



New Hampshire Secretary of State

IMPORTANT NOTICE

EFFECTIVE JANUARY 1, 2016

Effective January 1, 2016, the legislature passed Senate Bill 223 during the 2015 session which changed the name availability law. The naming standard has changed from prohibiting "...a name that is not distinguishable from, or is the same as, or not likely to be confused with or mistaken for..." to allowing one that "... shall be distinguishable from, and not the same as..." a name already on record. The guidelines for the new naming standard appear below.

RSA 293-A:4.01 Corporate Name

(b) Except as authorized by subsections (c) and (d), a corporate name, based upon the records of the secretary of state, shall be distinguishable from, and not the same as:

(1) the name of an entity incorporated, authorized, formed, or registered to transact business in this state under RSA 292, RSA 293-A, RSA 293-B, RSA 294-A, RSA 301, RSA 301-A, RSA 304-A, RSA 304-B, RSA 304-C, RSA 305-A, or RSA 349;

(2) a name reserved or registered under RSA 293-A, RSA 293-B, RSA 304-A, RSA 304-B, or RSA 304-C;

(3) the fictitious name adopted by a foreign entity authorized to transact business in this state because its real name is unavailable;

(4) The name of an agency or instrumentality of the United States or this state or a subdivision thereof;

(5) The name of any political party recognized under RSA 652:11, unless written consent is obtained from the authorized representative of the political organization; and

(6) The name "farmers' market" unless the entity meets the definition of "farmers' market" established in RSA 21:34-a, V.

NAME AVAILABILITY GUIDELINES

DISTINGUISHABLE: A name is distinguishable on the record if it has a different sequence of letters or numbers from all active names in the database. A different sequence of letters may involve a single character. The characters that may be recognized as part of a name shall include those letters or numbers which appear on a Standard English language keyboard. Punctuation and spacing will not be recognized as characters. Upper case letters, lower case letters or letters using a different font style will not be considered distinguishable characters.

- The same words in a different order make the name distinguishable.
EXAMPLE: HOUSE PARTY is distinguishable from PARTY HOUSE
- Words that are spelled differently or creatively are considered distinguishable.
EXAMPLE: CRISPY COOKIES is distinguishable from KRISPY COOKIES
- Abbreviations and unabbreviated versions of the same word are distinguishable.
EXAMPLE: NEW ENGLAND is distinguishable from NE
NORTH EAST is distinguishable from NE
NEW HAMPSHIRE is distinguishable from NH
TECHNOLOGY is distinguishable from TECH
- Prepositions and conjunctions are considered distinguishable.
EXAMPLE: INTO THE DEEP CO. is distinguishable from TO THE DEEP CO
OF MICE AND MEN INC. is distinguishable from MICE AND MEN INC.
DECK HALLS is distinguishable from DECK AND HALLS
- The plural form of a word may make a name distinguishable.
EXAMPLE: GOOD DEED INC is distinguishable from GOOD DEEDS INC

NOT DISTINGUISHABLE:

- Spaces between words are NOT considered characters for the purpose of making a name distinguishable.
- Numbers or Roman Numerals are converted to the word/number equivalent and will NOT make a name distinguishable, such as:

EXAMPLE: BOOKSTORE III is NOT distinguishable from BOOKSTORE THREE
and is also NOT distinguishable from BOOKSTORE 3

- Specific punctuation and symbols are NOT distinguishable.

""	quotation marks
.	period
;	semicolon
!	exclamation
'	apostrophe
\	back slash
	pipe
?	question mark
()	parenthesis
/	forward slash
...	ellipsis
,	comma
-	hyphen
~	tilde
[]{}<>	brackets
___	underscore
^	carat
:	colon
`	accent
---	dotted line
*	asterisk
><	greater than/less than
#	pound sign/ number

EXAMPLE: GREAT EXPECTATIONS is NOT distinguishable from GREAT EXPECTATIONS!

- The symbols listed below can be used as a distinguishable character when creating a name but cannot be used as the word equivalent of a name already on record:

- %
- &
- \$
- +
- =
- @

EXAMPLE: DOLLAR STORE is NOT distinguishable from \$ STORE
TOM & JOE'S PLACE is distinguishable from TOM JOE'S PLACE
TOM & JOE'S PLACE is NOT distinguishable from TOM AND JOE'S PLACE

- Business designations - Words and abbreviations that are required to identify the type of business entity do NOT qualify a name as distinguishable. This includes abbreviated forms of the identifiers as well as foreign language equivalents.

EXAMPLE: JOHNNY'S JUMPERS LLC is NOT distinguishable from JOHNNY'S JUMPERS, LIMITED LIABILITY COMPANY and is also NOT distinguishable from JOHNNY'S JUMPERS, CORP

- The use of internet domain suffixes ('.com', '.org', '.gov', and '.net') are NOT distinguishable

EXAMPLE: TEA TIME is NOT distinguishable from TEATIME.COM
TEATIME.COM is NOT distinguishable from TEATIME.NET

- The possessive form of a word is NOT distinguishable from the plural
EXAMPLE: BOB'S is NOT distinguishable from BOBS
- The articles "a", "an" and "the" do NOT make a name distinguishable when used as the first word in the business name.

EXAMPLE: THE LIGHTHOUSE INN is NOT distinguishable from LIGHTHOUSE INN
DECK THE HALLS is distinguishable from DECK HALLS

Special Considerations:

False implication of Government Affiliation: The name may not be one that might falsely imply governmental affiliation, local, state, or federal or any sub-division thereof.

Grossly Offensive, Obscene or Names that have an Illegal connotation. Names that contain words, phrases or references, as defined above, will not be acceptable.