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## Matter - Toolbox

### DBA: Three Good Notes, Three Necessary Initials

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A lot of people see the three mysterious letters DBA and wonder what they mean. Do they represent membership in a secret club? Is it a special legion or earned degree? Would a CEO with an MBA viewing a DVD in NYC need one to complete her profile? Well, none of the above, actually. "Doing Business As" is simply a public declaration that you intend to conduct business under the name of a company you have created.

DBAs are also known by the shadier sounding term "Fictitious Business Name Statement"—perfect for those who like a little mystery in their life or who are in the federal witness protection program. (I'm not certain just how many composers that latter group includes, but just the thought of it makes me smile.)

There are two important reasons for a composer to acquire a DBA: one has to do with money, the other with privacy. And if you are doing business under any name other than your own, it's required by law. If you are a composer and a member of a performing rights organization like ASCAP, BMI, or SESAC, then you are automatically what's called a "writer member" of that organization and you receive writer's share checks for your performance royalties, made out to your name as the composer. But if you haven't been signed to a publishing house, hopefully you're also listed as a "publisher member" as well, and have created a name for a new publishing company that you own. Thus, you're collecting the other big piece of the royalty pie, known as the publisher's share (the intricate anatomy of royalties and publishing is a very big one that is gleefully dissected in [other articles](#)). Those publisher's checks are made out—here's a surprise—to your publishing company. If your publishing company is in your name, say, Kelly Composaroni Music, then you won't need a DBA because it's presumed that you indeed are Kelly Composaroni (few people would claim a name like that voluntarily). But if your publishing company has an unrelated moniker, say, Squishy Tunes, then you'll indeed need to file a DBA form.

This is because if you, Kelly Composaroni, bring a check into your bank made out to Squishy Tunes, the banker isn't supposed to deposit it into your account unless he or she knows that there's a connection between you and that company. Heck, you could have snagged that check out of your neighbor's mailbox, or maybe even mugged its rightful 89-year-old recipient on a street corner and stolen it from her

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DBAs are good for business—and good for privacy.  
From top: Alex Shapiro and Activist Music.

little beaded purse. Just take a look at your face in the mirror! Would you trust yourself? Of course not. So why should a bank?

Well, okay, we all know that most banks either know you personally or simply don't check. But they have every right to do so, sometimes do, and legally always should. Plus, it's entirely possible that at a key moment you might stroll into your branch and a shiny new person is working there who needs to check out just who Squishy Tunes really is before they let you have access to that company's cash. Without proof, not only wouldn't you be able to get your money, but you'd also have no place to put any new deposits. And so the bank needs a DBA statement on file, in order to be assured that they aren't inadvertently trafficking in misappropriated funds and committing fraud. The DBA simply makes it clear that Kelly Composaroni and Squishy Tunes are actually one and the same.

The other benefit of a Fictitious Business Name is privacy. Just like a comic book hero, you can shield your true identity from those you don't want to find out about you. Assume you're a composer of some note. *Eb*, perhaps. Do you want people to have your home phone number and your address? Possibly not. You can purchase a post office box and set up voice mail on a separate phone number, and then use this parallel contact information for registering your DBA. Now your real profile (and unquestionable celebrity status) will be protected.

By the way, anonymous voice mail is a terrific thing to have, and thanks to the Internet, it's very cheap. If you do a search for "free internet voicemail" you'll stumble across a ton of services. Yahoo Messenger offers free voicemail, and Skype, another hot multi-communication tool, offers what they call Skype-In service for €30 a year (about \$36), which gives you your own phone number, separate from your home number. There are also services including eFax and j2 Messenger that assign you a phone number; if you live in a large city, it costs a bit more to get one in your own area code.

So how do I get one of these nifty DBA documents, you ask?

Obtaining a DBA is very simple and reasonably affordable, averaging around a hundred bucks or less. You can either take the time to register your DBA yourself, or have a service do all the work for you while you use your day to do something far more interesting, like organize your sock drawer.

If you choose the do-it-yourself route, forms are available online; each state has its own regulations. Do a search for "(your city) and (your state) DBA certificate," or some clever variation thereof, and you'll get to the right place in a few clicks. You can also be very daring and leave the safe haven of your home computer to venture outside and visit your town clerk or county recorder's office to obtain the proper form. I bet they're lonely and would appreciate the company.

Ever take a look at some of the pages tucked away toward the back of your newspaper and wonder what all those "Fictitious Business Name Statement" listings were doing there? Ever marvel at who all those make-believe companies were, selling everything from glitter glue to pig feed? Well, now you can be one of them. You'll need to bring your form to a local, generally circulated newspaper of your choosing and arrange for the notice to be printed every week for four weeks in a row. This ensures that everyone in your vicinity has had a chance to be warned about the trouble that you and Squishy Tunes intend to get into. You'll receive a proof of publication form from the newspaper after the month has passed, which you then send in to the County Recorder.

If you feel like springing for just a few more bucks, you can use one of the many convenient filing services available through the Internet; just type "DBA form" in your search window and you'll find yourself inundated with choices, such as filedba.com or legalsharp.com. These kinds of services will have the form

available online for you to fill out and will then take care of all the filing, publishing, and follow-up needs associated with your DBA in whatever state you're in.

Your DBA must be renewed every five years, but even if you forget and end up having to file again as a new applicant, it shouldn't be a problem. Unlike trademarked names, in many states (but not all), several people can have the same DBA, much like there are many songs titled "I Love You." (Too many.) The purpose of the DBA is mainly for your bank to recognize the connection between your name and the business name under which you're receiving checks. Even if you live in a state that requires a unique business name, the chances are good that if you forget to renew right away, your company name still won't have been immediately snatched up by someone, and your tunes will continue to be squishy forever more.

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Composer **Alex Shapiro** runs all of her music, squishy and otherwise, through her ASCAP publishing company, Activist Music. Audio clips and program notes for each work in her catalog can be experienced online at Alex's [engaging website](#).

