

655:20-1-6. Name availability of business entity names

The availability of name will be made by the Business Filing Analysts. A final determination is made only when the document is submitted for filing. The final decision, in case of a difference of opinion, will be made by the Secretary of State or the Assistant Secretary of State. The Secretary of State does not have the power and authority to determine or settle competing claims to a name.

Pursuant to the Oklahoma General Corporation Act, 18 O.S., Section 1141, the Oklahoma Liability Company Act, 18 O.S., Section 2008, the Oklahoma Revised Uniform Limited Partnership Act, 54 O.S., Section 303, and the Oklahoma Revised Uniform Partnership Act, 54 O.S., Section 1-105, a proposed entity name may not be the same as or indistinguishable from the name of any business entity, as defined in 18 O.S., Section 1140, trade name, fictitious name or reserved name filed with the Secretary of State. In accordance therewith, this Section shall apply to all business entity name availability determinations.

Words such as: Company, Corporation, Incorporated, Limited, Limited Partnership, Limited, Ltd., Limited Liability Company, L.L.C., L.C., Ltd. Co., Registered Limited Liability Partnership, Limited Liability Partnership, R.L.L.P., L.L.P., RLLP, LLP., or the abbreviation of one of these words or other variations of the statutory terms are **not** used to distinguish an otherwise indistinguishable or same name.

A consent to the use of a proposed name of an entity that has been determined to be indistinguishable must be in written form, or on a consent form provided by this office. The consent must be signed by the authorized person for the consenting entity.

A proposed entity name will require consent if:

- ** The name is the identical to an entity name on record except for a geographical designation within the name (***Ok / Oklahoma / Okie / USA / OKC***), or a numerical figure (1-10).
- ** The name consists of the use of different articles of speech (A, An, The), generic words such as "Service", "Services", "Or", "Of", etc. (***Exxon, Inc. is not distinguishable from Exxon Services, Inc.***)
- ** The name consists of the use of periods, spaces, symbols, or other such punctuation. (***Exxon, Inc. is not distinguishable from E.X.X.O.N. INC.***)
- ** Names that are spelled differently, but sound alike when spoken thus making the names difficult to distinguish upon hearing. (***DOGG – DAWG – DOG***)
- ** Names upon the records in the Office of the Secretary of State existing or which existed at any time during the preceding three (3) years.

The following matters are not considered when determining name availability:

- The purpose of the proposed entity in comparison to the purpose of an existing entity.
- Whether an "opinion" as opposed to a final determination has been previously expressed by an employee of the Secretary of State in response to an oral or written request.
- Whether an existing entity is actively engaged in business, or has a telephone listing, or a location of a place of business.
- Whether the applicant has ordered stationary, opened a bank account, signed a contract, or otherwise altered his position in the expectation, hope or belief that the proposed name would be available.