

FICTITIOUS BUSINESS NAMES (DBA's)

WHAT - WHY- HOW?!

WHAT is a fictitious business name?

- A fictitious business name (also referred to as DBA's—"doing business as") is an "assumed" name. It is **when an individual or company transacts business under a name that is *not* their legal name.**

Company: For example, let's say Smith & Shirley LLP is a law firm registered under that name. However, during holiday seasons, the firm also sells candy as Smith & Shirley's Sweets. This means that Smith & Shirley LLP are ***doing business as*** Smith & Shirley's Sweets. It's the same company operating under a different name.

Individual: For example, Jane Doe wants to start a decoration business and operate under the name Jane's Chocolate Shop and her business will operate under her own name. Since it is not her full name, Jane Doe, this is considered an **assumed name**.

WHAT a fictitious business name is NOT.

It is **NOT**:

- **A BUSINESS**
 - You won't get business liability protections and taxation requirements with a DBA, since it is not an incorporated business, just a nickname FOR one!
- **A TRADEMARK**
 - Don't be fooled! These are very different. DBA's do NOT offer you trademark protections.

WHY file fictitious business name?

There are several reasons people might file fictitious business names:

- **Adherence to local laws**
 - Some states require that you have a fictitious business name registered before using it. There are a myriad of potential consequences if you don't.
- **Personal Privacy**
 - Some individuals may not want their entire name and personal identity associated with the goods they sell. With DBA's, they can maintain a degree more of privacy.
- **Branding**
 - People may not want to buy candy from a business that sounds like a law firm (sorry Smith & Shirley LLP). Using a fictitious business name, you can still have the same business (relevant specifically for taxes and liability protections) but have a more marketable name.

What is DBA & When to File One For Your Business | Wolters Kluwer



FILING a fictitious business name

WHO should file?

Persons doing business for profit under a fictitious name (does not include surname in company name)

WHO does NOT need to file?

Non-profit corporations, organizations or associations are not required to file a Fictitious Business Name Statement

WHERE to file?

Some states require filings at the state level whereas others require it at the county level. In California, we file by county.

In California, they must be filed in the county of principal place of business and may also be filed in other counties as long as the requirements for filing in the county of principal place of business have been met

California Assumed Name Statute

17910. Every person who regularly transacts business in this state for profit under a fictitious business name shall do all of the following:

(a) File a fictitious business name statement in accordance with this chapter not later than 40 days from the time the registrant commences to transact such business.

(b) File a new statement after any change in the facts, in accordance with subdivision (b) of Section 17920.

(c) File a new statement when refiling a fictitious business name Statement.”

FILING REQUIREMENTS for a fictitious business name

Filing requirements vary state by state, county by county. However, the standard information required as (seen in the statute) is

- The name of the individual / business filing
- The fictitious name (which you must check is not already owned by someone else***)
- The name and title of the signatory

Some counties require that you provide proof of business (for example, a business license).

Standard Filing Steps:

- File a Fictitious Business Name with the county
- Publish the filing in a public newspaper for four weeks

*** each county has a search feature on their site that lets you look

HOW WE file a fictitious business name

We use the DBAstore.

Because of the variations from county to county,
the specific steps vary. The following is a standard template.

Step 1: Go on the DBAStore site. Select the county you will file in.

Step 2: Fill out the information for the application (in some cases, redirected to county website and create application yourself)

Step 3: Send to client, and request original signed copy.

Step 4: Mail original signed application to DBAStore

Step 5: Await confirmation of receipt, publishing, completion



HOW WE file a fictitious business name

Because our firm is AWESOME, we keep clients updated throughout filing processes. Thus, I created letter templates to keep the client apprised and the transmit documents requiring signature. The following are the letters, which can be found in the letter templates folder in the Z drive.

