

# CHECKLIST FOR: Name Search and Reservation under the *Business Corporations Act* of the Northwest Territories

This checklist is **not exhaustive, and is intended as a guideline** for your convenience only.

In the case of any discrepancies between this checklist and the *Business Corporations Act* (BCA) and Regulations (Regs), the provisions of the *Business Corporations Act* and Regulations shall prevail.

- If the corporation is extra-territorially registering and is also NOT an extra-territorial numbered and/or federal corporation, proceed to **number 6** on this checklist.

## 1) **REQUIRED ELEMENTS** - all of the following requirements apply:

- The name must end with 'Limited', 'Limitée', 'Incorporated', 'Incorporée', 'Corporation', 'Société', 'Ltd.', 'Ltée', 'Inc.' or 'Corp'.
- The name may NOT include 'condominium corporation', 'co-operative', 'coopérative', 'credit union', 'caisse de crédit', 'housing authority' or any abbreviation or derivation of these terms.
- The name may NOT suggest that the corporation is, or will be, involved in any activity contrary to its articles; or as an insurer, trust company, stock exchange, or railway, steamship, air transport, canal, telegraph, telephone or irrigation company.
- The name must be shorter than 120 characters in length, including punctuation marks and spaces.
- The first character of the name must be an Arabic numeral or a letter or character of the English or French language.
- The name must include only Arabic numerals or a letter or character of the English or French language; including accents or characters listed in section 14 of the BCA Regs.
- The name must NOT be primarily a combination of punctuation or other marks.
- The name must NOT appear to be a number name ("numbered company") under the BCA.
- The name must NOT lead to the inference that the BCA does not apply to this corporation.
- The name must NOT contain a word or expression that is obscene, or connote a business that is scandalous, obscene or immoral, or is otherwise objectionable.

2) **PARENTHESIS/BRACKETS:** The name must NOT include a year in parenthesis/brackets, unless the corporation is a successor corporation and the year is the year in which it became a successor corporation.

3) **GENERAL/VAGUE NAME:** The name may NOT be too general, per section 23 of the BCA Regs.

4) **NAME OR SURNAME OF INDIVIDUAL:** The name may NOT be primarily or only the given name or surname of an individual, per subsection 23(c) and section 25 of the BCA Regs.

5) The name may NOT appear to indicate that the corporation:

- a. carries on business under royal, vice-regal or governmental patronage, approval or authority;
- b. is sponsored or controlled by, or is affiliated with any government or government agency;
- c. is sponsored or controlled by a university, college or technical institute that is regulated by provincial, territorial or federal legislation;
- d. carries on the business of a bank,

unless consent is proven per section 26 of the BCA Regs.

6) The name must NOT be identical or confusingly similar to:

- a. another corporation,
- b. an existing active name reservation,
- c. an existing active Business Name (Sole Proprietorship), Partnership, association, or firm;
- d. a trademark registered pursuant to the *Trade-marks Act* of Canada,

unless compliant with sections 28-30 of the BCA Regs.