

PROPOSED REGULATION OF
THE SECRETARY OF STATE
LCB File No. R098-00

July 17, 2000

EXPLANATION – Matter in *italics* is new; matter in brackets ~~is omitted material~~ is material to be omitted.

AUTHORITY: §§1-11, NRS 78.039 and 78.185; §12, NRS 80.010; §13, NRS 82.096; §14, NRS 86.171 and 86.278; §15, NRS 87.450 and 87.455; §16, NRS 88.320 and 88.327; and §17, NRS 88A.230.

Section 1. Chapter 78 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. *To determine whether a proposed name of a corporation is distinguishable from the name of an existing business entity, the secretary of state will consider, without limitation, the rules set forth in sections 3 to 11, inclusive, of this regulation.*

Sec. 3. 1. *If one or more of the following words or abbreviations follows the main body of the proposed name of the corporation, such words or abbreviations shall be deemed not to be part of the proposed name for the purposes of determining whether the proposed name is distinguishable from the name of an existing business entity:*

- (a) *Business Trust, B.T. or BT;*
- (b) *Chartered or Chtd.;*
- (c) *Company or Co.;*
- (d) *Corporation or Corp.;*
- (e) *Incorporated, Incorp. or Inc.;*
- (f) *Limited or Ltd.;*

- (g) *L.C. or LC;*
- (h) *Limited-Liability Company, L.L.C. or LLC;*
- (i) *Limited-Liability Partnership, L.L.P. or LLP;*
- (j) *Limited Partnership, L.P. or LP; and*
- (k) *Professional Corporation, Professional Corp, Prof. Corp., P.C. or PC.*

2. *If one or more of the following words follows the main body of the proposed name of the corporation, such words shall be deemed to be part of the proposed name for the purposes of determining whether the proposed name is distinguishable from the name of an existing business entity:*

- (a) *And Associates;*
- (b) *Association;*
- (c) *Casino;*
- (d) *Club;*
- (e) *Consortium;*
- (f) *Enterprise or Enterprises;*
- (g) *Family;*
- (h) *Foundation;*
- (i) *Group;*
- (j) *Hotel;*
- (k) *Motel;*
- (l) *Partners;*
- (m) *Resort; and*
- (n) *Unlimited.*

Sec. 4. 1. The addition or omission of distinctive lettering or typeface, a space, a capitalized letter, a symbol, a sign, a punctuation mark or any other mark does not make the proposed name of the corporation distinguishable from the name of an existing business entity. For example:

- (a) “ABC, Inc.” is not distinguishable from “A.B.C., Inc.”;
- (b) “Intellico” is not distinguishable from “Intelli, Co.”;
- (c) “Motor-Mouth” is not distinguishable from “Motor Mouth”; and
- (d) “Nevada.com, Inc.” is not distinguishable from “Nevada Com, Inc.”

2. The substitution of distinctive lettering or typeface, a space, a capitalized letter, a symbol, a sign, a punctuation mark or any other mark for a word does not make the proposed name of the corporation distinguishable from the name of an existing business entity. For example:

- (a) “A-plus” is not distinguishable from “A+”;
- (b) “Frustrated, Inc.” is not distinguishable from “Frustrated, Inc.”;
- (c) “Jones & Jones” is not distinguishable from “Jones and Jones”; and
- (d) “Marketing Ahead” is not distinguishable from “marketing ahead.”

3. For the purposes of this section:

- (a) “Distinctive lettering or typeface” includes, without limitation, underscoring, italics, boldface, different font styles and different font sizes;
- (b) “Punctuation mark” includes, without limitation, a comma, a semi-colon, a colon, a dash, a period, an exclamation point, a question mark, an apostrophe, single quotation marks, double quotation marks, parentheses, braces, brackets and any other similar mark; and

(c) “Symbol or sign” includes, without limitation, #, \$, %, ^, &, *, ~, <, >, +, -, =, _, / and \, and any other similar symbol or sign.

Sec. 5. The addition or omission of a definite or an indefinite article, such as “the,” “a” or “an,” does not make the proposed name of the corporation distinguishable from the name of an existing business entity. For example:

1. “A Clear View, Inc.” is not distinguishable from “Clearview, Inc.”; and
2. “The Action Co.” is not distinguishable from “Action Co.”

Sec. 6. A difference in spelling, regardless of whether there is a phonetic similarity between the proposed name of the corporation and the name of an existing business entity, may make the proposed name distinguishable from the name of an existing business entity.