Letter to Client Regarding Fictitious Business Name

- o First letter to client to citing instructions to file and requesting any information needed

Letter to Client Enclosing Fictitious Business Name Application

- o Transmits application for client review, approval, and execution
 - Pro Tip: When possible, hold making payment with DBAStore until you receive the client's signed copy

Letter to DBAStore Transmitting Fictitious Business Name Application

- o NOT a template letter. Instead, use use letter generated by DBAstore to enclose order confirmation page and executed application; send via FedEx. Save as EXEC.
 - Pro Tip: Set shipping notification for the delivery of package

HOW WE file a fictitious business name (cont.)

Letter to Client Confirming Fictitious Business Name Application Filed

- o Informs client of filing! Send after mailing out application.
 - Pro Tip: Set a follow up two weeks out to follow up with DBAstore to confirm receipt and filing as well as publication dates for next letter

Letter to Client Regarding Publication of Fictitious Business Name

- o We should receive an email from the DBAstore in which they give us for the publication dates as well as the electronic copy of the application as recorded by the clerk! Use this letter to list publication dates and enclose copy of electronic application from county.

Letter to Client Enclosing Proof of Publication and Approval

- o Upon receipt of email from DBAstore with proof of publication, send this letter to the client confirming that the application has been successfully published and filed.
 - Docket renewal / expiration date

A Few Tips...

WHEN IN DOUBT CALL DBAstore!

Their phone number is on the website. They are very helpful!

Docketing:

Fictitious business names typically expire after five years, so be sure to docket the expiration deadline so that you can file a renewal.

Status Check:

You can check the status through the DBAstore here:

<https://www.dbastore.com/homeTemplate.cfm?uid=&ReferenceLinkId=6>



The End!



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Attorneys at Law

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Fictitious Business Names

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There are several reasons people might file fictitious business names:

- **Adherence to local laws**
 - Some states require that you have a fictitious business name registered before using it.
 - In some cases, there are monetary penalties or criminal fines if you do not have a registered DBA

- Some states do not allow you to enforce a contract or bring a lawsuit until you have a registered DBA.
- There could be liability issues in contracts if you do this, since you are not disclosing actual identity
- **Personal Privacy**
 - Some individuals may not want their entire name and personal identity associated with the goods they sell. With DBA's, they can maintain a degree more of privacy.
- **Branding**
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***** *each county has a search feature on their site that lets you look***

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Step 4: Mail original signed application to DBAStore

Step 5: Await confirmation of receipt, publishing, completion

<https://www.dbastore.com/homeTemplate.cfm?uid=&ReferenceLinkId=25&actionoption=1>

Here is a more detailed, step by step breakdown seen through the letters we send.

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Letter to Client Regarding Publication Dates

- o We should receive an email from the DBAstore in which they give us for the publication dates as well as the electronic copy of the application as recorded by the clerk! Use this letter to list publication dates and enclose copy of electronic application from county.

Letter to Client Enclosing Proof of Publication and Approval

- o Upon receipt of email from DBAStore with proof of publication, send this letter to the client confirming that the application has been successfully published and filed.
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Status Check:

You can check the status through the DBAstore here:

<https://www.dbastore.com/homeTemplate.cfm?uid=&ReferenceLinkId=6>

If you have questions, please feel free to reach out to me at ashepard@cislo.com. If you have suggestions for changes, reach out to your managing paralegal and cc me, so we can all stay on the same page for best firm policies regarding these matters.

Step 1: Access
DBAStore site and
select the county you
will file in.

DBAstore.comFictitious Business Name Filing and Publishing Services
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COUNTY & PUBLISH](#)[RENEW DBA](#)[ORDER STATUS](#)[FAQ](#)[YOUR OPINION](#)**"This was very easy to publish my dba. It's great because
it saved me money and time." -Irene Martinez**

Congratulations on your new business!

We place over 4,000 DBA's (doing business as) each month and provide professional legal advertising placement services to government agencies, attorneys and private companies in all 58 California counties. Our service is designed to provide professional new business registration filing and publishing services at a [low, reasonable price.](#)

We can assist you with the filing of your new business name so that you can avoid having to take time from your busy schedule to do it yourself. Once your Fictitious Business Name (also known as DBA) Statement is filed we will publish a legal notice in a qualified newspaper once a week for four weeks and file proof with the county after last publication date. The law requires that publication begin *within* 30 days after your statement is filed.

