



New Mexico
Secretary of State

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SECRETARY OF STATE
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PROFIT
REQUIREMENTS FOR RESERVATION OF CORPORATE NAME

Section 53-11-7, NMSA 1978, Compilation: Reserved Name

A. The corporation name shall:

- (1) contain the separate word “corporation”, “company”, “incorporated”, or “limited” or shall contain a separate abbreviation of one of these words.
- (2) Not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation; and (3) Not be the same as, or confusingly similar to, the name of any domestic corporation existing under the laws of this state or any foreign corporation authorized to transact business in this state, or a name the exclusive right which is, at the time, reserved in the manner provided in the Business Corporation Act (53-11-1 to 53-18-12 NMSA 1978), or the name of a corporation which has in effect a registration of its corporate name as provided in the Business Corporation Act.

B. Paragraph (3) of Subsection A of this section shall not apply if the applicant files with the Secretary of State either:

- (1) the written consent of such other corporation or holder of a reserved or registered name to use the same or confusingly similar name and one or more words are added to make the name distinguishable from the other name; or
- (2) a certified copy of a final decree of a court of competent jurisdiction establishing the prior right of the applicant to the use of the name in this state;

Section 53-11-8, NMSA 1978, Compilation: Reserved Name—

A. The exclusive right to the use of a corporate name may be reserved by:

- (1) any person intending to organize a corporation under the Business Corporation Act (53-11-1 to 53-18-12 NMSA 1978);
- (2) any domestic corporation intending to change its name;
- (3) any foreign corporation intending to make application for a certificate of authority to transact business in this state;
- (4) any foreign corporation authorized to transact business in this state and intending to change its name; or
- (5) any person intending to organize a foreign corporation and intending to have such corporation make application for a certificate of authority to transact business in this state.

B. The reservation shall be made by filing with the Secretary of State an application to reserve a specified corporate name executed by the applicant. If the Secretary of State finds that name is available for corporate use, it shall reserve the name for the exclusive use of the applicant for a period of one hundred twenty (120) days.

C. The right to the exclusive use of a specified corporate, a name so reserved, may be transferred to any other person or corporation by filing in the office of the Secretary of State a notice of transfer, executed by the applicant for whom the name was reserved, and specifying the name and address of the transferee.

Section 53-2-1 (5) NMSA 1978, Compilation: Filing an application to reserve a corporate name or filing a notice of transfer of a reserved corporate name, a fee of twenty-five dollars (\$25.00).

RS-CS

(REV 6/13)

NONPROFIT

Section 53-8-7, NMSA 1978, Compilation: Corporate Name—The corporate Name:

A. shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation; and

B. shall not be the same as, or confusingly similar to, the name of any corporation, whether for profit or not for profit, existing under the laws of New Mexico, or any foreign corporation, whether for profit or not for profit, authorized to transact business or conduct affairs in New Mexico or a corporate name reserved or registered as permitted by the laws of New Mexico.

Section 53-8-7.1, NMSA 1978, Compilation: Reserved Name—A. The exclusive right to the use of a corporate name may be reserved by:

- (1) any person intending to organize a corporation under the Nonprofit Corporation Act (this article);
- (2) any domestic corporation intending to change its name;
- (3) any foreign corporation intending to make application for a certificate of authority to conduct affairs in this state;
- (4) any foreign corporation authorized to conduct affairs in this state and intending to change its name; or
- (5) any person intending to organize a foreign corporation and intending to have such corporation make application for a certificate of authority to conduct affairs in this state.

B. The reservation shall be made by filing with the commission an application to reserve a specified corporate name, executed by the applicant. If the commission finds that the name is available for corporate use, it shall reserve the name for the exclusive use of the applicant for a period of one hundred twenty (120) days.

C. The right to the exclusive use of a specified corporate name so reserved may be transferred to any other person or corporation by filing in the office of the commission a notice of transfer, executed by the applicant for whom the name was reserved, and specifying the name and address of the transferee.

Section 53-8-85(1), NMSA 1978, Compilation: Filing an application to reserve a corporation name or filing a notice of transfer of a reserved corporate name, a fee of ten dollars (\$10.00).