ᓴᓕᒐᓕᕆᔨᒃᑯᑦᑕ
KAVAMATKOT APIKHOIYIT
DEPARTMENT OF JUSTICE
MINISTÈRE DE LA JUSTICE

Corporate Registries

Guide

NAME SEARCH AND RESERVATION

About this Document

This guide provides information about name search and reservation requests pursuant to the *Business Corporations Act*.

Submission Guidelines

Be sure to read the document titled *Corporate Registries –Submissions Guide* (available from our website) so you understand the process, requirements and advantages of submitting your registration via email, and other submission options. The guide also explains how to complete the forms, and how to scan any additional supporting documentation that may be required.

Fees

Please consult the *Business Corporations Act Fee Schedule* for current fees.

About Name Searches and Reservations

Under the Act, the approval of a corporate name and, therefore, a name search, is required in various circumstances including:

1. Incorporation;
2. Extra-territorial registration;
3. Change of name of territorial and extra-territorial corporations;
4. Amalgamation in which the name of the amalgamated corporation is not that of a registered predecessor corporation;
5. Continuance of a corporation as a territorial corporation;

6. Revival of a territorial corporation;
7. Reinstatement of registration of an extra-territorial corporation;
8. Use of an assumed name by an extra-territorial corporation.

A name search is conducted in a database that includes all territorial and extra-territorial corporations, partnerships, and business names.

A search of a corporate name is not required in the case of corporations incorporated by or under an Act of the Parliament of Canada or in the case of numbered corporations.

A name search and reservation request is made by submitting a *Name Reservation Request* form.

The name reservation is effective for a period of 90 days, and a name reservation may be renewed for additional periods of 90 days prior to the expiration of the existing reservation. Renewals of existing reservations are submitted using the same form (and identifying that it is a renewal of an existing reservation) and must be accompanied by the fee. If a reservation has expired, a new name search and reservation request must be submitted.

Please note that the reservation of a name is not an absolute guarantee that the name will be available at the time the documents are submitted. A Federal corporation, partnership or business name registration with a similar name may be registered or filed during the reservation period as we have no authority to refuse these registrations or filings. We then have no alternative but to consider these names at the time that the documents in respect of the reserved name are submitted for registration.

The reservation of a name is not an absolute prerequisite to registration. However, registrations will not be effected as quickly if the name has not been reserved. In addition, there will always be the risk that the name will not be approved or that it will be approved on conditions that have not been anticipated. We would, therefore, recommend that names be searched and reserved in advance of documents being prepared.

If a name has not been reserved, the documents submitted for registration should be accompanied by a name search and reservation request and an additional fee. If the name is available but the documents are rejected for some other reason, we will still reserve the name for 90 days from the date the documents are rejected. For this reason, we suggest that the fee for the name search and reservation be submitted separately when payment is being made by cheque or money order.

Name Reservations - Trade Names

There is no provision in the *Business Corporations Act* for the filing of trade names by either territorial or extra-territorial corporations. Business names may be filed by corporations under the provisions of the *Partnership Act*. As a result, the name search and reservation procedure is not applicable to these filings. If there are any questions or comments with regard to these procedures, you can contact us at the address and phone number on this page.

Instructions

To request a name search and reservation, follow these steps:

1. Complete a *Name Reservation Request* form.
2. Contact Legal Registries by telephone to provide a credit card number.
3. Email the PDF files to us at CorporateSearches@gov.nu.ca, with the subject line as follows:
   Name Reservation – [Name to be reserved]

Results of the Request

Legal Registries will perform the name search and reservation. Depending on how you submitted your request, Legal Registries will respond via email (with the original PDF attachment completed), by fax, or by mail.

The return document will indicate if the name was approved for reservation, or if it was not approved and why.