Click on link below to request any of the following services:

- [DBA name search](#)
- [FREE Advance Price Quote](#)
- [Publish the notice four times as required by law and file proof](#)
- [File DBA form with your county, publish and file proof](#)
- [Confirmation Letter for the bank and others](#)

Thank you and best of luck in your business.

Daily Journal Corporation
Fictitious Business Name Processing Center



The Heritage Escrow Company
Contact our Bulk Sale Experts
Barbara Curry - Escrow Officer
Debbie Howe - Escrow Officer
Balboa Park Branch
San Diego, California
619.234.2010

Lisa Evans - Escrow Officer
Irvine Pacifica Branch
Irvine, California
949.651.9000
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Step 2: Follow
DBAStore instructions.
In this example (Los
Angeles County), you
are required to go to
the county site and
prepare the
application.

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GETTING STARTED

DBA NAME SEARCH

PRICE QUOTE

PUBLISH DBA ONLY

FILE DBA FORM WITH COUNTY & PUBLISH

RENEW DBA

ORDER STATUS

FAQ

YOUR OPINION

FILE FORM, PUBLISH & FILE

Select the County in California where you want to file:

LOS ANGELES

Step 1: Instructions


Step 2: Pricing & Payment

☐ I confirm I have entered the correct information.

REMINDER:

- Click on **File a Fictitious Business Name** and then **Third Party**.
- DO NOT send your form directly to the County. It could take up to 6-8 weeks for your form to be filed.
- Print your forms, close the County's web site and return to our site to complete your order.
- We will:
 - File your DBA form with the County
 - Send you a certified copy of the filed form.
 - Publish in the newspaper once a week for 4 weeks
 - File a Proof of Publication with the County after the last date of publication.
 - Send you a copy of the filed Proof of Publication.

Close



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Step 3: Select “third-party” filing and the kind of filing you are doing. In this example, we will be doing a new filing.



Los Angeles County
Registrar-Recorder/County Clerk



 English

LA County Business Filing and Registration System

How will you be filing?

County Clerks are responsible for determining the acceptability, not the legal sufficiency of all documents presented for filing. Questions regarding the legal sufficiency of any document should be referred to an attorney.

Online

Online submission would consist of a registrant (registered business owner) filing an FBN online, proving their ID, signing and paying for the filing online. The completed FBN will be sent back to the registrant via email.

In-Person

In-Person refers to a Registrant who is filing a Fictitious Business Name Statement (FBN) and plans to bring it into one of the RR/CC designated offices to pay, sign, and finalize the transaction.

Mail-In

Mail-in refers to a Registrant who chooses to mail their payment and the printed/signed Fictitious Business Name Statement (FBN) to our office. THIS SELECTION REQUIRES NOTARY PUBLIC SUBMISSION.

Third Party

Third Party refers to Registrants who choose to allow an individual or business to finalize their transaction by delivering the completed and signed FBN and payment

[Privacy](#) - [Terms](#)



Los Angeles County
Registrar-Recorder/County Clerk



 English

LA County Business Filing and Registration System

What kind of FBN would you like to file?

Third Party Filing

Fictitious Business Name Statement

For New Filings – Requires Publication

Fictitious Business Name Statement Amendment

For changes to an existing filing (prior to renewal) - Requires Publication

Fictitious Business Name Statement Renewal

No Changes in fact from last filing

Fictitious Business Name Statement Abandonment

Abandon business name from a Fictitious Business Name Statement – Requires Publication

Fictitious Business Name Statement Withdrawal

Withdraw Registered owner(s) name from a Fictitious Business Name Statement – Requires Publication

Step 4: On the county site, search and confirm the fictitious business name is available.



