>Arkansas</b>	
<b>California</b>	
<b>Colorado</b>	
<b>Connecticut</b>	<p>Nope. Not in CT. Once they are administratively dissolved they can reinstate whenever (no time limitation on the reinstatement). However, if their name is taken in the interim, they are required to select a new name (presumably even if they are dissolved for just a day).</p> <p>In my opinion, this is the only fair way to do it, especially considering they are only administratively dissolved for their own neglect and/or noncompliance. Otherwise it is unfair to the new party that sought to use the name. Plus, they can always offer money to the new company in exchange for getting their name back. In the event of a privately brokered name deal, both entities would simply file Name Change amendments.</p>
<b>Delaware</b>	

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<b>District of Columbia</b>	<p>In DC name is available the very next business day from date of revocation. We used to hold the name till first business day of the next year but the law has changed in 2012.</p> <p>All our reports are due on April 1st and we will revoke entity first business day of September if report is not received. So, this gives the entity 5 months to file report or face revocation.</p>
<b>Florida</b>	<p>Florida holds the name for the entity for 1 year from the date of dissolution.</p>
<b>Georgia</b>	
<b>Hawaii</b>	<p>In Hawaii, once the entity is administratively terminated or dissolved, the name is available for registration.</p> <p>During the 2 year reinstatement period, if the entity name is registered by another company, the administratively terminated or dissolved entity must change its name.</p>
<b>Idaho</b>	
<b>Illinois</b>	
<b>Indiana</b>	<p>In Indiana the statute is silent in relation to what happens to the name in relation to administrative dissolutions. To reduce issues with reinstatements we hold the name for 120 days. This is the same amount of time the statute provides for withdrawing a voluntary dissolution.</p>
<b>Iowa</b>	
<b>Kansas</b>	
<b>Kentucky</b>	
<b>Louisiana</b>	<p>In Louisiana if the corporation is voluntarily dissolved the name becomes effective immediately. If the entity is revoked we must allow them 3 years to reinstate before the name becomes available.</p>
<b>Maine</b>	
<b>Maryland</b>	
<b>Massachusetts</b>	
<b>Michigan</b>	<p>In Michigan, the name is available immediately</p>
<b>Minnesota</b>	<p>Yes, Minnesota provides for a one year automatic name reservation after administrative dissolution, see Minnesota Statutes section 5.35. This was added after a nasty incident with a squatter and some major institutions.</p>

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<b>Mississippi</b>	
<b>Missouri</b>	<p>If an entity is administratively dissolved for failure to file anything, Missouri will hold the name for one year for a General Business or For-Profit entity and we will hold the name for two years for a Non-Profit entity.</p> <p>The only time an entities name is automatically available is when they voluntary dissolve and terminate.</p>
<b>Montana</b>	<p>Montana works the same as Connecticut except the business must reinstate within five years from dissolution.</p>
<b>Nebraska</b>	
<b>Nevada</b>	
<b>New Hampshire</b>	
<b>New Jersey</b>	
<b>New Mexico</b>	
<b>New York</b>	
<b>North Carolina</b>	<p>In North Carolina if the entity voluntarily dissolves the name is available 120 days after the dissolution is filed. The reason is because they have the 120 days to revoke the dissolution.</p> <p>If the entity has been administratively dissolved for failure to file annual reports or any other the other grounds for administrative dissolution, they have five years to reinstate with the same name.</p>
<b>North Dakota</b>	<p>North Dakota's law is like yours; the name is immediately available when a business entity is dissolved for failure to report. However; a business corporation has a full year after the missed report in which corporation is notified of the default and is in a "Not Good Standing Status" before the administrative dissolution occurs; for an LLC, that "Not Good Standing" period is 6 months. Our notification of the default advises that the entity name is forfeited when the administrative dissolution occurs.</p>
<b>Ohio</b>	<p>In Ohio, if our office cancels an entity then we hold the name for 1 year to allow them to reinstate under the same name. If the entity files a voluntary dissolution, then the name is available immediately. This is set forth in Ohio law.</p>
<b>Oklahoma</b>	
<b>Oregon</b>	

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<b>Pennsylvania</b>	
<b>Rhode Island</b>	Rhode Island holds the name for one year from the date of revocation
<b>South Carolina</b>	
<b>South Dakota</b>	
<b>Tennessee</b>	In Tennessee, the name becomes available the day the entity is administratively dissolved. Administrative dissolution occurs about 4 months after the date the annual report is due; and we send several notices before dissolving the entity.
<b>Texas</b>	Similar to CT. In Texas, once an entity is administratively terminated/forfeited, the entity name status becomes inactive and is immediately available. If the entity reinstates (no timeframe for making reinstatement for domestic entities), the entity name is reviewed for availability. If name is no longer available, reinstatement must include a certificate of amendment to change the name. The timeframe between notice of delinquency and administrative forfeiture will differ depending on the grounds for involuntary termination.
<b>Utah</b>	In Utah it depends on the entity.....corps & LLC have their name "protected" during the reinstatement period...up to two years.
<b>Vermont</b>	
<b>Virginia</b>	<p>The Code of Virginia provides that a corporation's existence or registration as a foreign corporation is automatically terminated or revoked four months after the due date for the filing of an annual report or payment of an annual registration fee. LLCs only get three months following the due date. Upon cancellation (etc.) the name becomes available and if the name is taken and not available at the time of reinstatement, the entity has to acquire or designate a new, available name.</p> <p>It seems irregular to hold a name for an entity that might never reinstate. I'm guessing that this accommodation is most common in states where an entity continues to exist in some manner after administrative dissolution.</p>
<b>Washington</b>	<p>In Washington State, once the entity is dissolved either voluntarily or administratively the name become available. Washington does not have an automatic reservation of the name with dissolutions.</p> <p>From delinquency (due date) to dissolution takes between 60-120 days depending on the cause of dissolution.</p>
<b>West Virginia</b>	
<b>Wisconsin</b>	

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Wyoming	

**Additional comments:**

**NOVA SCOTIA:**

In Nova Scotia, we protect the name for one year following failure to maintain registration in the case of a partnership/business name registration. In the case of a corporation, we continue to protect a name while their registration may be in default as the entity itself still exists. It is only on strike-off/dissolution of a corporation that an additional one year period of protection begins.

**Full text of email:**

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KATHY M. SACHS | Business Services  
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