

Name Reservation Request Instructions

GENERAL

These instructions are designed to assist in the reservation of all corporate and business names to be registered in Nova Scotia.

The first step in the incorporation of a company, incorporated under the Nova Scotia Companies Act, registration of a company under the Corporations Registration Act, or the Partnerships and Business Names Registration Act (partnership, proprietorship), is to submit the name reservation request form along with your payment for the type of NUANS (Newly Updated Automated Name Search) search requested.

The above must be completed before filing the required documentation under the appropriate statute along with the correct fees for filing these documents.

FEES

The payment of fees in advance is a mandatory requirement of doing all business with the Registry. **Cheques and money orders are to be made payable to the Registry of Joint Stock Companies. VISA payments are also accepted.** Fees have been established by Order in Council and are subject to change upon notice.

The fees required per name to do an Atlantic (NUANS) name search is \$56.02 (including HST). The fees required per name for a Federal (NUANS) name search is \$70.01 (including HST).

PROCESS

The attached form allows you to request one choice for name reservation. A name search request may be made on this form, in writing with the same information as is required on this form, or via the internet at www.nsbr.ca.

Completed requests can be mailed to: Registry of Joint Stock Companies
PO Box 1529
Halifax, Nova Scotia
B3J 2Y4

or delivered to: 9 North, Maritime Centre
1505 Barrington Street
Halifax, Nova Scotia
B3J 3K5

or mailed or delivered to: the nearest Access NS Centre

Results will be mailed within three days from date of receipt of your request. Name reservation is at the discretion of the Registrar. **Do not commit to a name before it has been reserved; in other words, do not order business cards or advertising signs in advance.**

DO NOT SEND REGISTRATION FORM ALONG WITH NAME SEARCH REQUEST

NAME COMPONENTS

In assessing names, the staff analyze them according to their constituent components. The form of name acceptable in principle consists of a **distinctive** element, followed by a **descriptive** element and ends with a corporate designation (if applicable).

e.g.: ABC Electric Limited
ABC - Distinctive Element
Electric - Descriptive Element
Limited - Corporate Designation

DISTINCTIVE ELEMENT

The distinctive element serves to differentiate names having identical or similar descriptive elements and, for that reason, is the **most important** element to be examined in the name.

Names such as “The Tire Shop Limited” and “Shoe Store Limited” lack an appropriate distinctive element and would be rejected for that reason. They would be acceptable if prefixed with an additional distinctive element (e.g., coined word, geographical location or personal name) that would distinguish them from all the other tire shops and shoe stores.

e.g.: Halifax Tire Shop Limited Sandell’s Shoe Store Limited

Coined and made-up words are preferred distinctive elements, provided they do not conflict with others already registered. A coined word is one that is made up of the syllables of two or more other words.

e.g.: Interex Enterprises Limited Fabuform Diet Centre Limited

A coined word may be considered sufficiently distinctive by itself, and as a result a descriptive element may not be required.

DESCRIPTIVE ELEMENT

The descriptive element is used to describe the nature of the business as well as to expand the options available. It allows for use of identical or similar distinctive elements, which might be desirable in developing a particular presence in the marketplace.

e.g.: Sydney **Brake Shop** Limited Yarmouth **Stationary** Limited

CORPORATE DESIGNATION

Incorporated companies **must have as the last word** in the name, the corporate designation, “Limited”, “Limitée”, “Ltd.” or “Incorporated”, “Incorporée”, “Inc.”.

The corporate designation is **not** applicable to a business or society name. Business names for partnerships and proprietorships **cannot** contain “limited” or “incorporated”.

Societies should have the designation “society” or “association” in their names. Companies are precluded from the use of these words in their names.

Cooperatives must use the word “cooperative” in their name.

SINGLE WORD NAMES

An exception may be allowed if the proposed, single word name contains a word that has been trademarked and evidence of the trademark is presented with the name request. Each case will be determined on its merits.

