

## **On Your Terms podcast Episode 52:**

### **What's a DBA and Do I Need One?**

**Sam Vander Wielen:** [00:00:11] Hey, there. I'm Sam Vander Wielen, and welcome back to On Your Terms, where I help you learn how to legally protect your online business. So, I know that you're probably confused about what a DBA is or whether you even need one, right? Maybe you don't even know what DBA stands for, or maybe you've just like heard people toss it around and you're not sure if you're supposed to register one, or really even what it does for you necessarily, or maybe you think that you've registered a DBA already, but you haven't registered your business, and now, you're concerned that you might have done some things out of order. So, today, I'm going to teach you exactly what a DBA is, when you really need one, and how to go about getting one, so I hope you enjoy today's episode all about DBAs.

**Sam Vander Wielen:** [00:00:54] Before we get into what a DBA is, I've got to read you the review of the week of On Your Terms. So, Back Around left a review saying, "Just what I needed. I'm so glad I found your podcast. I've learned so much. Thanks, Sam." Well, thank you, Back Around, and I really appreciate you leaving a review of On Your Terms. If you leave a review in Apple Podcasts of my show, On Your Terms, you'll be entered to win a 20-dollar Starbucks gift card. All you have to do is leave a review on Apple, because I pick a new winner every single month, so be sure to leave your review as soon as you're done listening to this episode. You might even get a shoutout on a future episode. With that, let's get into busting up the myths about DBAs.

**Sam Vander Wielen:** [00:01:41] We're officially halfway through the year, and I've got to ask you, is your business legally legit yet? It's right about now when business owners start running big promos online offering up membership opportunities to all their clients, including wild bonuses and discounts on a one-time offer, kind of like I'm going to do right now with The Ultimate Bundle for you. I'm talking \$400 off, \$2,000 in bonuses, plus something I've never done before, a two-day live virtual retreat only for you if you join the Bundle by this Friday.

**Sam Vander Wielen:** [00:02:14] But if you're holding back on finally opening your new membership or launching your course, I'm wondering if it's because you're not actually sure if your intellectual property is protected, or maybe you're worried that your contracts aren't air-tight, or wait, is your website even okay? The Ultimate Bundle covers all of that and way more. The Bundle is my signature program that gives you 10

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fill-in-the-blank legal contracts and website policies, access to my private Facebook community for support from me on all your business legal needs, and over 35 on-demand video trainings on everything from what to do if a client doesn't pay you to trademarks, to business insurance, to forming your business, and so much more. There's a reason that there are thousands of entrepreneurs, just like you, in it already.

**Sam Vander Wielen:** [00:03:00] If you sign up before this Friday, July 22nd, you won't just get \$400 off enrollment, over \$2,000 in bonuses, but you will also get an all-access pass to my live two-day virtual retreat this October, where I'm bringing in the best of the best in online business space to teach you how to level up your mindset, master your Instagram strategy to turn followers into clients, navigate taxes as an online businessowner, and so much more. You only get access to this two-day retreat if you join the Bundle by this Friday, July 22nd. Nobody else gets an invite. Ready to get legally legit with me and The Ultimate Bundle? Learn more and get the Bundle now at [samvanderwielen.com/birthdaysale](https://samvanderwielen.com/birthdaysale) or click the link below in the description.

**Sam Vander Wielen:** [00:03:52] So, when you have an online business, a lot of what you're going to be dealing with, with your costumers, your clients, your potential ideal customers is dispelling myths around what you do, right? So, a lot of people come to you and they want the end result, but they're not quite sure how to get there. That's how I feel when it comes to some of the like business registration myths, especially the DBA myth. People really get confused about DBAs, and it makes sense to me. That's why I started this business.

**Sam Vander Wielen:** [00:04:21] The stuff if like overly complicated. It's confusing. It doesn't need to be. I'm hoping that today is really helpful for you. If you've ever been confused about a DBA, interested in one, you're not even sure what I'm talking about, you don't know whether you need it, people optimally think like, oh, I can just get a DBA. Like a common DM or email that I'll get is like, hey, I already registered my business, I have a DBA. I'm like, no, no, that's not registering your business, right? So, we're going to get into that today.

