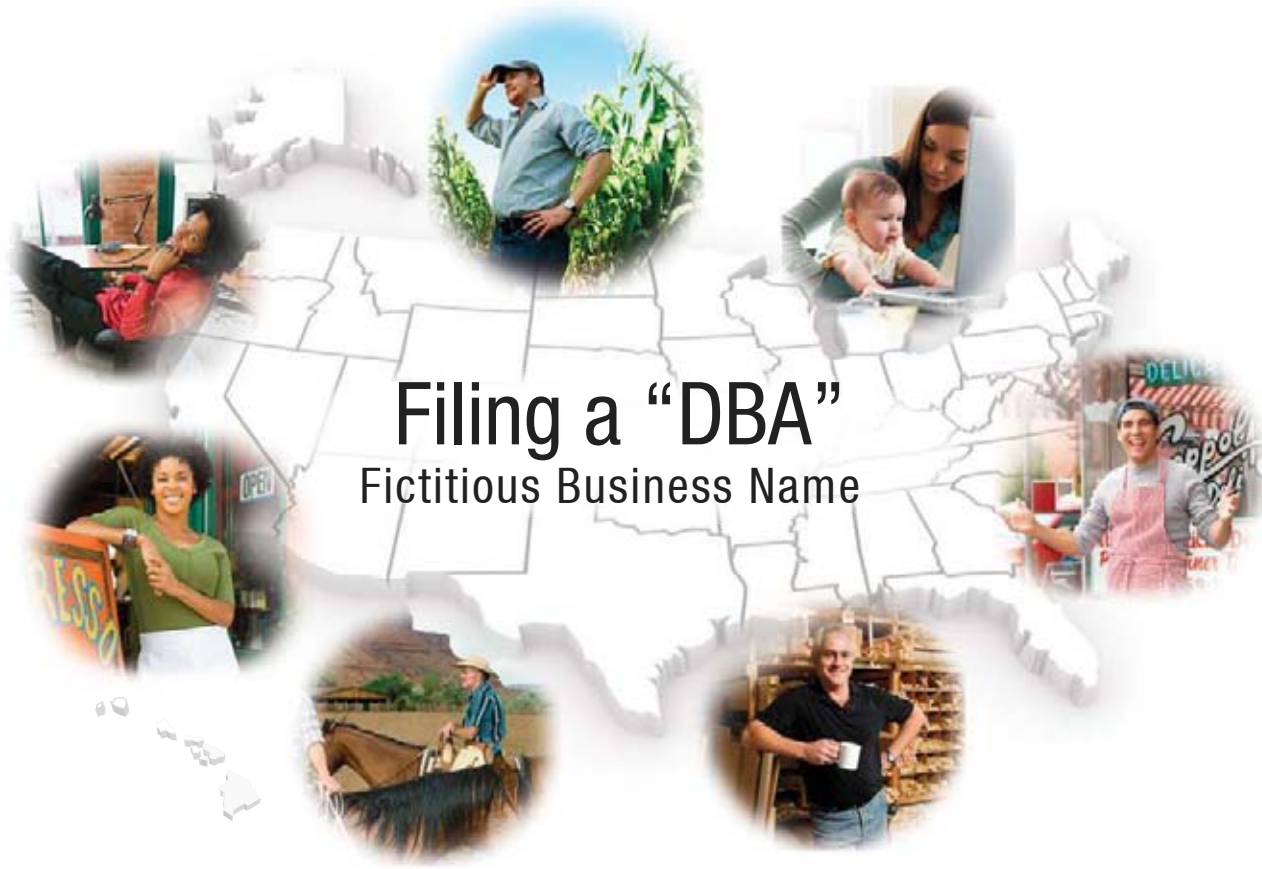


CorpNet's™ Guide to:



Filing a “DBA” Fictitious Business Name



Introduction

If you are a sole proprietor or general partnership conducting business using a special name that is different from your own name, then you must file a DBA. The same is true if you have incorporated or formed a limited liability company (LLC) and are operating the business under a name that is different from the name of the company or LLC. DBAs are filed at the state or county level.

DBAs are sometimes called Fictitious Business Names (FBNs), assumed business names or trade names. There is no real difference between them and they all serve the same purpose: to provide notice to the public of the true owner of a business when the identity would not otherwise be known from the name of the business itself. To accomplish this, many jurisdictions require that the FBN be published in the legal notices section of a newspaper meeting specific requirements over a specified time period.

