

# Choosing Your Business Name

## New Hampshire Department of State

### Name Availability Guidelines

Selecting a business name is one of the first steps of starting a business. Whether you choose to organize as a sole proprietorship, corporation, limited liability company, or partnership, your business' name must be distinguishable from any other existing business already filed with the New Hampshire Secretary of State.

#### What is Required

1. Your proposed business name must be distinguishable from, and not the same as, the name of any other existing business or nonprofit formed, registered, or reserved with the New Hampshire Secretary of State. "Existing business" includes the names and trade names of any New Hampshire business administratively dissolved within the last 120 days.

A proposed name, based upon the records of the secretary of state, is **not** distinguishable upon the record from an existing business name if the only distinguishing factor of the requested name is:

(a) **An article. ("A," "An," or "The")**

EXAMPLE: "An Open Door" is NOT distinguishable from "Open Door"

(b) **Plural forms of the same word.**

EXAMPLE: "Fast Photos" is NOT distinguishable from "Fast Photo"

EXAMPLE: "Foxes Den" is NOT distinguishable from "Fox Den"

(c) **Phonetic spelling of the same name or word.**

EXAMPLE: "Food Fair" is NOT distinguishable from "Food Fare"

EXAMPLE: "Mountain Tech" is NOT distinguishable from "Mountain Tek" or "Mountain Tec"

(d) **An abbreviation in place of a complete spelling of the name.**

EXAMPLE: "NH Realty" is NOT distinguishable from "New Hampshire Realty"

EXAMPLE: "NE Service Bureau" is NOT distinguishable from "Northeast Service Bureau"

EXAMPLE: "Profile Tech" is NOT distinguishable from "Profile Technology"

EXAMPLE: "Concord R.E. Partners" is NOT distinguishable from "Concord Real Estate Partners"

**(e) A suffix or prefix added to a word or any other deviation from or derivative of the same word, excluding antonyms and opposites.**

EXAMPLE: "Finance Specialists, Inc." is NOT distinguishable from "Financing Specialists, LLC"

EXAMPLE: "Approved Lenders" is NOT distinguishable from "Pre-approved Lenders"

**(f) A change in a word or name indicating entity status (corporate indicators noted in Items 2-9 below).**

EXAMPLE: "Nashua Builders, Inc." is NOT distinguishable from "Nashua Builders, LLC"

**(g) The addition of a numeric designation, unless consent is granted by the current name holder.**

EXAMPLE: "Chloe's House III" can only be registered with written consent from "Chloe's House I" and "Chloe's House II"

**(h) Differences in punctuation or special characters, unless it changes the clear meaning of the word.**

EXAMPLE: "R/D Construction" is NOT distinguishable from "RD Construction"

**(i) Differences in whether letters or numbers immediately follow each other or are separated by one or more spaces.**

EXAMPLE: "RAB Services" is NOT distinguishable from "R A B Services"

**(j) An Arabic numeral representing a number, a Roman numeral representing the same number, or a word representing the same number appearing in the same position within otherwise identical names.**

EXAMPLE: "5 ALIVE," is NOT distinguishable from "FIVE ALIVE"

EXAMPLE: "III Forks Restaurant" is NOT distinguishable from "Three Forks Restaurant"

2. If the business is a **corporation or benefit corporation**, the name must contain the word "corporation," "incorporated," or "limited," or the abbreviation "corp.," "inc.," or "ltd.," or words or abbreviations of like import in another language.
3. If the business is a **Professional Corporation**, the name must end with one of the following words or abbreviations: "professional corporation," "professional association," "Prof. Corp." "Prof. Ass'n," "P.C.," or "P.A." or similar abbreviations of these words.
4. If the business is a **limited liability company (LLC)**, the name must contain the words "limited liability company" or the abbreviation "L.L.C." or "LLC" or any other similar abbreviation.
5. If the business is a **Professional LLC**, the name must end with one of the following words or abbreviations: "professional limited liability company" or "P.L.L.C." or similar abbreviation.
6. If the business is a **limited liability partnership (LLP)**, the name must contain the words "limited liability partnership" or the abbreviation "L.L.P." or "LLP" as the last words or letters of its name.
7. If the business is a **limited partnership (LP)**, the name must contain the words "limited partnership" or the abbreviation "L.P.," or similar abbreviation, as the last words of its name.
8. If the business is a **foundation**, the name must contain the word "foundation," "stichting," or the abbreviation "fnd." or "stak."
9. **Trade names** may NOT contain any of the corporate designations listed in Items 2-8 above.
10. A **Consumers' Cooperative Association** formed under RSA 301-A must include the word "cooperative" in its corporate name.

## What is Prohibited or Restricted

1. A name shall not contain language stating or implying that the corporation is organized for a purpose other than that permitted by law and its articles of agreement/incorporation.

2. A name shall not imply or suggest its affiliation with any United States government agency, state agency, or local government subdivision or authority, including names reserved pursuant to RSA 53-E.
3. A name shall be distinguishable from, and not the same as the name of any political party recognized under RSA 652:11, unless written consent is obtained from the authorized representative of the political organization.
4. A name may not be one that is deemed to be vulgar, or so grossly offensive as to be unacceptable as a business entity name.
5. Use of the words "**Bank**," "**Credit Union**," or "**Trust Company**" requires written approval from the New Hampshire Banking Department.
6. Use of the words "**Home Health Care**," "**Home Care**," or "**Visiting Nurse**," or modifications or derivations of these terms, must be accompanied by a letter from the N.H. Department of Health and Human Services, Bureau of Health Facilities Administration, stating that the business is licensed, or has applied for licensure with that agency.
7. The words "**Farmers' Market**" may not be used unless the entity meets the definition of "farmers' market" established in RSA 21:34-a, V.
8. Certain words related to licensed professions, such as "**Architect**," "**Architecture**," "**Engineer**," and "**Engineering**" require approval from the N.H. Office of Professional Licensure and Certification prior to registration.
9. Only persons, firms, corporations, associations, and foreign corporations operating on a cooperative basis and authorized to do business in New Hampshire, shall be entitled to use the term "**Cooperative**" in its name.
10. The use of the term "**Community Power**" following the name of a municipality or county shall be reserved for the exclusive use by such entity as a name for proposed or approved municipal or county aggregations of electric customers.

Once you have selected a proposed name, you may call our Information Line (603-271-3246) or email the Corporation Division ([Corporate@SOS.NH.GOV](mailto:Corporate@SOS.NH.GOV)) to check if the name you wish to use is available. Availability checks are provided as a courtesy, but the Office can not guarantee a name will be accepted until an application to register or reserve the name is received, along with the required filing fee. If consent is required from a registered or protected business name, a letter from the entity would be required to accompany the filing.