**Sam Vander Wielen:** [00:04:49] And oftentimes, the problem there is that people think that they have a registered business, meaning that they think that they have legal

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protection from something that they don't actually have, and that's really concerning and not good, right? We don't want that situation. On the flipside, I see a lot of people who are very much like in a position where they should have a DBA, it would actually, really help them, and in fact, they actually would be like legally required because of the way that they're acting online, and they don't have one, right? So, we're going to talk about all of this today, all of these different scenarios, and I think that you're going to get a lot of clarity out of the whole DBA and business registration situation.

**Sam Vander Wielen:** [00:05:31] Now, the legal problem with not having a DBA if you actually need one, and we're going to talk through whether or not you need one today, is that if you're going by a name other than your legal business name, like whatever you've registered, you might not be able to get legal protection from using this like alias, right? So, that's really the issue here today, is like I'm not trying to be nitpicky, I'm not trying to make you go through another step or jump through another hoop that you don't feel like doing. It's more that if you don't have a DBA when you actually need one or if you're falsely relying on a DBA for legal protection and that's not enough, then you might not be getting the legal protection that you think you are or that you would get, right?

**Sam Vander Wielen:** [00:06:20] So, let's go through a little fake example before I get into breaking down what a DBA really is. So, this is a totally fake example, okay, so this is not a real story about Target. Okay. So, let's pretend that Target is still Target, but Target's real legal name, like meaning the corporate name, the name that's on people's paychecks, the name that they've registered in whatever state they probably— Delaware's probably the original formation state.

**Sam Vander Wielen:** [00:06:52] Let's pretend like that real legal registration name was Purple Flowers, LLC. Okay. Like I said, fake example. If you want the behind-the-scenes info, listen up. I was actually staring out the window and I saw a purple flower when I was making my notes for this episode, and I was like, Target's name is going to be Purple Flowers, LLC. Okay. So, let's pretend that Target's real legal name is Purple Flowers, LLC, but when you go into their store, of course, only to get like bleach, but then you end up with \$250 worth of stuff, you didn't know that you absolutely need it, when you go into the store, you see Target everywhere, right?

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**Sam Vander Wielen:** [00:07:32] You see the Target and bullseye logo when you walk into the store. You see the big sign that says Target. You see Target when you follow them on Instagram. You see Target in their marketing, in their commercials, on their tags of their clothes, on your receipt when you go to walk out, on your credit card statement when you look to see, how did I spend \$250 at Target when I went in for bleach, you'll see it says Target, right? If something happened to you at Target, God forbid, you slipped and fell at Target or you slipped at a banana peel, who do you think you would sue? What name would you give to the lawyer? You would say Target, right?

**Sam Vander Wielen:** [00:08:09] You'd be like, I slipped and fell at a banana peel at Target, I want to sue Target. Well, it turns out Target is not like—let's, in this example, pretend like Target never registered Target as a DBA name, which stands for doing business as, they never legally attached it to Purple Flowers, so you, as the consumer, have no clue that there's any connection between Purple Flowers, LLC and Target, because all you know is Target. That's what you see in the world, right? So, that's who you would sue. The idea goes behind a DBA, is like if they didn't have a DBA, for example, why should Purple Flowers, LLC get the protection of having an LLC if you didn't even know that the two things were related or they didn't take the legal steps to connect it, right?

**Sam Vander Wielen:** [00:08:58] So, basically, the way that this works is like the government, the legal system, whatever, has given us a way to say, hey, look, you want your corporate-sounding name, you want Purple Flowers, LLC, but then you want to go as Target in your marketing, your branding, on your signage, all those kinds of stuff, cool, totally fine, you just got to take a little step to legally connect those two things, so that when someone slips and falls on a banana peel and they're going to sue Target, because that's all that they know, you will then get the legal protection from the business that you have actually formed, the one that provides you the legal protection, right? I hope that that makes sense. And I think as I go through the tips today, this like fake Target example will make even more sense, I hope.

