



<http://www.namingtoolbox.com>

## Naming Your Business – from the Business Owner’s Toolkit

Naming your business may not be as simple as it seems. When selecting a name, try to make the name short, easy to remember, descriptive of the business, and capable of drawing attention. Depending on the business form you choose, you may have to register and/or receive approval from the local or state government where your business is formed.

The name of your business must not be misleading or in any way imply something that the business is not. For example, you can't imply that your business is a licensed plumbing contractor if you haven't received a plumbing license. Likewise, you cannot imply that you are a professional and are providing professional services if you don't have professional credentials.

Below are specific rules and requirements for each of the various business types: sole proprietorships, partnerships, limited liability companies, and corporations.

**Sole Proprietorships.** Sole proprietorships are presumed to operate under their owner's name. If the business will operate under a different name, most jurisdictions require that a fictitious owner affidavit be filed. A fictitious owner affidavit informs the local government and the public that the business is operating under an assumed name and indicates who the owner is. The fictitious owner affidavit usually has to be filed with the county recorder of deeds' office rather than the secretary of state's office.

**Work Smart:** If you are going to use a name other than your own for your business, contact the county recorder of deeds' office (or government equivalent) that your business will be operating in to get specific information and any necessary forms.

**Partnerships.** Similar to a sole proprietorship, a partnership is presumed to be operating under the name of its partners. If the partnership is going to operate under a different name, a fictitious owner affidavit is required. A fictitious owner affidavit is usually filed at the county recorder of deeds' office but may have to be filed with the secretary of state's office. A fictitious owner affidavit informs the government and the public that the business is operating under an assumed name and indicates who the owner is.

**Limited Partnership.** Choosing a limited partnership name involves more formalities than choosing a sole proprietorship or partnership name. A limited partnership name has to be reserved with the secretary of state's office. The name is usually reserved when the limited partnership files a certificate of limited partnership with the secretary of state's office to register its existence. The name of the limited partnership must include the words "limited



**Try our easy-to-use naming software.** Find the ideal name for your company or product in a matter of minutes. A powerful database and your keywords generate memorable names quickly and easily. [Click here for more information.](#)



<http://www.namingtoolbox.com>

partnership," the letters "L.P." or some other phrase indicating that the entity is a limited partnership. Most state statutes specifically identify which descriptions can be used.

**Work Smart :** A limited partnership's name must be unique. If the name is already in use by another limited partnership, the certificate of limited partnership will be rejected. Save time and effort by determining whether the proposed limited partnership name is available before filing the certificate of limited partnership.

You can find out if the name of your partnership is available by calling your state secretary of state's office and telling them that you want to register that name. If the name has been reserved by someone else, they'll tell you.

**Limited Liability Companies.** Like choosing a limited partnership or a corporation name, choosing a limited liability company name is a formal process. A limited liability company name has to be reserved with the secretary of state's office. The name is usually reserved when the articles of organization are filed with the secretary of state's office to register the limited liability company's existence.

The name of the limited liability company must include the words "limited liability company," the letters "L.L.C." or some other phrase indicating that the entity is a limited liability company. Most state statutes specifically identify which descriptions can be used.

**Work Smart:** A limited liability company's name must be unique. If the name is already in use by another limited liability company, the articles of organization will be rejected. Save time and effort by determining whether the proposed limited liability company name is available before filing the articles of organization.

You can find out if the name of your partnership is available by calling your state secretary of state's office and telling them that you want to register that name. If the name has been reserved by someone else, they'll tell you.

**Limited Liability Partnerships.** Limited liability partnerships are similar to limited liability companies in terms of the tax advantages, but they differ in that limited liability partnerships are normally available only to select professions, such as doctors or lawyers. They're also recognized in fewer states than are limited liability companies, with only about 40 states now recognizing them. For more information on LLPs, see limited liability companies/partnerships.



**Try our easy-to-use naming software.** Find the ideal name for your company or product in a matter of minutes. A powerful database and your keywords generate memorable names quickly and easily. [Click here for more information.](#)



<http://www.namingtoolbox.com>

**Corporations.** Choosing a name for a corporation is a formal process, just as it is for a limited partnership or a limited liability company. A corporate name has to be registered with the secretary of state's office. The corporate name must be unique and not be in use or reserved for another corporation. If the corporate name you choose is already in use when you file your articles of incorporation, the secretary of state's office will reject your articles of incorporation. You can call the secretary of state's office to find out in advance whether a particular name is available. Or if you have access to certain online services like Lexis/Nexis, a legal research database, you can electronically search your state's database of names to see which names are available.

**Did You Know?** If the name you have chosen is available, see if the state will let you reserve it. Most states will allow you to reserve a corporate name for a period of time, provided that the name isn't already in use or already reserved.

The name of a corporation must include the words "corporation, incorporated, limited, company or chartered," the letters "Inc., or Corp." or some other phrase indicating that the entity is a corporation. Most state statutes specifically identify which descriptions can be used.

**S Corporations.** S corporations are subject to the same name rules that a regular corporation is subject to. An S corporation does not have to indicate its status as an S corporation in its name. An S corporation's status as an S corporation only has to be identified when the corporation is filing its federal income tax return, and, in some instances, when the corporation is filing its state income tax return.

**Professional Corporations.** Professional corporations are generally subject to the same name rules that apply to corporations with one exception. Instead of indicating its corporate status with an "Inc." or other corporate designator, a professional corporation must include the words "professional corporation," the letters "P.C." or some other phrase indicating that the entity is a professional corporation. Most state statutes specifically identify which descriptions can be used.

Original article: [http://www.toolkit.cch.com/text/P01\\_4800.asp](http://www.toolkit.cch.com/text/P01_4800.asp)



**Try our easy-to-use naming software.** Find the ideal name for your company or product in a matter of minutes. A powerful database and your keywords generate memorable names quickly and easily. [Click here for more information.](#)