

POLICY STATEMENT ON THE ADOPTION
OF AN ASSUMED NAME BY TWO OR MORE ENTITIES

Section 217 of the Business Corporation Act (BCA) permits the same assumed name to be adopted by “2 or more corporations, or by 1 or more corporations and 1 or more limited partnerships or other enterprises.” In addition, the BCA provides that each participant corporation shall file a certificate. Section 104 of the Michigan Revised Uniform Limited Partnership Act, (MRULPA) permits the same name to be assumed by “2 or more domestic or foreign limited partnerships”. Section 206 of the Limited Liability Company Act permits the same name to be assumed by “2 or more limited liability companies or by 1 or more corporations, limited partnerships, or other enterprises”.

When corporations, limited partnerships, or limited liability companies wish to adopt the same assumed name, as provided in Sections 217, 104, and 206 of the respective acts, each participant corporation, limited partnership or limited liability company shall simultaneously file an assumed name certificate. If one of the entities already has the assumed name, it shall simultaneously file a Certificate of Termination and the new Certificate of Assumed Name. Each assumed name certificate so filed shall reflect the correct true name of the other corporations, limited partnerships, or limited liability companies which are simultaneously adopting the same assumed name.

The certificate shall expire on December 31 of the fifth full calendar year after the year in which it was filed. In order to extend the assumed name for subsequent periods similar certificates must be filed by all of the corporations, limited partnerships, or limited liability companies whose name expires in the same year. If less than all of the participant corporations, limited partnerships, or limited liability companies submit renewals before the expiration date, the name will not be renewed and it will be available for adoption on a first come first serve basis.

The above policy shall be adopted immediately and remain in effect unless rescinded or modified by the Bureau Director.

Approved by Carl L. Tyson, Director
Corporation and Securities Bureau
on June 3, 1993