**Sam Vander Wielen:** [00:09:41] Okay. So, let's talk about then, what is a DBA? Alright. So, a DBA stands for doing business as. I want you to think of a doing business as,

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DBA, as an alias, right? It's like what people know you by in real life, right? It might be like almost like a business's nickname. I guess that's kind of how I would think of it, right? So, kind of like a nickname actually. To go with that example, some people have nicknames that aren't really that close to their original legal name, right?

**Sam Vander Wielen:** [00:10:15] And so, when you like fill out paperwork, you put like full legal name, and then like nickname, it's kind of like that way of tying your business, just like you would be tying your nickname to your actual legal name. And just like in that same example, you couldn't go around and like get a passport in your nickname, right? It has to match up to your legal name. That's very similar with a business. It's like you can have like a nickname for a business, you can have a name that's different than whatever your formal, stuffy, corporate-sounding business registration name is, you just got to link the two, and we're going to talk through how you do that today.

**Sam Vander Wielen:** [00:10:48] In some states in America, a DBA is also referred to as a fictitious name, an alternate name, some states call it an alternative name, or a trade name. Sometimes, they will be referred to in all different ways like that, but they all mean the same thing. So, when I say DBA today, your state might not refer to it as a DBA, they might refer to it as a fictitious name. It's literally all the same exact thing. Really, a DBA allows you to go by a different or even an abbreviated name than what you registered your business as.

**Sam Vander Wielen:** [00:11:22] So, some of my customers, for example, they will do this with like, they just want to have like a full like Courtney's Business Coaching, LLC, and then they're like, I just want to say like Courtney's Business Coaching, I don't want to have to say LLC all the time, right? Well, that's one reason that you could get a DBA. Other times, it's like I want my business's name to be Courtney's Business Coaching, LLC, and then I want to go by like Courtney's Killing It, I don't know. Wow. I'm really bad at making up names, but you know what I'm saying.

**Sam Vander Wielen:** [00:11:52] So, I just want to point out that like it can be as simple as dropping a moniker, like something as simple as dropping LLC or Inc., or whatever, or it could be like a completely different name, like the example I gave of Purple Flowers, LLC being Target's corporate name, and then going by Target, is a legitimate

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example, like a company can do that. It doesn't even have to have the same words in it. It doesn't have to be an abbreviation or like a watered-down version of the corporate name, it can be something completely different, right? So, either or, either one is okay.

**Sam Vander Wielen:** [00:12:26] However, it's really important to know that a DBA, like when you register a DBA, you're not registering a business. It's not something that you register instead of forming a business. It's not something that you register instead of forming a business. Getting a DBA does not mean that you've registered your business. It's something that you do when you register your business or after you've registered your business.

**Sam Vander Wielen:** [00:12:55] Now, in some states, they require that you form your DBA somewhat close after the time that you formed your LLC or you register as a sole proprietor. Other states don't have a time limit, so it's really, really state-dependent, right? But this is really a legal step. It's like a formal legal step of you connecting the dots for people, so that if you want to go as a different name in your marketing, you want to go as like an alias in your marketing, because it's like catchier, and sounds cooler, and works with your branding, and all that kind of stuff, then you're allowing yourself to just go by that name and still get that legal protection from, well, if you've registered an LLC, then you still get legal protection.

**Sam Vander Wielen:** [00:13:42] If you have a sole proprietorship, then you know already that you don't have any legal protection from that business, from forming it. If you want to learn more about this by the way, I want to give you two episodes to go back to. So, I want you to go back, if you have not registered your business, and you're listening to this, because you thought like a DBA was a way of registering your business, I want you to go back and listen to episode 9 of On Your Terms, my podcast, on how to register your business. I walk through you step by step in that episode, on episode 9.

**Sam Vander Wielen:** [00:14:09] If you're confused or at the beginning of even like starting your business in general, so like forming your business is one of the things that you have to do, but maybe you have some other stuff you have to do, too, I want to encourage you to go back and listen to episode 7, where I went over the first three

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steps you need to take to legally protect your business. So, either episode 7 or 9 are great for people who are more at the beginning, but if the only thing you have to do is register, then episode 9 is for you.

