

What is a business certificate?

Commonly referred to by the name "D/B/A" ("doing business as") a business certificate creates a public record of the name and address of the owner(s) of a business. Consumers are entitled to this information and it may not otherwise be readily available.

Who must file a business certificate?

Massachusetts General Laws [Chapter 110, Section 5](#) states that any person conducting business in the Commonwealth under any title other than the real name of the person conducting the business, whether individually or as a partner, shall file (a certificate) in the office of the clerk of every city or town where an office of any such person or partnership may be situated.

Under [Chapter 110, Section 6](#) a business certificate is not required if a corporation is doing business in its true corporate name, or if a partnership is doing business under any title which includes the true surname of any partner. Certain other associations and partnerships may also be exempt (refer to above citation for details.)

Who does not have to file?

You do not have to file a d/b/a when you are doing business as a sole proprietor under your own complete name, such as John Smith Company, or if you are incorporated and are doing business under the true incorporated name.

Are there any special requirements for a home-based business?

Call the Building Department at 978-249-1736 for this information.

How do I file or renew a business?

Forms are available in the Town Clerk's Office. Each person named on the certificate must either sign the form in person at the Town Clerk's Office or have their signatures on the form notarized by a Notary Public. The filing fee is \$40.00. The business certificate is renewable every four (4) years.

What do I do if I discontinue or withdraw from business, or move to another location?

The Business Certificate Amendment (see link at the top of the page) is to be filed with the Town Clerk if one of the following occurs before the expiration:

- 1) Business is discontinued.
- 2) One or more of the persons named on the certificate is withdrawn or retired from the business or partnership.
- 3) One or more of the persons named on the certificate dies.
- 4) Change of residence of one of the named persons on the certificate.
- 5) Change of location where the business is conducted.

What is the penalty for failing to file a business certificate?

The requirement to file a business certificate is a State Law ([MGL Chapter 110, Section 5](#)). Failure to do so is punishable by a fine of up to \$300.00 per month of violation.

Are business certificates public documents?

Yes. The business certificates are on file with the Town Clerk's Office until one year after expiration, and may be viewed by anyone making a request.

Does the filing of a business certificate protect me from others using the same name?

No. The protection of a trademark (word, name, symbol or device) in Massachusetts is accomplished through the Secretary of State's Office. Go to the State's website: <http://www.sec.state.ma.us/cor/corpweb/cortmsm/tmsminf.htm>

Other information about starting a business in Massachusetts can be found on the State's website www.mass.gov.