

PBPA Podcast Transcript
Changing Your Nonprofit's Name: Practical Tips and Legal Steps
(13:12 minutes)



Sireesha ([00:00](#)):

While it's not common for an organization to change its name, it certainly does happen. And when it does, an organization has to navigate a myriad of issues, stakeholders, and legal steps. Before you embark on this journey, take a listen to this episode of the PBPA Podcast to learn about what you can expect. Learn about your options for changing your nonprofit's name, the pros and cons of each one, and the steps involved during our conversation with Nick Going in this episode of the PBPA Podcast.

Sireesha ([00:44](#)):

Hello and welcome to the PBPA Podcast. In each episode of the PBPA Podcast, we explore legal questions relevant to Georgia nonprofits. I'm your host Sireesha Ghanta, Counsel and Education Director at the Pro Bono Partnership of Atlanta. PBPA strengthens our community by engaging volunteer attorneys to provide nonprofits with free business legal services. We provide numerous free resources via our website, including articles and webcasts specific to Georgia nonprofits and their business legal concerns. We also provide direct legal services to our clients. For more information on client eligibility requirements, to apply to be a client or to access our vast learning center, visit our website at pbpatl.org. Before we jump into this episode's topic, keep in mind that this podcast is general information, not legal counsel, contact your attorney for guidance on your nonprofits' specific situation.

Sireesha ([01:54](#)):

Nick Going is a lead attorney in the legal department of Honeywell Corporation. Thanks so much for being here to talk to us about nonprofit name changes.

Nick ([02:03](#)):

Happy to be here. Thank you so much.

Sireesha ([02:07](#)):

You know, a nonprofit may decide that they want to change their organizational name for a variety of reasons. Maybe a nonprofit wants to change its name as part of a general rebranding effort, or they might want to align their name more strongly with their mission or their name just may be too hard to remember. Whatever the reason is for name change, Nick, if a nonprofit is considering going this route, what should they initially think about?

Nick ([02:42](#)):

Well, there's a few things to consider at the front end. I think first it's helpful for a nonprofit to consult its bylaws and discuss with its board about the process of going through a name change and get board approval to do so. And then take a look at, um, what it would take to get donor follow through as well. In the process for rolling out the new name, consider what the new name should be. And that involves taking a look at the internet, doing a quick search of potential names to see if someone else has that name or some entity has that name. And then to consider as a team whether it would be appropriate to do a DBA doing business as, or go through the process of getting a corporate name change, an official legal name change.

Sireesha ([03:45](#)):

And you mentioned doing a general internet search of potential names. And I just wanna throw out there that GuideStar is one database that I have found to be very helpful and user-friendly. Um, user friendly being the operative world word, because sometimes the IRS database is not so user friendly, um, to reference, to look at nonprofit names that are out there. And Nick, you mentioned that there are two options for changing an organization's name. What is the difference between a corporate name and A "DBA"?

Nick ([04:22](#)):

So a corporate name really establishes the name of the legal entity. For example, you know, Coca-Cola is "The Coca-Cola Company". That's their legal name. Um, and so they do business as the Coca-Cola company as well. But some companies have, um, an official legal name and they do business, that's in another name. So doing business as the DBA process, it's really where the legal entity name remains unchanged, but you're doing business under a different name. And it's easier to process the paperwork for a DBA. Um, it may be a good option to consider if you're testing a new name, so you want to keep your existing legal name, but, um, test the water, see how things work with this new name. Since the IRS database doesn't include a DBA, a DBA can cause donor confusion. If that is the name that they know you by, they may not be able to find you in the IRS database. So there's pros and cons to either, uh, either avenue.

Sireesha ([05:39](#)):

So you talk a little bit there about the differences between the two options and how they each have a different legal process. Um, what are the steps involved in the first option being changing the corporate name of the nonprofit entity? The legal steps.

