

REQUIREMENTS FOR FILING THE STATEMENT (Sec. 17910, 17915 B&P Code)

Every person or entity who regularly transacts business in this state for profit under a fictitious business name shall file a fictitious business name (FBN) statement not later than 40 days from the date such business commences. The registrant shall file a new statement on or before the date of expiration of each FBN statement. The statement shall be filed in the county in which the principal place of business is located. If the principal place of business is outside this state, the statement shall be filed with the Clerk of Sacramento County.

INSTRUCTIONS FOR COMPLETING THE STATEMENT (Sec. 17910.5, 17913, 17914 B&P Code) **Type or print legibly and firmly in black ink.**

- A. * Where one asterisk (*) appears on the form, insert the fictitious business name or names. Only those businesses operated at the same street address may be listed on one statement. If more than one name is listed, number each name; the clerk's form **Additional Information** may be used to list additional names. If the fictitious name includes Corporation, Corp., Incorporated, INC., Limited Liability Company, LLP, or L.L.C. the registrant must also submit a copy of the articles of incorporation or articles of organization for such name or for such registrant.
- B. ** Where two asterisks appear on the form, insert the street address of the principal place of business in this state. **(P.O. Box, postal drop box, mailing suite, or c/o addresses are not acceptable.)** If the registrant has no place of business in this state, insert the street address of the principal place of business outside this state.
- C. *** Where three asterisks appear on the form:
Individual: Insert full name and residence address* of the individual.
Partnership or other association of persons: Insert full name and residence address* of each **general** partner.
Limited liability company: Insert the name of the limited liability company as set out in its articles of organization and state of organization.
Trust: Insert full name and residence address* of each trustee.
Corporation: Insert the name and address of the corporation as set out in the articles of incorporation, and the state of incorporation.
- D. **** Where four asterisks appear on the form, indicate whichever best describes the nature of the business ownership.
- E. ***** Where five asterisks appear on the form, insert the date on which the registrant(s) first commenced to transact business under the fictitious business name or names listed. If the registrant(s) has not yet commenced to transact business under the fictitious name, write "N/A."
- F. Individual: The individual must sign.
Partnership or other association of persons: A general partner must sign.
Business Trust: A trustee must sign.
Corporation: An officer of the corporation must sign and indicate his/her title. (Signature of an agent or an assistant officer is not acceptable.)
Limited Liability company: A manager or officer must sign.

NOTICE TO REGISTRANT (Sec. 17924 B&P Code)

Within 30 days after the fictitious business name statement has been filed with the county clerk, the statement must be published in a newspaper of general circulation in the county where the statement was filed. The newspaper selected should be one that circulates in the area where the business is to be conducted. The statement must be published once a week for four successive weeks with five days between each date of publication. An affidavit of publication must be filed with the county clerk within 30 days after the completion of the publication. (Sec. 17917 B&P Code, Sec. 6064 Gov. Code.)

Any person who executes, files, or publishes any fictitious business name statement, knowing that such statement is false, in whole or in part, is guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed one thousand dollars (\$1000). (Sec. 17930 B&P Code)

EXPIRATION OF FICTITIOUS BUSINESS NAME STATEMENT (SEC. 17920 B&P CODE)

- A. Unless the statement expires earlier under (b) or (c) below, a fictitious business name statement expires five years from the date it was filed in the office of the county clerk. **A RENEWAL STATEMENT MUST BE FILED BEFORE THE EXPIRATION DATE.**
- B. A fictitious business name statement expires 40 days after any change in the facts set forth in the statement, except (1) a change in the residence address of an individual, general partner, or trustee does not cause the statement to expire prior to the end of the five year term; and (2) the filing of a statement of withdrawal from partnership by a withdrawing partner does not cause the statement to expire prior to the end of the five year term. **A NEW STATEMENT MUST BE FILED WITHIN 40 DAYS AFTER A CHANGE IN THE FACTS.**
- C. A fictitious business name statement expires when the registrant files a statement of abandonment of the fictitious business name described in the statement.

TRADE NAME REGISTRATION (SEC. 14411, 14412, 14415, 14416 B&P CODE)

The filing of articles of incorporation with the state and/or a fictitious business name statement in the county establishes a rebuttable presumption in that county that the registrant or corporation has the exclusive right to use that business name, as well as any confusingly similar name, if the registrant or corporation is the first to register such name and is actively engaged in a business utilizing the name. The rebuttable presumption shall be applicable until the statement is abandoned or otherwise expires and no new statement has been filed by the registrant.