**Sam Vander Wielen:** So, hopefully, we're all feeling a little bit more comfortable about what a DBA is. I mean, in this episode, my main goal when we're talking about what a DBA is was just for you to understand that this was not an alternative way to form or register your business. So, when people come to me, it always sets an alarm bell off in my mind when people come to me, and they're like, yeah, I've formed my business, I have a DBA, and it's like, no, no, you don't just have a DBA, did you form your business, and then get a DBA, or do you mean that you only formed a DBA?

**Sam Vander Wielen:** [00:15:07] So, it's a little weird. If maybe you're in a state where a sole proprietor doesn't have to register, there are states like that, don't quote me on this, but I think Colorado is one of them, because I remember a friend asking me about this, then maybe what you're saying is like, oh, I went out and got a DBA from my sole proprietorship and I didn't have to register my sole proprietorship, but you always have to register an LLC. There's no state in America that would allow you to form an LLC without registering it. So, you could form an LLC, and then you would form a DBA or register a DBA with the state, attaching that LLC to this alias name that you want to go by. Okay. So, if you have questions and stuff comes up, I want you to send me a DM on Instagram, I'm @samvanderwielen.

**Sam Vander Wielen:** [00:15:52] But I also want to talk through, do you need one? Like how do you know if you even need one? Right? So, some of the questions that I want you to think through and that could help you to determine whether or not you need a DBA on top of your already registered business is if you go by a different name in your branding, or if you want to, right? If you've always thought that like, oh, I have to go by this LLC name that I formed, but sounds a little stiff, this would be your opportunity to like relax that a bit, even just the opportunity to draw the LLC moniker, which would be really nice for some of you, because if you remember and if you've listened to any of my other episodes, where I talked about LLCs and how to act like one, you know that when you have an LLC, if you have not formed a DBA, for example, if you have an LLC,

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you've got to go by that LLC name everywhere, like on your website, in the header of your website, on all of your like handouts and social media.

**Sam Vander Wielen:** [00:16:52] Everywhere that you have anything about your business, you've got to go as like the full LLC, right? So, for some of my customers, they'll be like, oh, I just want to make it sound a little simpler, and so they go and register a DBA just dropping the moniker. That might seem like overkill, I just consider it to be like safe and just good practices, so that's what I personally would do. So, if you want to go by a different name, if you already are going by a different name in your branding than what your registered business's name is, then you need a DBA in order to legally attach those two things.

**Sam Vander Wielen:** [00:17:26] You can also typically register several different DBAs. So, another thing that you might think about is that like I think that the nice thing about a DBA is that it gives you a little bit of flexibility if your business evolves, right? So, I've had people in the past that have registered their business with the name like of the type of work that they do, like health coaching, wellness coaching, dating coaching, career coaching, something like that, and then they brought in their scope, right?

**Sam Vander Wielen:** [00:17:55] They start talking about other stuff. Maybe they become more of like a lifestyle brand or they actually start helping people with like the business side of things. So, the cool thing about a DBA is that you could keep the original LLC intact. You could register an LLC. Like even if I had like Sam's Health Coaching, LLC, but then I started doing something different, I could actually form a DBA that would be like Sam's Coaching, so that it would give me more flexibility to use that name if I started to transition from health coaching to more general, like talking about other topics, right?

**Sam Vander Wielen:** [00:18:27] So, there's also—it gives you this kind of flexibility to play around with. And in many states, they actually allow you to form many, many DBAs, right? Some state's, like I've seen like 50 before, they'll allow you to do many. And I'm not necessarily endorsing this as a way to create multiple businesses under one LLC, because it's necessarily that I wouldn't suggest doing that, it's just that I wouldn't do that on your own, for sure. I wouldn't advise it in the sense that when you create



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multiple DBAs under one LLC, if you're doing that for the purposes of having several different businesses, the main thing that you need to know is that you're exposing all the different businesses to one another legally.