For example:

1. “Capital Cleaner” is distinguishable from “Capitol Cleaners”;
2. “Cool Cuts” is distinguishable from “Kool Kuts”;
3. “Great Picks” is distinguishable from “Great Pix”;
4. “Jones Tires” is distinguishable from “Joan’s Tires”; and
5. “Write, Inc.” is distinguishable from “Right, Inc.”

Sec. 7. The use of a word in a foreign language that is spelled similarly or has the same meaning as a word in the English language, or the use of a word in the English language that is spelled similarly or has the same meaning as a word in a foreign language, may make the proposed name of the corporation distinguishable from the name of an existing business entity. For example:

1. “Association of Women” is distinguishable from “Association de Mujeres”; and
2. “Evangelical Church” is distinguishable from “Evangelico Church.”

Sec. 8. The addition or omission of a prefix or a suffix or any other variation in the beginning or ending of a root word, such as “s,” “es,” “ing,” “ion,” “ed” or “er,” may make the proposed name of the corporation distinguishable from the name of an existing business entity. For example:

1. *“C-Corp.” is distinguishable from “Cee Cee, Inc.”;*
2. *“Circuit Products” is distinguishable from “Circuit Production”;*
3. *“Rich, Inc.” is distinguishable from “Richey, Inc.”;*
4. *“Sam’s town” is distinguishable from “Sammy’s Town”; and*
5. *“Window Wash” is distinguishable from “Window Washing.”*

Sec. 9. The addition, omission or change of a preposition, such as “of,” “in,” “with” or “for,” may make the proposed name of the corporation distinguishable from the name of an existing business entity. For example:

1. *“Express Nevada Co.” is distinguishable from “Express of Nevada Co.”;*
2. *“Kids for Tomorrow” is distinguishable from “Kids of Tomorrow”; and*
3. *“Jobs in Nevada” is distinguishable from “Jobs for Nevada.”*

Sec. 10. The use of an abbreviated word in place of an unabbreviated word, or the use of an unabbreviated word in place of an abbreviated word, may make the proposed name of the corporation distinguishable from the name of an existing business entity. For example:

1. *“AAA Communications” is distinguishable from “AAA Comm”;*
2. *“ABC Job Service” is distinguishable from “ABC Job Svc.”;*
3. *“American Systems” is distinguishable from “Amer. Systems”;*
4. *“Computer Technology” is distinguishable from “Computer Tech”; and*
5. *“International Investors” is distinguishable from “Int’l Investors.”*

Sec. 11. *The use of a numeral in place of a word that represents the number, or the use of a word that represents the number in place of a numeral, may make the proposed name of the corporation distinguishable from the name of an existing business entity. For example:*

- 1. “8 Ball, Inc.” is distinguishable from “Eight-Ball, Inc.”;**
- 2. “4th and Vine” is distinguishable from “Fourth and Vine”;**
- 3. “Nineteenth Hole” is distinguishable from “19th Hole”; and**
- 4. “One and Only” is distinguishable from “I and Only.”**

Sec. 12. Chapter 80 of NAC is hereby amended by adding thereto a new section to read as follows:

To determine whether a proposed name of a foreign corporation is distinguishable from the name of an existing business entity, the secretary of state will consider, without limitation, the rules set forth in sections 3 to 11, inclusive, of this regulation.

Sec. 13. Chapter 82 of NAC is hereby amended by adding thereto a new section to read as follows:

To determine whether a proposed name of a nonprofit corporation is distinguishable from the name of an existing business entity, the secretary of state will consider, without limitation, the rules set forth in sections 3 to 11, inclusive, of this regulation.

Sec. 14. Chapter 86 of NAC is hereby amended by adding thereto a new section to read as follows:

To determine whether a proposed name of a limited-liability company is distinguishable from the name of an existing business entity, the secretary of state will consider, without limitation, the rules set forth in sections 3 to 11, inclusive, of this regulation.

Sec. 15. Chapter 87 of NAC is hereby amended by adding thereto a new section to read as follows:

To determine whether a proposed name of a limited-liability partnership is distinguishable from the name of an existing business entity, the secretary of state will consider, without limitation, the rules set forth in sections 3 to 11, inclusive, of this regulation.

Sec. 16. Chapter 88 of NAC is hereby amended by adding thereto a new section to read as follows:

To determine whether a proposed name of a limited partnership is distinguishable from the name of an existing business entity, the secretary of state will consider, without limitation, the rules set forth in sections 3 to 11, inclusive, of this regulation.

Sec. 17. Chapter 88A of NAC is hereby amended by adding thereto a new section to read as follows:

To determine whether a proposed name of a business trust is distinguishable from the name of an existing business entity, the secretary of state will consider, without limitation, the rules set forth in sections 3 to 11, inclusive, of this regulation.