

DBA: FREQUENTLY ASKED QUESTIONS AND ANSWERS

1. Why do I need to file a DBA (Doing Business as Assumed)?

The law requires that a sole proprietor or co-partners file their business (other than the real name of the person) at the county clerk's office [MCL 445.1]. The law also requires that corporations, limited liability companies and limited partnerships be filed with the State of Michigan. Therefore, corporations shall not be filed with county clerks. The purpose of the law is to place on Public Record who is conducting or transacting business under an assumed name.

2. Can I use any name I want?

There are a number of regulations that apply when a company name is chosen. The general rules governing names for Corporations, Nonprofit Corporations, Limited Liability Companies, and Limited Partnerships only apply to those entities. The Copartnership Act and Fictitious Name Act require that the name of a sole proprietorship or copartnership cannot be the same or similar to a name already on file with the county so as to cause confusion or deception.

3. What if I do business in the next county?

When you file an assumed name as a sole proprietorship or copartnership, you have to file in each county in which you will be doing business.

4. I filed in this county; what if the next county has a business with the same name, now what do I do?

If you find that someone else is using the same name, then you need to do some research to find out how long they have been using that name. If they have been in business for a long time, you might want to change your assumed name so there is no confusion to the public. Filing your business name does not create substantive rights to the use of that name.

5. Can I use a different name in a second county that I am doing business in?

If the business is a separate business with a different name, you would file with the actual name you are doing business under. However, if you are doing business with the same name as in the first county, you should file with same name in the second county.

6. I need a DBA today for my bank, but I have my business incorporated, what should I do?

If you are incorporated, the only place you should file an assumed name is with the State of Michigan; the same as your Articles of Incorporation. If you need the name to be filed quickly, you may file using the new electronic filing system, MICH-ELF. The instructions and application for filing electronically can be found on the State of Michigan's website http://michigan.gov/difs/0,5269,7-303-22535_23049-69104--,00.html, your document will be reviewed within 24 hours. The bank should not be advising corporations to file at the county. You might suggest that the bank call the Corporation Division at (517) 241-6400 for verification of this information.

7. Can I file the business name with the county and state that I am incorporated?

Example – Lakeshore Printing, Inc.

No. If you are incorporated, the only place you should file an assumed name is with the State, the same as your Articles of Incorporation. Filings at the county level are for sole proprietorships and copartnerships only.

8. Can I file to do a DBA today and when my attorney has my corporation papers filed, can I dissolve the DBA?

You can file a Reservation of Corporate Name with the State of Michigan to hold your corporate name. If you are incorporated, the only place you should file is with the State.

9. If I file a DBA in all 83 counties of Michigan, will that protect my business name?

No. Filing your business name does not create substantive rights to the use of that name. This is the same whether it is a Corporate name, Limited Liability Company name, Limited Partnership name, Sole Proprietorship name or Copartnership name.

10. Can I file a DBA if I am less than 18 years old? No. Can I be a partner in a DBA? No.

A person who is at least 18 years of age is an adult of legal age for purposes of signing contracts.