**Sam Vander Wielen:** [00:19:10] So, if one business gets sued, your money from any of the other businesses is exposed, right? So, that can be something that's really good to know. I just personally would not do that without speaking with your own attorney and having your attorney set that up for you, because of those exposure issues, maybe some tax issues, just some different banking stuff you would want to know about, right? So, that's just not the way that I do it.

**Sam Vander Wielen:** [00:19:34] I don't give legal advice, period, but my advice is to go speak with your own lawyer if that's a path you want to go down, the same advice that I give to you when people write to me and say, I want to register my business in Nevada or in Delaware, but I've never been there, sure, if you want to try that, but only with the guidance and advisement of an attorney and of an accountant, right? So, it's not something that I necessarily help people to do, because it's complicated, and often, way overblown, because you have to pay taxes where you live, so I would go and talk with somebody.

**Sam Vander Wielen:** [00:20:07] So, okay, now, we talked about what a DBA is, and whether or not you need a DBA for your business that's already registered, but how do you get one? Well, first, of course, you have to form your business if you haven't already, right? So, go back and listen to episode 9, learn how to form your business, take those steps, and do that, and maybe you even do the DBA process along with it, right? A lot of times, you can just do it at the same time. It's just like your actual registration process for your business, registering a DBA with your state is very similar.

**Sam Vander Wielen:** [00:20:41] It's a state registration process. There's usually a form. Of course, there's a little fee that you submit. Usually, it's much more inexpensive, the fee is much, much lower than anything like what you paid to actually register your business. Obviously, I can't speak for every state, but most of the states that I've ever seen are like that. And some states, keep in mind, have rules about how soon after you register your business that you get a DBA, others don't, right?

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**Sam Vander Wielen:** [00:21:08] So, I remember one of my customers have found out that her state eliminated it maybe by like 90 days, other people have said, my state has no rules, it's totally open, I can get a DBA whenever. So, that's important to know. Typically, it's very straightforward, very simple, because you've already registered your business, you'd be filling out the form with the name of your registered business exactly how you registered it. You should probably have some sort of business like license number or registration number that came along with that registration.

**Sam Vander Wielen:** [00:21:40] They'll ask you for like all the contact information, all that kind of stuff. And just like you do when you register your business, you just want to be very particular about putting on this DBA form exactly how you're going to go as in this name, right? So, you want to write it out like is there a comma, is there not a comma, are there dots between things, are there whatever, however you're going to say it, is there an apostrophe, you just want to have it exactly the way that you're actually going to use it.

**Sam Vander Wielen:** [00:22:08] And then, like I always say about pretty much everything legal, is that then the most important stuff just becomes actually acting that way, going by that name. Now, your next question might be like, okay, so if I go and get a DBA, then do I ever need to talk about my LLC again? Yes, right? So, if you have, or even your sole prop, if you have a sole proprietorship, yes, there are formal times when you would actually need to like connect the dots.

**Sam Vander Wielen:** [00:22:35] So, at the beginning of every contract, for example, there's always an opening paragraph, if you have any of my contract templates, if you're in The Ultimate Bundle, you know all of my contract templates start with, this contract or this agreement is by and between Sam Vander Wielen, LLC and whoever the contract is with, right? If I had a DBA as Sam's Cupcake Truck, then my contracts would have to start out with, this contract is by and between Sam Vander Wielen, LLC DBA Sam's Cupcake Truck and Sarah Smith, or whoever the contract is with.

**Sam Vander Wielen:** [00:23:11] So, in the beginning of all your contracts, you kind of link the two together so that your customer or whoever you're sending this contract out

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to, they know that these two things are connected and you're establishing that the contract is being entered into on behalf of your LLC, right? In parenthesis, after you would say that, like after you would say, this contract is by and between Sam Vander Wielen, LLC DBA Sam's Cupcake Truck, and then there would be parenthesis, here and after, referred to as Sam's Cupcake Truck, or here and after, referred to as the company, or here and after, referred to as the Coach.

