

# ROSS & ASSOCIATES BUSINESS FORMATION AND FILINGS

Guide to:



## Filing a “DBA “ Fictitious Business Name



ROSS & ASSOCIATES BUSINESS FORMATION AND FILINGS®

Your Business Success Is Our First Priority

[www.rossandassociatesmbssp.com](http://www.rossandassociatesmbssp.com)

# 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 Ross & Associates 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 the 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, 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.

## Choosing a Name

Since the specific requirements for DBA filings differ from place to place, Ross & Associates 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 Ross & Associates can save you both time and money with a 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!

## Important Disclaimer

Ross & Associates Business Formation and Filings™ is a document filing service and CANNOT provide you with legal, tax, or financial advice. Ross & Associates™ is not a law firm. We are not your attorney nor are we your accountant, nor are we a substitute for an attorney, an accountant, or any other professional service provider. We are simply a document filing company that assists you in representing yourself. No attorney–client relationship is formed between you and Ross & Associates™ or any of Ross & Associates™ shareholders, subsidiaries, affiliates, directors, officers, employees, independent contractors, representatives, or agents, regardless of whether any of those individuals are attorneys. The information provided on our Website is general information only regarding entity formation and related topics and should not be relied upon by you as legal advice. Although we review your documents for completeness, spelling, grammar, and internal consistency, we do not review your documents for legal sufficiency, nor do we provide any substantive legal review or make legal recommendations. When you use our Services, you are acting as your own attorney. Setting up a business can be complex and failing to obtain advice from licensed professionals can be costly. We strongly recommend that you seek the advice of an attorney, an accountant, and any other service provider as needed to review your individual facts and circumstances to make sure you are making the best choices for your business.

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# About Ross & Associates

## Business Formation and Filings

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

Mason and Daisy Ross, Husband and Wife, founded by a team of multi-business entrepreneurs and advocates, Ross & Associates' husband and Wife team has helped form over 100,000 Corporations and LLCs for their clients since 2001.

Based out of Las Vegas, Nevada, they have founded several document filing companies in the past and with their hand-chosen team, now bringing to you, Ross & Associates™, their signature company is based on the simple philosophy of truth in business and their joint desire to assist small business owners and entrepreneurs in America to get their business off the ground in a fast, reliable, and affordable manner.

Ross & Associates™, 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 Ross & Associates™ can save you both time and money with a service that is fast, reliable, and affordable. Ross & Associates has successfully handled document filings in every state in the U.S. as well as internationally. Ross & Associates' 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.

Thank you for choosing Ross & Associates™ as your document filing service. Ross & Associates™ is committed to your 100% satisfaction! If you are ever less than 100% satisfied with our services, please contact our customer service team and we will make things right...or your money back\*! We make everything easy for you so that you can focus on what you do best – running your business...

From all of us at Ross & Associates™, may you be as passionate about your business as we are about our service!

### The Ross & Associates Team

\* The Ross & Associates™ Guarantee is limited to its service fees and does not include refunds for state and/or government fees paid to any state/governmental agencies and/or to any third parties for your filing – and is subject to the limitations on liability and other restrictions contained within our Sitewide Terms of Use & Disclaimer, including a requirement that any refund requests must be made within 10 days of the service purchase date.

## Our Services

- Corporations
- C-Corps, S-Corps, PC's & Non-Profits
- Limited Liability Companies (LLC's)
- DBA /Fictitious Business Names
- Document Retrieval Services
- Foreign Qualification Filings
- Initial/Annual Report Filings
- Amendments & Name Changes
- Certificates of Good Standing
- Dissolutions & Withdrawals
- Corporate Kits & Supplies
- IRS Forms & Filings
- Name Checks & Reservations
- Registered Agent Services (All 50 States) ...and much more, visit our site today!



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