

## Notes About Deceptive All Capitals Names

The "names" of "artificial persons," such as corporations and "assumed business names," are written in all UPPERCASE letters. Since they are fictional or fictitious "persons" they require fictitious names.

Don't confuse a fictitious name with an alias (*alias dictus*). "Alias" is when one is known by two or more different names. The term refers only to natural persons, not to artificial "persons." A natural person may be known by as many names as he chooses, for any lawful reason - or for no reason. For example: so long as he doesn't use different names with the intention to commit fraud, "James Smith" may lawfully also be known as "John Jones." An alias, being a name of a natural person, is always capitalized.

To the contrary, "a fictitious name is a counterfeit, feigned or pretended name taken by a person, differing in some particular from his true name, with the implication that it is meant to deceive and mislead" (Black's Law Dictionary, Fifth Edition).

A fictitious name may be assumed by a natural person. But the "name" of an artificial "person" is ALWAYS a fictitious name, and every attorney will acknowledge that the names of artificial "persons" are always fictitious names.

Real names are always capitalized, that is, the first letter of the name is capitalized, and the subsequent letters are written in lowercase. Fictitious names are generally written in all uppercase letters, so they can be distinguished from real names. It's common for typists to improperly write fictitious names in the same "style" as real names. Sometimes the error is driven by the writer's ignorance, but often it is motivated by an intent to deceive.

The real name of our friend, John Smith is written (you guessed it!) "John Smith." "JOHN SMITH" on the other hand, is a fictitious name by virtue of the fact that it doesn't conform to the rule of grammar which requires capitalization of names. Except for absence of capitalization, it is spelled like our friend's name, and it sounds the same when spoken orally. But it's not the name for John Smith. The "name" is fictitious in and of itself, since it is not a real name.

If John Smith were to examine the driver license in his wallet, and the Social Security card he holds, his old military I.D., and every card, check and statement related to his banking, he would discover that none of them are in his name. They all concern fictitious names!

If you would like to have some fun, consider sending the following letter...

Registrar's Name and Title  
Address  
Date

Re: Forms for entries of names on birth certificates: REQUEST FOR COPY OF DIRECTIVE

Dear Registrar [Name]:

It recently came to my attention, while examining the birth certificate issued pursuant to my birth that the data entered in the box reserved for my name appears to be inaccurate. Under the section reserved for the "First" and "Last" names, my name "XX - Your Name - XX" mistakenly appears in all uppercase letters. Since it does not conform with the rule of grammar which requires capitalization of names of persons, places and things, "XX - FICTITIOUS NAME - XX" as it appears on the birth certificate discussed herein is a fictitious name. Obviously, "XX - FICTITIOUS NAME - XX" is not my proper name.

Names for natural persons are, of course, always capitalized; that is, the initial letter of the word/name stands distinctly higher than the subsequent letters. Typically, when expressed in type, the initial letter is taken from the uppercase and the subsequent letters are taken from the lowercase. The result is that there can be no ambiguity or confusion as to whether a word is a name/proper noun or a common word or common noun.

It is fitting and appropriate that fictitious "persons," as legal fictions, should be given fictitious names to distinguish them from other fictional entities, and from natural persons. Artificial persons [such as corporations], which are actually contrived things that are endowed with few of the legal powers and privileges of natural people, are given fictitious names. A person may apply to the CORPORATION DIVISION of the office of the SECRETARY OF STATE, for the establishment and registration of an ASSUMED BUSINESS NAME. The purpose of such a name is, of course, to enter into activity for the intention of making a profit. The "NAME" that is then established and registered is a fictitious name; not a real name.

My concern is that, by some legal mechanism unknown to me, which has been executed against my interests without full disclosure to me, and without my knowledge and express or affirmative consent, I may have been converted into merchandise for the profit or benefit of an unknown (to me) owner. If that is the case, it had to happen through my unknowing tacit consent. I would certainly never consider entering into such an arrangement voluntarily.

I have examined birth certificates issued over the past years in other state jurisdictions, and have found the form of entry of "NAMES" to be identical with that used on the birth certificate herein under discussion.

**Please provide me with a copy of your directive authorizing the use of fictitious names on birth certificates. If no such directive has issued from your office, please provide me with the application for correcting of false information which appears on my birth certificate.**

Yours Truly,  
Your Correctly Spelled Name