



Business Certificates in the Town of Wenham

Who Must File and What is a “Doing Business As” Certificate?

Massachusetts General Laws, Chapter 110, Section 5, 6; 227:5A

THE BUSINESS CERTIFICATE FEE IN WENHAM IS \$20

Business certificates in Wenham are processed after the successful completion of the application.

WHO MUST FILE?

Any person conducting a business under any title (business name) other than the complete real name of the person conducting the business must file a certificate. A person is defined as an individual, a partnership, or a corporation. Exemptions to filing are allowed under section 6 if the corporation is doing business in its true corporate name, or if a legal partnership is doing business under any title which includes the true surname of any partner. Certain other exemptions exist for trusts and limited partnerships.

Corporations: A corporation must file a DBA unless they are doing business under the true corporate name. For example, if the corporation is Linder Products Inc. and the store is called Bouncy Bears (not Linder Products) then a DBA must be filed. The consumer must be able to contact the Town Clerk to obtain contact information on the owner of the business. Whether or not the corporation has filed with the State as required is not relevant and we do not ask.

WHAT IS A BUSINESS CERTIFICATE, DBA (doing business as)?

A Business Certificate is a local registration of a business that is conducted within the Town and filed with the Town Clerk, either in person or by mail, in every city/town where a business of any such person, partnership or corporation may be situated. It is commonly referred to as a “d/b/a” (doing business as). The primary purpose of filing is to protect consumers or creditors by identifying the names and addresses of the owners of the business. Essentially, the public has a right to know who “is” a particular business, since a customer will not know who owns the business simply by the name of the business.

NOTE: A business certificate is not a license to do business in the Town of Wenham. Additional licenses/permits issued by other town departments or state agencies may be required in order to do business. Please refer to the Town of Wenham Zoning Bylaws for conducting a business in the business district or the residential/home business. Before obtaining a business certificate you must present a certificate signed off by at least, the Building Inspector stating that the business is appropriate for the zoning district.

WHEN will my dba expire?

Business Certificates are valid for a period of four (4) years from the date of its original filing. They must be renewed every four (4) years for as long as the business is being conducted.

WHERE to file a business certificate?

Business certificates can be obtained from the Town Clerk. 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. Proper identification will be required. The filing fee is \$20.

HOW do I make changes to my dba?

If there are any changes to the business as noted on the certificate prior to the expiration date, a form must be completed and filed with the Town Clerk if one of the following occurs before the expiration: Business is



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discontinued, one or more of the persons on the certificate is withdrawn retired or deceased, one or more of the persons on the certificate change residence, or the location of the business has changed.

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MORE DBA INFORMATION

DOES THE FILING OF A BUSINESS CERTIFICATE PROTECT MY BUSINESS NAME?

No, the protection of a trademark (word, name, symbol or device) in Massachusetts is accomplished through the Secretary of State’s Office. (See website below)

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.

MUST I DISPLAY A COPY OF MY BUSINESS CERTIFICATE?

The law states that copies of your certificate must be available at the address at which the business is conducted, and shall be produced for inspection upon request during regular business hours to any person who has purchased goods or services from such business.

WHAT IS THE PENALTY IF I DO NOT FILE A CERTIFICATE OR STATEMENT?

The law states that violations will be punished by a fine of not more than three hundred dollars (\$300.00) for each month during which the violation continues.

WHERE DO I GET TAX INFORMATION REGARDING MY BUSINESS?

The Massachusetts Department of Revenue (DOR) can answer all of your questions regarding collecting sales tax or other tax questions you may have. The Taxpayer Assistance Bureau is open from 8:45am – 5pm, Monday – Friday. The toll free number is 1 (800) 392-6089 or (617) 887-6367. The DOR has a publication entitled “A Guide to Sales and Use Tax” which answers the most commonly asked questions about sales/use tax.

You obtain an FID number from the IRS at (800) 829-1040 or (617) 523-1040.