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**Business Certificates**

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MGL Chapter 110 Sections 5 and 6 as well as MGL Chapter 227 Section 5A

The primary purpose of filing a Business Certificate is to protect consumers or creditors by identifying the names and addresses of the owners of the business. The filing of a business certificate does not protect a business name as does a corporate filing or a trademark registration. A business certificate filing is commonly called a "dba" or doing business as.

The filing of a business certificate may be used in connection with a court case to show when a business name was first used in a community and to enjoin another business from using an identical or similar name. If you need information on legal protection of a business name you should contact the Secretary of the Commonwealth's Office, Corporations Division or your own lawyer.

Any person conducting a business, individually or as a partnership, in the commonwealth under any title or name other than his real name, must file a business certificate with the clerk of the city or town in which the business has an office. The term person includes a corporation.

The certificate must include the full name and residence of each person conducting the business; the place, including street and number, where the business is conducted; and the title under which the business is conducted. The certificate must be signed under oath by each person conducting the business, certifying that the statements contained in the certificate are true. The certificate may be signed in the presence of any of the following: the town clerk, the assistant town clerk, a person designated by the town clerk, or a person authorized to take oaths, such as a notary public. Each person wishing to file a business must produce evidence of his identity.

All parties whose name will appear on the Business Certificate will need to appear together. Please stop by Town Clerk's Office for Business Certificates. Fee for filing a business certificate in The Town of Shelburne is $20.00 - expires in 4 years

If all parties are unable to appear at the Town Clerk's Office together please email or mail in a copy of all parties picture ID with your request of a Business Certificate and $20.00 made payable to the Town of Shelburne to:

Shelburne Town Clerk, 51 Bridge Street, Shelburne, MA 01370

**Amendments and Discontinuance to Business Certificates**

If a business is discontinued, or if the information related to the business or the individuals conducting the business changes after the original filing, a statement of discontinuance or change must be filed with the Town Clerk.

If several individuals are conducting the business and one withdraws or retires, the person withdrawing or retiring should file the form. If an individual, who has filed a business certificate dies the administrator or executor of his estate may file the discontinuance.

If an individual is wishing to change a business name, it is suggested that they file a discontinuance of the old business and file a new business certificate under the new business name.

Please stop by Town Clerk's Office for assistance with this procedure. Fee for filing a discontinuance is $10.00

**Business Certificate Exemptions**

The following are exempted from filing a Business Certificate with the Town Clerk:

* Association which has complied with MGL Chapter 159 Sections 5 and 6 related to common carriers whose agents must file information with the State Treasurer.
* Partnership, joint stock company or association conducted under a written instrument or declaration of trust, provided that the names of the trustees, with a reference to the instrument or declaration of trust, have been filed on a business certificate.