Obvious contractions of common words (e.g., petrochem, being a contraction of “petroleum” and “chemical”) are not considered to be coined words for the purposes of single word names.

NUMBER NAMES

The incorporation number may be used as the name of a Nova Scotia company. The accepted format is “1234567 Nova Scotia Limited”, or other forms of the legal element.

Names reservations are required for numbered companies. The number will be assigned according to the next available number at the time reservation is requested.

Number companies from other jurisdictions, continuing in Nova Scotia and wishing to retain their numbered names, will be required to conform with the name requirements of the province.

WELL KNOWN NAMES

Names, which include well known trade names and trademarks, will not be allowed without the advance written consent of the holder:

eg: Exxon, Xerox, Coke

EXTRAPROVINCIAL NAMES

Special consideration will be given to established extra-provincial companies applying for registration in the Province, provided that there is not a direct conflict in names.

SPECIAL CHARACTERS

The use of a special character (such as % or *) should be avoided in corporate and business names, but are not rejected.

NO SUGGESTION OF GOVERNMENT CONNECTION

The words Nova Scotia (in either English or French form) will not be allowed at the beginning of a corporate or business name. Other words which might imply connection with, or endorsement by, any government require written consent of that government.

The use of “Nova Scotia” as the distinctive element in any name is considered to imply connection with the Government of the Province of Nova Scotia. Use will be accepted only on the written consent of that government, usually obtained from the Nova Scotia Protocol Office, after the name has been approved by the Registrar.

Use of the words “Nova Scotia” and “N.S.” will be accepted without consent, if they are placed at the end of a name and before the corporate designation. “Nova Scotian” may be used anywhere in a name.

Name Reservation Request Instructions

The use of brackets with the words “(Nova Scotia)” and “(N.S.)” implies affiliation or subsidiary with another company with a similar name, outside of Nova Scotia and will be accepted only on confirmation of the existence of the affiliate.

OBJECTIONABLE NAMES

Names that are considered to be objectionable on public grounds will not be accepted. A name will not be approved if it includes a vulgar expression, obscene word or connotation, racial, physical or sexual slur.

The use of names of public figures will not be acceptable without advance written consent of the person named. You cannot use a surname other than your own, without advance written consent of the person named.

Your request may be returned with a notation that the name is not available for the following reasons:

- | | |
|------------------------|---|
| NOT DISTINCTIVE | Name requires a distinctive, non-descriptive first word or phrase, (e.g., person's name, initials, geographic location, etc.). |
| DESCRIPTIVE WORD | Requires descriptive second word or phrase (e.g., Electrical, restaurant, construction, etc.) following the prefix. |
| CONFLICT | Indicates which existing company, society, etc. names conflict with your request. |
| AVAILABLE WITH CONSENT | This means your request is available; however we require an originally executed, letter of consent from the company(s), society(s), etc. listed. The letter should be submitted with your documentation and not separately. |

If you need assistance, call our telephone numbers below or visit our web site at <http://www.gov.ns.ca/snsmr/rjsc/>

Reservation of a name by the Registry for either a corporation or a firm does not provide a propriety right or interest in the name under any circumstances. It is intended solely to protect the public interest by:

1. preventing names of companies which are so similar as to confuse or mislead; and
2. providing a record which allows the public to determine which individuals are associated with a corporate or firm name.

For information on trademarks, please contact Industry Canada at 1-800-667-1010.

GUIDELINES

This abbreviated information is provided for convenience only. Corporate and business law is complicated and there can be no substitute for sound professional advice. The Registrar of Joint Stock Companies does not accept responsibility for any errors or omissions in this information.

When submitting your documentation for incorporation or registration, please ensure the name quoted is **identical** to the name reserved for you. Any changes will require another name registration request along with an additional fee.

HELP IS AVAILABLE

Phone (902) 424-7770 or 1-800-670-4357.