

# How to Protect Corporate Names

Discovering whether a name is already taken sounds easier than it is

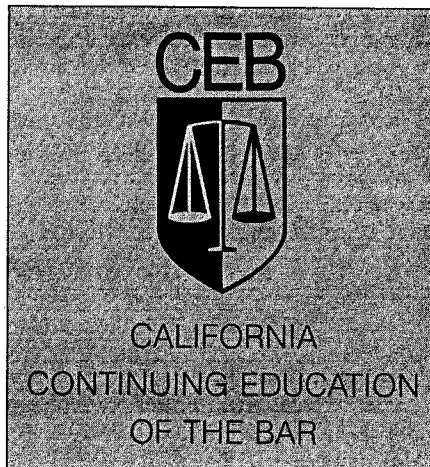
**C**HOOSING A CORPORATE name for a client may not be the lawyer's responsibility, but once the client has selected a name, it is the lawyer's job to determine the name's availability and to see that it is registered and protected. On occasion, this responsibility can become an ordeal.

Explosive growth in the number of California corporations, and the great number of out-of-state corporations doing business in California, may make it difficult for your client to find an available corporate name. This article addresses some strategies for dealing with the inconsistencies and uncertainties of the corporate name procedures of the California secretary of state's office. For information on coordinating corporate name protection with trademark protection, see Pretty, "Selecting a Name for the New Business Venture," 3 CEB Bus L Rep 1 (May 1984).

Suppose that after months of brainstorming, your client tells you he has decided to name his new computer software company Mathilda Inc. after his German shepherd. You now begin the task of determining whether Mathilda Inc. is available as a corporate name in California. The first thing you do is call the Secretary of State Corporate Name Availability Section at 916/322-2387. After many attempts, you finally reach a clerk who will field your request and will access a database to determine if there is a corporation already registered in California under the name Mathilda Inc.

Once you are informed that the name is available, you can file your client's articles of incorporation immediately. Or you can send \$10 to the secretary of state's office at 1230 J St., Sacramento, 95814, with a request for a certificate reserving the name for 60 days. For an additional \$3 you can make the reservation in person at the secretary of state's office in Los Angeles, San Francisco, San Diego or Sacramento.

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*If a previously registered name is similar to your client's but is in an unrelated field, your client may be able to use the name.*

A similar procedure and the same 60-day limit will apply if you are qualifying a foreign corporation to transact intrastate business in California or registering a non-qualified foreign corporation to do business in California under Corp C §2101. Unlike federal trademark registrations, an available corporate name may be used for this purpose even if the name describes the company's business. Thus, for example, a corporation could register the name Super Computers Inc. if it were available.