

The Ontario Business Names Act administered by the Companies and Personal Property Security Branch applies to:

- sole proprietorships (one owner) carrying on business under a name other than the individual's full name;
- partnerships carrying on business under a firm name other than the full names of the partners;
- corporations carrying on business under a name other than their corporate name;
- an existing general partnership or limited partnership registering a business name that is different from the previously registered firm name;
- limited liability partnerships;
- extra-provincial limited liability partnerships; and
- extra-provincial limited liability companies

In the case of sole proprietorships and partnerships, any business name other than the owner's name must be registered. For example, if John Smith conducts business as "John Smith", he won't need to register the name. But if he operates as "John Smith, Consultant," he will have to register the name.

As another example, if John Smith and Jane Brown operate a partnership as "Smith and Brown," registration is necessary.

As a general rule, any time a word is added to a person's name, than registration is required.

## Registering a Sole Proprietorship or Partnership in Ontario can be achieved in 2 ways:

### **Registering by Internet:**

**Web site:** [www.ServiceOntario.ca](http://www.ServiceOntario.ca)

Name search: \$8 – \$26 depending on report chosen

Business name registration: \$60

Credit card payments only.

### **London location of Service Ontario computer workstation (self-help registration service):**

Service Ontario

Bell Canada Building, ground floor

100 Dundas St. (Dundas/Talbot)

London, ON N6A 6G8

Tel 1-800-565-1921

Hours: 8:30 am - 4:30 pm

## Ministry Fee for Registration

The Ministry fee for registering a business name is \$60, regardless of whether it is completed in person or online. At the time of registration, an additional fee of \$8 - \$26 is required to do a Business Name Search to ensure that your expected business name is not already in use by another business.

## **Master Business Licence (MBL)**

When registering a business name, you will be issued a Master Business License (MBL). A Master Business Licence confirms that a business name has been submitted to the Ministry of Government Services, Companies and Personal Property Security Branch for registration on the public record. It includes the registration and expiry dates, as well as a Business Identification Number. It can also be used as proof of registration for a business name at financial institutions. A Business Name registration is required to be renewed every five years and a new Master Business Licence will be issued. It is the registrant's responsibility to keep the information on the registration up-to-date and to renew the registration on time. The Branch does not issue reminders.

## **Penalties for Not Registering**

Under the Business Names Act, fines of up to \$2,000 can be levied against individuals and up to \$25,000 for corporations for failure to register or for registering false or misleading information.

## **Registration of Similar or Identical Names**

The Business Names Act does not prohibit registration of identical names, but if you decide to use a name that is the same as, or confusingly similar to, that of an existing business, it could result in a lawsuit. The person registering the name also assumes full responsibility for any risk of confusion with an existing corporation, business name, or trademark.

The registrant of a business name who has suffered damages because someone else has registered the same name, or one that is deceptively similar, can take legal action through the courts. The Business Names Act entitles you to recover compensation for damages suffered and provides for a court order cancelling the registration that was the cause of the action.

## **Newly Upgraded Automated Name Search (NUANS)**

One of the most comprehensive searches of company names and related information is called a NUANS (Newly Upgraded Automated Name Search). This search includes registered trade-marks, registered business names (which includes trade-names) and incorporated company names. The NUANS can be conducted through their website located at [www.nuans.com](http://www.nuans.com).

## **Additional Business Registrations and Licences**

The Service Ontario web site will also provide you with information and access to additional registrations you may require for your business, such as Employer Health Tax and the Workplace Safety and Insurance Board. Depending on the type of business you start you may also require registrations and licensing through your federal and municipal governments. Information on federal registrations can be found on the Canada Revenue Agency's web site [www.cra-arc.gc.ca](http://www.cra-arc.gc.ca). These may include registrations for HST, Import/Export Accounts and Payroll Deductions. Some municipalities also require additional licences, taxes and have specific zoning requirements. For information on the city of London requirements, you may want to visit the city's web site at [www.london.ca](http://www.london.ca).

## **BizPal**

BizPal is a one stop web site that provides simplified online access to information on registrations, permits and licences you may need to start and run your business. This unique partnership among federal, provincial, and local governments is designed to help you find all of the requirements in one location. Visit [www.bizpal.ca](http://www.bizpal.ca) input the information for your business and a list of permits, registrations and licences will be generated. For additional information or questions regarding business registrations book a consultation with a Business Advisor at the London Small Business Centre by calling 519-659-2882.