

Derek McManus Law Corporation
Lawyer and Notary Public
Since 1975
M.A. (Econ), J.D. (Juris Doctor)
Box 57, 450 Lakeshore Dr., N.E., Salmon Arm, BC V1E 4N2
Phone 250 833 4720 Fax 250 832 4787
corp@salmonarmlaw.com www.salmonarmlaw.com

BUSINESS NAMES

Introduction: I have written this report based on questions often asked of me while in private law practice in British Columbia and Alberta, Canada, since 1975. Although my first hand experience is limited to those jurisdictions, wherever possible I have written in non-legal terms and with general principles in mind.

When you go into business, you usually adopt some name in the marketplace that you intend customers to relate to your product or service. As such, control over your business name becomes important to you.

The control that you have over your business name is subject to a number of factors, and each situation must be examined separately. However, in general terms, there is a hierarchy of control that will help you understand the issues.

The hierarchy follows this pattern, moving from low control to high control.

1. You have just started using your business name, and it has never been registered in any manner.
2. You have registered your business name as a “trade name” under provincial legislation.
3. You have registered your business name as a company under provincial legislation.
4. You have registered your business name as a company under federal legislation.
5. You have registered your business name under legislation for trade marks and trade names.
6. You have done 3, 4, and 5 above, and you have also been using your name longer than anyone else in your marketplace.

You wouldn't expect to read anything “legal” without some kind of caution - so here it is: This report is general information only and not to be relied upon without legal advice. For legal advice, call us.

I hope this helped answer your questions.

For more answers to common legal questions, please visit our website: www.salmonarmlaw.com

Derek McManus, MA (Econ), J.D. (Juris Doctor)
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