



CFC MEMORANDUM 2017-08

December 15, 2017

TO: CFC-PARTICIPATING FEDERATIONS AND CHARITABLE ORGANIZATIONS, LOCAL FEDERAL COORDINATING COMMITTEES (LFCCs), AND THE CENTRAL CAMPAIGN ADMINISTRATOR (CCA)

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SUBJECT: CFC APPLICATION STANDARDS: DBA NAMES

The implementation of a single site for submission and review of CFC applications has uncovered a number of issues which negatively impact the quality and consistency of applications submitted for participation in the Combined Federal Campaign (CFC) and in the standards applied by application reviewers. This CFC Memorandum is one in a series meant to fine-tune CFC application standards and the criteria by which these applications are reviewed.

Background

CFC charity lists are obligated to list the legal names of the charitable organizations that applied to and were approved for participation. For CFC purposes, the legal name is the IRS-recognized organization name associated with the employer identification number (EIN) given on the CFC application as shown on the IRS Business Master File (BMF). The IRS BMF lists legal names in an upper case fashion without punctuation. Moreover, the IRS BMF, on occasion, presents misspellings of legal names.

A DBA (or “doing business as”) name is any organization name other than the legal name which has been registered for use by the organization. For CFC purposes, DBA names may also be known as fictitious names or assumed business names.

CFC regulations are silent on the subject of DBA names and, therefore, are not obligated to be listed on CFC charity lists. However, DBA names have been used for many years by the CFC as they are known to assist donors in finding their intended organizations. DBA names can also be used to correct IRS-recognized legal names when they are misspelled, lacking crucial punctuation, or omit stylized letter cases. This memorandum sets the standards for the inclusion of DBA names.

DBA Name Submission

The DBA name and supporting documentation will be submitted through the CFC Application System. They are not required of those organizations that do not wish to use a DBA name. Furthermore, the DBA name is not used to determine eligibility status, i.e. the CFC application will not be denied simply because the DBA name supporting documentation is not sufficient.

Insignificant Alterations to the Legal Name – As discussed previously, there are cases in which the legal name should be altered, but such alteration does not constitute a separate DBA name. In these cases, such insignificant alterations to the legal name should be entered as the DBA name *to replace the legal name in the listing*; but no supporting documentation is required to accompany that submission. Examples of insignificant alterations to the legal name include:

- correcting misspellings or truncations of the legal name;

CHARITUNAME FOUNDATION	becomes	CHARITYNAME FOUNDATION
REALLY LONG CHARITY ORGANIZATION NA	becomes	REALLY LONG CHARITY ORGANIZATION NAME

- replacing punctuation and special characters not included in the legal name in the BMF;

CHARITYS NAME FOUNDATION	becomes	CHARITY'S NAME FOUNDATION
C F C CHARITY	becomes	C.F.C. CHARITY
ST CHARITY ORGANIZATION	becomes	ST. CHARITY ORGANIZATION
CHARITY WITH HYPHENS	becomes	CHARITY-WITH-HYPHENS

Please note: The registered trademark symbol (“®”) is a special character with a different set of requirements. See the Registered Trademark Symbol section below.

- changes to title case or stylized use of case

CHARITY FOUNDATION	becomes	Charity Foundation
CHARITYNAME FOUNDATION	becomes	CharityName Foundation
USA CHARITY	becomes	USA Charity
ECHARITY ASSOCIATION	becomes	eCHARITY Association

- moving the definite article (or other words) from the front of the name to the end; and

THE CHARITY NAME FOUNDATION	becomes	CHARITY NAME FOUNDATION, THE
NATIONAL ASSOCIATION OF CHARITY	becomes	CHARITY, NATIONAL ASSOCIATION OF

- any combination of the aforementioned.

THE CHARITUNAMES FOUNDATION	becomes	CharityName's Foundation, The
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DBA Name Supporting Documentation – Submissions of DBA names other than insignificant alterations of the legal name (as described above) require supporting documentation. Several factors determine which documentation is appropriate, from the DBA name registration requirements of the jurisdiction in which the CFC applicant is located to the type of application and the applicant's certification in Step 5 of the application (Exemption Status). These cases are treated separately below.