Nick ([05:57](#)):

Yeah. I think the first thing to consider is that it would be best to have an attorney assist with this process. The first step would be to notify the Secretary of State. In this case we're in Georgia, so the Secretary of State office in Georgia. Make sure the new name is available in that state and not restricted by a federal trade or service mark. And then if the name is available, you file a name reservation with the Secretary of State's office. The next step is to notify the IRS and to follow the processes there with going through a corporate name change. And then what's really important for nonprofits is to consider the notification for donors and participants involved in the nonprofit. So notice required by the Secretary of State's office, can go through the newspaper, but for donors and participants, it's more so something that the nonprofit should consider from a PR and branding perspective. You can provide, you can consider how to best provide notice through advertising, through other types of communication. Regardless, it's important to, to encourage individual outreach to donors. I think for nonprofit leaders and, and, um, employees to consider how to best outreach and communicate to donors of that nonprofit. For legal notice, the newspaper of record would now be the Neighborhood Newspapers. And, and then also it's important to consider updating permits and licensees and more information, of course is available through the PBPA website. And there's a very comprehensive article on that website on the steps needed to take to proceed with a corporate name change.

Sireesha ([08:08](#)):

Thanks for that overview, Nick. And as Nick mentioned, I'm going to include a link to that PBPA article that has kind of the details of all the steps involved in pursuing a corporate name change. And that

article also has links to the Secretary of State and guidance on how to notify the IRS, if and when your organization does pursue a corporate name change. Now, Nick, when we're looking at a corporate name change versus a DBA, you mentioned some pros and cons earlier, but can we speak a little bit more about that? Why should a nonprofit consider or avoid a DBA instead of a corporate name change?

Nick ([08:58](#)):

So I think there are fewer steps to apply for a DBA, so it could be cheaper and easier, a better solution for a nonprofit. Um, but one thing that's definitely a downside is that it's harder for donors to find you when your DBA doesn't match your IRS EIN. So it's important to evaluate why this name change is necessary, or, um, why this DBA is needed to really figure out what solution is best for your and your nonprofit.

Sireesha ([09:35](#)):

We at PBPA generally recommend that nonprofits pursue a corporate name change instead of going the DBA route. It's kind of a little longer process, but it's cleaner. It's easier from a branding perspective and it's easier for your donors. Um, but like Nick mentioned, sometimes the DBA is a better option, for the nonprofit. And so, Nick, if a nonprofit decides that the DBA is the way they want to go, what other steps involved in operating under a DBA here in Georgia?

Nick ([10:12](#)):

So I think it's important to make sure that the DBA is included on all contracts, um, legal documents, but particularly for the nonprofit space, include the DBA on grant agreements and applications. The reason for that is that when a nonprofit is completing a grant application, it's helpful for whoever the funder is to have both pieces of that name to do additional due diligence. So it's, it's very important from a contractual and grant application perspective to include more information rather than less. And additionally, it's good if a nonprofit is planning to proceed with the DBA versus a name change to check with the government authorities as well to find out if business licenses and permits must be updated to include the new DBA. There are some regulations and requirements at the state government level as well regarding DBAs.

Sireesha ([11:20](#)):

And once again, like we did for the nonprofit name change, I'm also going to include a resource that provides a step-by-step guide for nonprofits if they want to pursue, uh, doing business as. And I'm will include that on the episode page on our webcast.

Sireesha ([11:41](#)):

So Nick, I'm just gonna do a quick recap here. For our listeners, if they want to do a name change, they should select a new available name, consult their bylaws, and get appropriate board approval, notify the secretary of state the IRS, and then finally roll out their shiny new name to donors, employees, participants, or other stakeholders. Did I get did that right for the corporate name change?

Nick ([12:14](#)):

Absolutely. That sounds great.

Sireesha ([12:16](#)):

Nick, thank you so much for walking us through the options, considerations, and steps for a nonprofit to change its name. We appreciate you sharing your time and expertise with us.

Nick ([12:28](#)):

Thank you, Sireesha.

Sireesha ([12:30](#)):

We hope that you found this episode of the PBPA Podcast to be informative and helpful. We add new episodes every month with short conversations about general, yet important legal information for Georgia nonprofits. Remember that this is not legal counsel. Talk to your attorney about your organization's specific concerns. Thanks for tuning into the PBPA Podcast. And to all nonprofits listening out there, thank you for all the good work you continue to do in our community.