



A Tradition of Stewardship  
A Commitment to Service

**Assessor-Recorder-County Clerk**  
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**ASSESSOR-RECORDER-COUNTY CLERK**

## “Doing Business As (DBA)”

California, like most states, requires persons conducting business for profit to file a “Fictitious Name Statement,” also known as Doing Business As (DBA), if they are operating under a name other than their own last name(s). A fictitious name statement must also be filed, even if one or more last names are used, if there is language such as “and Sons” or “and Associates” which might refer to others whose last names are not listed. Corporations and LLCs must file if they are conducting business under a name other than the name shown on the articles of incorporation.

The primary reason for requiring that a fictitious business name be filed and publicized is so that customers, creditors, government agencies and others can find the individuals, partners or corporate owners of the business being conducted under the fictitious name. Fictitious name statements are filed with the County Clerk in the county in which the principal place of business is located. Additional filings may be made in other counties where the registrant does business. The County Clerk is not responsible for explaining the fictitious name regulations or regulating the use of fictitious names. Anyone considering starting a business under a fictitious name should contact a professional advisor or small business center for more information. The minimum filing fee and publication costs are approximately \$120.00 for one fictitious name by one registrant. Additional fictitious names and additional registrants can be listed on the same statement for additional fees on a per name basis.

The County Clerk does keep an index of fictitious names filed in Napa County for prior years for public review. The County Clerk does not check to see if a fictitious name is already on file and is not entitled to stop anyone from filing a name that is already on file. The law does provide a rebuttable presumption of exclusive use to the person who is the first to file a fictitious name in a given county. However, filing a fictitious name statement is not all that is needed for establishing a trademark nor does it replace the requirement that corporations must file their articles of incorporation with the California Secretary of State. The rebuttable presumption of exclusive use only lasts as long as the fictitious name statement remains current or is renewed.

Once filed, a fictitious name remains valid for five years unless it is abandoned or there is a change in the facts set forth in the original statement, i.e. a change of owners, type of organization, address where business is conducted. If there is a change of facts, the registrant has 40 days to file a new fictitious name statement with the current information. Any person or entity who transacts business for profit under a fictitious name but who fails to file the required statement is prevented from using the court system to enforce a contract or other transaction done under the fictitious

name until such statement is filed and published. Thus, if Jane Doe provides a service to someone as Jay-Dee Plumbing, she cannot enforce payment for that service in court until the Jay-Dee Plumbing name has been filed and published.

Should you have any questions please contact Napa County Assessor-Recorder-County Clerk John Tuteur at 707.253.4459 or by e-mail [john.tuteur@countyofnapa.org](mailto:john.tuteur@countyofnapa.org) More articles can be found at <http://www.countyofnapa.org/Assessor/>