Family Services and Youth Activities/Programs (FSYA/FSYP) organizations – The name of the organization must match the name given in the installation commander's letter. DBA names are not entered for FSYA/FSYP organizations.

Subordinates to a group exemption – All organizations that certify Option 2 on Step 3 (Exemption Status) of the application must provide a current list of subordinates that are covered by the group exemption as submitted to the IRS. (See Attachment 4 to CFC Memorandum 2017-06 for an example.) The EIN on the applicant's IRS Form 990 (or *pro forma* IRS Form 990) must match the EIN on the current list of subordinates. Organizations submitting a full application will upload this documentation in Step 3 while all organizations (including those that are preparing verification applications) must upload this list of subordinates as their DBA name supporting documentation.

Bona fide chapters and affiliates – All organizations that certify Option 3 on Step 3 (Exemption Status) of the application must provide a letter from the applicant's parent organization in accordance with 5 CFR §950.202(a)(2)(ii). This letter must be signed by the CEO, or equivalent officer, certifying that the applicant (explicitly named in the letter) operates as a bona fide chapter or affiliate in good standing of the parent organization and it is covered by the parent organization's 501(c)(3) tax-exempt status, IRS Form 990, and audited financial statements. The name of the applicant, as presented in the letter, shall be the DBA name of the organization.

Separate entities – All other organizations—those that certify Option 1 on Step 3 (Exemption Status) of the application as well as those that certify Option 2 but are the central organization to the group exemption—must submit acceptable DBA name documentation issued by a state or other government entity that approves and tracks the use of assumed business names, fictitious names, or trade names. This documentation must bear both the legal name (as recognized by the IRS and shown in the CFC Application System) and the DBA name and expressly state the DBA name is registered or otherwise approved for use. Such documentation that presents an expiration date must not have expired.

Organizations that are physically located or incorporated in jurisdictions that do not have mechanisms in place for the registration of the DBA name must provide one of the following as the DBA documentation:

- “live” wordmark registration documentation issued by the U.S. Patent and Trademark Office (USPTO);
- an IRS determination or affirmation letter or other correspondence from the IRS dated on or after October 1 of the year preceding the application year with the DBA name stated; or
- an IRS Form 990 *as submitted to the IRS* with the DBA name correctly listed in accordance with the form instructions. The IRS Form 990 must be the same as the IRS Form 990 submitted on Step 8 (IRS Form 990 or Pro Forma Form 990) of the application; however, only the first page and Schedule O (if necessary) of the IRS Form 990 are necessary as DBA documentation. A *pro forma* IRS Form 990 is not sufficient for meeting this requirement.

Please note: Documentation of requests for use of a DBA name; IRS Forms W-9; and bylaws, articles of incorporation, and other governance documents stating the assumed name(s) of the organization are not acceptable documentation of the DBA name for CFC purposes.

Registered Trademark Symbol (“®”)

The registered trademark symbol is used to indicate a trademark is registered with the U.S. Patent and Trademark Office (USPTO). The ® symbol may not be used while the Federal application is pending. Therefore, this symbol will be used only for DBA names for which the USPTO has issued a registration certificate. A copy of the registration certificate must be submitted with the DBA documentation.

Moreover, in accordance with trademark law, the ® symbol may be used only in connection with the goods and services listed on the registration certificate. Therefore, the certificate must, in the sole discretion of OPM, include in the services listed on the certificate a description that reasonably includes use of the mark for fundraising through the CFC.

Official registration certificates are issued by the USPTO, include the registration number, registration date, and the name of the examining attorney, and bear both the raised, gold foil USPTO seal and the signature of the Director of the USPTO. Only this certificate will be considered for inclusion of the ® symbol.

These requirements are effective for the 2018 campaign. If you have any questions, please contact the Office of CFC at cfc@opm.gov.