**Sam Vander Wielen:** [00:23:48] And whatever the word and the phrase is that you use, you capitalize it, like the C in the Coach will be capitalized. And then, throughout the rest of that contract, you just refer to yourself as coach, or company, or whatever. So, that's really how you do it in moving forward, in contracts, in your website policies, same thing, that introduction at the top. You might do this in the bottom of your website. You might put like your LLC, DBA, and then your DBA name, something like that, kind of the big, big places.

**Sam Vander Wielen:** [00:24:15] But in general, the cool thing is that for like things like social media, like quicker stuff, like your podcast, or writing pieces of content, or when you're on somebody else's show and they're like, here's Sam, she's the owner of Sam's Cupcake Truck, right? They're not going to read out like, here's Sam, she's the owner of Sam Vander Wielen, LLC DBA Sam's Cupcake Truck, they're just going to introduce me as the name of the business that they know, right?

**Sam Vander Wielen:** [00:24:37] So, you still have this DBA that's like working for you in the background, it just might be that there are some of those more formal times that you actually linked the two, like the contracts, the website policies, and your website, right? That's really when I would use it. You would also have to set up with your business bank account. You would have to let them know that you have a DBA, so like if somebody wrote you a check or sent you money that was made out to your DBA, you could still deposit it in your business bank account, so that's really important.

**Sam Vander Wielen:** [00:25:05] When you register your DBA, you'll get some sort of confirmation from your state, so that's what you would use to show the bank that you would use your certificate of formation from your LLC, and then whatever you get from your DBA, and show this to the bank, and have the bank account actually set up as

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Sam Vander Wielen, LLC DBA Sam's Cupcake Truck, so that if somebody wrote me a check for Sam's Cupcake Truck, I could just deposit it. If somebody wrote me a check for Sam Vander Wielen LLC, I could just deposit it, right? So, all things would be able to go into that account.

**Sam Vander Wielen:** [00:25:36] So, those are kind of the main places that I can think of, as well as business insurance, like your business insurance would cover, you would have it written in the name of your LLC and your DBA, kind of the main cornerstone legal pieces. This is all stuff that I cover inside of The Ultimate Bundle. It's stuff that I talk about throughout the lessons and talking about how to act like an LLC, how to get DBA, how to form your business. I teach you all of that stuff inside of The Ultimate Bundle. And as you know right now, it's on birthday Bundle sale, so I hope that you're getting inside if you've been thinking about it for a while. Obviously, if you have any questions about anything we talked about today or The Ultimate Bundle, just send me a quick DM on Instagram @samvanderwielen. I'm happy to help you. Let me know what's going on, what's coming up for you.

**Sam Vander Wielen:** [00:26:24] I hope you found this episode helpful. If you did, do me a favor, just take one second, you can do it right now, listen up, make sure you come back to me, you can just take one second and shoot this episode to a friend, just text it to them, send them a DM, send them the link, whatever you want to do, but if you think somebody else would find this helpful, if you think a group you're in would find this helpful, go ahead and share this episode. It's so helpful to us in helping spread the word about On Your Terms, and I just want to help as many people as possible legally protect their online businesses. Thank you so much for listening today. I can't wait to chat with you next week and I hope to see you inside the Bundle.

**Sam Vander Wielen:** [00:27:03] Thanks so much for listening to the On Your Terms podcast. Make sure to follow on Apple Podcasts, Spotify, or wherever you like to listen to podcasts. You can also check out all of our podcast episodes, show notes, links, and more at [samvanderwielen.com/podcast](https://samvanderwielen.com/podcast). You can learn more about legally protecting your business and take my free legal workshop, Five Steps to Legally Protect and Grow Your Online Business at [samvanderwielen.com](https://samvanderwielen.com). And to stay connected and follow along, follow me on Instagram @samvanderwielen, and send me a DM to say hi.

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**Sam Vander Wielen:** [00:27:42] Just remember that although I am a attorney, I am not your attorney and I am not offering you legal advice in today's episode. This episode and all of my episodes are informational and educational only. It is not a substitute for seeking out your own advice from your own lawyer. And please keep in mind that I can't offer you legal advice, I don't ever offer any legal services, but I think I offer some pretty good information.