Los Angeles County
Registrar-Recorder/County Clerk



English

LA County Business Filing and Registration System

Fictitious Business Name Search

Fictitious Business Name Statement Filing

You may search filed FBNs using the tool below. FBN names expire 5 years from the date filed.

DISCLAIMER: The filing of a Fictitious Business Name Statement does not of itself authorize the use in this State of a Fictitious Business Name in violation of the rights of another under Federal, State, or common law.

BUSINESS AND PROFESSIONS CODE 14411: The filing of any fictitious business name statement by a person required to file such statement pursuant to Section 17910 shall establish a rebuttable presumption that the registrant has the exclusive right to use as a trade name the fictitious business name, as well as any confusingly similar trade name, in the county in which the statement is filed, if the registrant is the first to file such a statement containing the fictitious business name in that county, and is actually engaged in a trade or business utilizing such fictitious business name or a confusingly similar name in that county. The rebuttable presumption created by this section shall be one affecting the burden of producing evidence. (Added by Stats. 1972, Ch. 438.)

☐

I have verified that my fictitious business name is **available**.

[Privacy](#) - [Terms](#)

Step 5: Follow the steps, filling in the information require to make the application. Upon completion, download the application.

Step 6: Send the application for signature to the client, taking note of the specific instructions from the DBAStore that may apply. In this example, they remind you to have the client notarize the document.

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DBAstore.com

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FILE DBA FORM WITH COUNTY & PUBLISH

RENEW DBA

ORDER STATUS

FAQ

YOUR OPINION

FILE FORM, PUBLISH & FILE

Select the County in California where you want to file:

LOS ANGELES

Step 1: Instructions

Step 2: Pricing & Payment

☒ I confirm I have entered correct information

The following information is required to complete your filing. It must match what you entered on the DBA form.

Type of Filing:

☒ Original Filing [For Original Filing]

☐ Renewal/Refile [No Change in Name]

☐ New (Amended) Filing [Change in Name]

☐ Abandonment [Abandon Business Name]

☐ Withdrawal [Withdraw Registered Owner from a Fictitious Business Name Statement - Requires Publication]

County Confirmation Number:

Enter here County's confirmation number in top right corner of form.

Business name:

Enter business name here. If multiple, enter first name.
[Enter the business name. Please DO NOT enter registrant name.]

Number of business names:

Number of registrant names:

Additional copies ordered: (One certified copy is provided at no charge.)

Email:

xyz@abc.com

Show Price

ATTENTION: COMPLETION OF FORMS

Print Instructions

Please follow these instructions or the County will not accept your form for filing.

DBA FORM
Sign and print name at the bottom of the form.
Do not make changes to the printed form. The form will be rejected by the County if changes are made. If changes are needed, go back to the County's website and start over.

AFFIDAVIT OF IDENTITY (Must be notarized)
Complete the top portion of the form and have the bottom portion acknowledged by a notary.
The Registrant Signature (in the top section of the form) must match to the DBA form signature.
The name to fill in the notary section (at the bottom of the form) must match to the DBA form signature. There can be no extra names or initials.

AUTHORIZED AGENT FORM
Complete only the bottom portion of the form ("To be completed by the Registrant").

Close

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Step 7: Once you receive the signed application form from the client, return to this page and pay the DBAStore. Once you receive the confirmation and transmittal letter they generate, Fedex the application to the DBAStore.

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COUNTY & PUBLISH](#)[RENEW DBA](#)[ORDER STATUS](#)[FAQ](#)[YOUR OPINION](#)**FILE FORM, PUBLISH & FILE PROOF**

Select the County in California where you want to file and publish:

LOS ANGELES ▼

Step 1: Instructions

Step 2: Pricing & Payment

☒ **I confirm I have entered my information and printed form(s) from the LOS ANGELES COUNTY website.**

The following information is needed to calculate the price and complete your order.

It must match what you entered on the County's website.

Type of Filing:

- ☒ Original Filing [For Original Filing with New Business Name - Requires Publication]
- ☐ Renewal/Refile [No Change in the Facts from Original Filing]
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