

## **Congratulations!**

You've decided to start your own business! Your first step up the ladder of success begins with choosing your company name.

This guide is intended to give you information you should consider when choosing your business name. However, it does not cover all the factors the Companies Office must take into account when it reviews requests for new company names.

You may also wish to consult a lawyer about all the ramifications of choosing and registering a name.

### **1. How is a Name Registered?**

First you file a name reservation with the Companies Office. The Office then has to conduct a search to determine if the name you have chosen is available. If available, the name will be reserved for you for 90 days. During this time, you should file the necessary forms to register the business name. If, for some reason, the name is not available, you must choose a new name and request another reservation.

### **2. Why is a Search Required?**

The Companies Office performs a name search to ensure that business names are not too similar to names already on record. This helps reduce confusion in the marketplace and reduces the frustration that companies and consumers would face if business names confusingly similar to each other co-existed.

While it may be frustrating to choose a name, only to have it rejected for registration, it is to your advantage to determine if the name you have chosen is too similar to a name already in use. In the long run, you may save time and money by starting your business with a unique name.

### **3. If Your Name is Reserved - Please Note the Following!**

Reservation of a name is not "protection" or a "guarantee" that your name is automatically available. You use a name at your own risk. It is your responsibility to ensure that the name you choose is not identical or confusingly similar to an existing trademark, business, association or corporation. If anyone complains about your name, and that complaint is held valid, you will have to change your name.

### **4. Factors to Consider**

The Companies Office must consider many factors when deciding whether a business name is too similar to a name already on record. Some of these factors are:

- **Distinctiveness** - In a business name, there are usually two parts. The first is the distinctive part, and makes it easy to distinguish your company name from others in the same line of business (e.g., Dave's). The second part is the descriptive portion, which describes what the business does (e.g., trucking). A business name will be rejected if it is too general, or describes only the nature of business (e.g., Food Services).

How original is the distinctive part of your company name (e.g., is the distinctive portion common, such as Winnipeg, Canadian or Western)?

- **Sound** - Do the names sound the same even though they are spelled differently (e.g., Knight, Night and Nite)?
- **Nature of Business** - Are the companies in similar lines of business?
- **Location** - Are the businesses located in the same city, town or area of the province?

## 5. Specific Guidelines/Regulations to Consider

Other specific regulations affect the availability of business names, such as:

### One Word Names

A business name does not have to contain both a distinctive and a descriptive part. Sometimes a business name may be only one word. These business names may be difficult to obtain, as the name will be rejected if that word is already contained in another company name.

### Numbered Names

If you want your business to have a numbered name (e.g., 1234567 Manitoba), a name search is not required and the Companies Office will assign a number. Simply complete the business name on the registration form as follows: \_\_\_\_\_Manitoba

### Bilingual Names

If your business name is bilingual, a separate search of the second version will be required if it is visually different from the first version.

### Misdescriptive

A business name cannot misdescribe the business, goods or services of a company (e.g., Western Trucking - but the nature of business is a bakery).

## Obscene

No word or expression that is obscene or suggests a business that is scandalous, obscene or immoral can be used in a business name.

## Punctuation Marks

A business name may contain only the following punctuation marks:

! " # \$ % & ' ( ) \* + , \_ - / : ; < + > ? [ ] \ .

## Legal Elements

A business name cannot contain a corporate ending (e.g., Ltd., Inc., or Corp.). This remains true even if the legal element forms part of another word (e.g., Omnicorp, Enercorp, etc.) if the word appears at or near the end of the name.

## Government Connection

A business name will not be approved if it implies a connection with the Crown, members of the Royal Family, Government of Canada or Government of Manitoba, unless a consent from the appropriate authority is received.

## Manitoba

Manitoba and its abbreviations Man. or MB, cannot be the first word in a business name. However, Manitoba can be used anywhere else in a business name (e.g., J.B. Enterprises Manitoba).

## Using the name of another province

A business name cannot contain the name of another province, unless consent is received from the Companies Office in that province.

## University

A business name cannot contain the word University unless consent is received from the Board of Governors, University of Manitoba.

## Family Names

A business name can contain a family name, but the name cannot be a surname alone (e.g., Reynolds). Moreover, the person with the surname must either be a registrant or provide a letter of consent.

## Initials

Where a business name is made up entirely of initials, at least three letters are required (e.g., ABF).

## Geographic Area

A business name shall not be only a geographic location used alone (e.g., Lake Winnipeg)

## Association or Society

A business name cannot contain the words Association or Society as they imply a non-profit undertaking. However, a business name can contain the word Associated.

## Names Indicating the Practice of a Profession

If a business name suggests the practice of a profession that is regulated by a statute (e.g., ABC Engineering), the registration must be accompanied by proof of professional standing for one of the registrants involved. Usually a photocopy of a current membership in the governing organization is sufficient.

Proof of professional standing would be required if your business name implies the practice of the following professions:

Medical, Veterinary, Legal, Engineers, Architects, Accountants, Chiropractors, Dentists, Naturopathic and Physiotherapists. Please note that this list may not be complete.

Remember, the business name itself must suggest the practice of the profession. If your business name is Winnipeg Design, and the nature of business is architecture, proof of professional standing is not required.

**For more information on registering your business name, please contact the Companies Office.**