Since exact filing and publication requirements vary from state to state and county to county, you may wish to have CorpNet handle your DBA filing, including checking to see if the name you want to use is already in use (where that is a requirement to making a filing), filling out the forms based on information you provide, filing the form, and publishing the name in the right newspaper for the right length of time (where required).



Requirements for Filing a DBA

A DBA must be filed anytime you are operating a business using a name that is different from your own name if you are a sole proprietor or general partnership, or your company name if you are operating your business through a corporation or a limited liability company. For example, if Jane Doe is operating a cookbook store called Jane Doe's Cookbooks, then she would not need to file a DBA. If Jane were calling her bookstore Books for Cooks, then she would. If her company name was Books for Cooks, Inc. then she could use the Books for Cooks name without a separate DBA filing.

Benefits of a DBA

For those businesses that are doing business in a name that is different from the name of the owner, the first benefit is that filing a DBA will help keep you in compliance with the law. Filing a DBA is required to open bank accounts and receive payment in the name of your business. Most banks will not allow you to open an account without receiving a copy of your filed DBA. For those business owners who have decided not to incorporate or form a limited liability company, filing a DBA allows them the freedom to use a business name that helps market the products and services of the business and to create a professional business identity separate from their personal identity. A DBA does not, however, protect your use of your business name from others. For that, you would need to seek separate trademark protection.



Choosing a Name

There are generally few limitations on what you can use as a DBA name. One important limitation, however, is that you cannot use a name that contains words or abbreviations that would make it sound like it is a corporate entity. This means you cannot use Corporation (or Co.), Incorporated (or Inc.), or LLC in your name. This is to prevent businesses from using DBAs to create a misimpression about the ownership structure or corporate status of the business. In some jurisdictions, you must do a name search to make sure your name is not already being used. In other places, no such search is required (and someone else may be using the exact same name). If your name is important to the business, a search of business names and trademarks is recommended at the outset.

Filing the DBA: When and Where

DBAs should be filed before any business is conducted using the fictitious business name. While some jurisdictions allow you to file within a short time period of first using the name, but since this is usually a prerequisite to opening a bank account for the business or using the name in contracts, it is best to get it done upfront. Where the filing should be made depends on the state where you are conducting your business. DBAs are usually filed at the state or county level. In addition, some jurisdictions have a publication requirement. Publication is intended to give public notice through an approved newspaper of your fictitious business name. As an example, the requirement may be that the DBA be published once per week for a period of four weeks in a specific newspaper in the legal notices section. Of course, specific publication requirements vary.



Using *CorpNet*[™] to File your DBA

Since the specific requirements for DBA filings differ from place to place, CorpNet is well-suited to help you navigate the requirements and handle the required paperwork. Once you give us the necessary information, we prepare the documents for you. If the appropriate jurisdiction for your filing requires a name search, we will do that for you. After you sign the DBA forms, we file them and, for those states with a publication requirement, we work directly with the newspapers to meet that requirement on your behalf. Using CorpNet can save you both time and money with service that is fast, reliable and affordable. And remember, our services are backed by a 100% satisfaction guarantee. We make everything easy for you so that you can focus on what you do best – running your business!

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The CorpNet™ website is new, but the people behind the pages are in no way new to the document filing industry...

Philip and Nellie Akalp, an attorney husband and wife team, based out in Southern California, have founded several document filing companies in the past and with their hand chosen team now bring to you, CorpNet™, their signature company based on the simple philosophy of truth in business and their joint desire to assist small business owners and entrepreneurs in America get their business off the ground in a fast, reliable, and affordable manner.

CorpNet™, through its website, provides document filing services required for a variety of business needs such as forming your own Corporation or Limited Liability Company (LLC), filing a DBA/Fictitious Business Name, Foreign Qualification Filings, Registered Agent Representations, Corporate Compliance services and supplies in all 50 states.

Using CorpNet™ can save you both time and money with service that is fast, reliable, and affordable. CorpNet has successfully handled document filings in every state in the U.S. as well as internationally. CorpNet's experienced U.S. based customer support team is here to give you the personal assistance you need in processing your document filing request quickly and efficiently, before, during, and after your entity is formed every step of the way.

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