

Topic: Revoked Business Names

Question by: Sid Rosenbaum

Jurisdiction: Arkansas

Date: January 21, 2020

Jurisdiction	Question(s)
	The Arkansas Secretary of State's office is looking into legislation regarding name availability for business entities. Current law states that a new business can't use a name that is the same or confusingly similar to an existing business entity, even if those entities are in revoked status. There are tens of thousands of business names that are off limits because they are the same or similar to revoked entities, many of which have been revoked for 20+ years. Do any other states have legislation that would allow those off limit names to be used by new businesses? If so, were there any pitfalls that we need to be on the lookout for, if this legislation is passed?
Manitoba	
Corporations Canada	
Alabama	
Alaska	
Arizona	
Arkansas	
California	
Colorado	
Connecticut	
Delaware	

Jurisdiction	Question(s)
	<p>The Arkansas Secretary of State's office is looking into legislation regarding name availability for business entities. Current law states that a new business can't use a name that is the same or confusingly similar to an existing business entity, even if those entities are in revoked status. There are tens of thousands of business names that are off limits because they are the same or similar to revoked entities, many of which have been revoked for 20+ years. Do any other states have legislation that would allow those off limit names to be used by new businesses? If so, were there any pitfalls that we need to be on the lookout for, if this legislation is passed?</p>
District of Columbia	
Florida	
Georgia	
Hawaii	
Idaho	
Illinois	
Indiana	
Iowa	
Kansas	
Kentucky	
Louisiana	
Maine	
Maryland	
Massachusetts	
Michigan	
Minnesota	

Jurisdiction	Question(s)
	<p>The Arkansas Secretary of State's office is looking into legislation regarding name availability for business entities. Current law states that a new business can't use a name that is the same or confusingly similar to an existing business entity, even if those entities are in revoked status. There are tens of thousands of business names that are off limits because they are the same or similar to revoked entities, many of which have been revoked for 20+ years. Do any other states have legislation that would allow those off limit names to be used by new businesses? If so, were there any pitfalls that we need to be on the lookout for, if this legislation is passed?</p>
Mississippi	
Missouri	
Montana	
Nebraska	
Nevada	
New Hampshire	
New Jersey	
New Mexico	
New York	
North Carolina	
North Dakota	

Jurisdiction	Question(s)
	<p>The Arkansas Secretary of State's office is looking into legislation regarding name availability for business entities. Current law states that a new business can't use a name that is the same or confusingly similar to an existing business entity, even if those entities are in revoked status. There are tens of thousands of business names that are off limits because they are the same or similar to revoked entities, many of which have been revoked for 20+ years. Do any other states have legislation that would allow those off limit names to be used by new businesses? If so, were there any pitfalls that we need to be on the lookout for, if this legislation is passed?</p>
<b>Ohio</b>	<p>In Ohio our legislation states that names must be distinguishable upon the record from names that are used by an active entity - so we would permit them from using a name that is revoked/dissolved. But, I also recommend the "distinguishable upon the record" language over confusingly similar. We have language in ORC 1701.05(B) which explains how to apply this name availability standard and our naming guide which helps explain it to customers.</p> <p><a href="https://nam12.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ohiosos.gov%2Fbusinesses%2Finformation-on-starting-and-maintaining-a-business%2Fguide-to-name-availability%2F&amp;data=02%7C01%7Cpviverto%40azsos.gov%7C588ed6a2b2c945232ec508d79eb64a65%7Cb4494a03f26d475dba4139871e763531%7C1%7C0%7C637152378090497209&amp;sdata=5wDjZYYtn1AHEYe2lvKZ2PD0MeV5XHCoseeyo1XKVic%3D&amp;reserved=0">https://nam12.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ohiosos.gov%2Fbusinesses%2Finformation-on-starting-and-maintaining-a-business%2Fguide-to-name-availability%2F&amp;data=02%7C01%7Cpviverto%40azsos.gov%7C588ed6a2b2c945232ec508d79eb64a65%7Cb4494a03f26d475dba4139871e763531%7C1%7C0%7C637152378090497209&amp;sdata=5wDjZYYtn1AHEYe2lvKZ2PD0MeV5XHCoseeyo1XKVic%3D&amp;reserved=0</a></p> <p>The only thing I recommend is including language to protect a name for a time period after a cancellation to give them time to reinstate. For example, if we cancel a corporation for failure to maintain a valid statutory agent we "hold" their business name for one year. If they reinstate after that time frame and some other business used their name then they must file the reinstatement and an amendment to change their name.</p>
<b>Oklahoma</b>	
<b>Oregon</b>	
<b>Pennsylvania</b>	
<b>Rhode Island</b>	
<b>South Carolina</b>	
<b>South Dakota</b>	
<b>Tennessee</b>	
<b>Texas</b>	

Jurisdiction	Question(s)
	The Arkansas Secretary of State's office is looking into legislation regarding name availability for business entities. Current law states that a new business can't use a name that is the same or confusingly similar to an existing business entity, even if those entities are in revoked status. There are tens of thousands of business names that are off limits because they are the same or similar to revoked entities, many of which have been revoked for 20+ years. Do any other states have legislation that would allow those off limit names to be used by new businesses? If so, were there any pitfalls that we need to be on the lookout for, if this legislation is passed?
Utah	
Vermont	
Virginia	
Washington	
West Virginia	
Wisconsin	
Wyoming	

**Additional comments:**

**Full text of email:**

The Arkansas Secretary of State's office is looking into legislation regarding name availability for business entities. Current law states that a new business can't use a name that is the same or confusingly similar to an existing business entity, even if those entities are in revoked status. There are tens of thousands of business names that are off limits because they are the same or similar to revoked entities, many of which have been revoked for 20+ years. Do any other states have legislation that would allow those off limit names to be used by new businesses? If so, were there any pitfalls that we need to be on the lookout for, if this legislation is passed?

Thank you for your assistance.

Sid Rosenbaum

Director, Business and Commercial Services Arkansas Secretary of State  
500 Woodlane Ave. Suite 12  
Little Rock, Arkansas 72201  
[sid.rosenbaum@sos.arkansas.gov](mailto:sid.rosenbaum@sos.arkansas.gov)<mailto:sid.rosenbaum@sos.arkansas.gov>  
Office: (501) 682-3404

Fax: (501) 682-3437