

Choose Delaware

# Incorporation

**Delaware offers the most business-friendly environment in the United States. With a world-class corporate infrastructure known for its ease of incorporation, Delaware is where the world chooses to incorporate.**

In the United States, businesses are formed and regulated at the state level, so the first step in beginning operations from the U.S. is to choose where to incorporate your business. Delaware is the ideal location and remains committed to being the best place in the United States for business incorporation. More than 1.9 million entities from around the world call Delaware their legal home – including over 68% of Fortune 500 companies. In 2022, 79% of all new U.S. Initial Public Offerings (IPO) chose to incorporate in Delaware.

## Ease of Incorporation

As the most business-friendly state in the nation, the world-class services of Delaware's Division of Corporations provide businesses and their advisors with prompt and efficient services. The DOC is open 15 hours a day to accommodate filing requests from around the world and offers expedited services for urgent and time-sensitive matters. Reach the Division of Corporations at [corp.delaware.gov](http://corp.delaware.gov).



## Key Facts

**1.9M** over 1.9 million companies call Delaware their legal home

**68%** of Fortune 500 companies are incorporated in Delaware

**79%** in 2022, 79 percent of all new U.S. IPOs incorporated in Delaware



## Global Delaware Innovation Program

In partnership with CSC, Delaware Prosperity Partnership's Global Innovation Program helps connect businesses incorporating in Delaware with the agencies and personnel necessary to complete the process. It also acquaints businesses that are exploring their options with the advantages that incorporating in Delaware would offer them. As one of the premier providers of business, legal, tax and digital brand services, CSC helps establish, grow and maintain small-to-medium sized businesses. Its incorporate.com division provides a wide range of business services, allowing companies to form entities, acquire proper business licenses, file annual reports, assign CSC as a registered agent and access entity-management platforms online. An additional benefit of the program is offered by The Mill. The co-working space headquartered in Wilmington offers Global Innovation participants a discounted rate on turnkey access for flexible workspaces, conference rooms, phone-answering and mail services, furniture and printers.

### Internationally Trusted Respected Business Law

With more than a century of experience, Delaware's business law system is internationally respected and trusted. Delaware business law judges are appointed – not elected – and that is particularly important because it allows businesses access to a level of experience that surpasses other business law courts in America. Delaware's business law judges apply corporate law in a way that is consistent, which is one of the key reasons businesses look to Delaware as an internationally recognized legal brand. Delaware case law is frequently cited by courts in jurisdictions throughout the United States and internationally.

### Innovative Litigation & Arbitration

Delaware case law has been used for decades as the basis for not only corporate formations and corporate structures, but corporate litigation. When forming an entity, dissolving an entity or involved in a dispute, knowing you have an experienced bench of judges who have practiced in this space, who know the law and who can apply the law consistently is one of the strongest pillars of the Delaware business law system. What started with corporations has been expanded to other alternative entities such as limited liability companies.

### A Predictable & Fair Court of Equity

Unlike many business law systems in the United States, Delaware is a court of equity – which means it is a court of fairness. Delaware business law judges assess what is fair and what is right in the context of a dispute. Unlike other courts in the United States where stakeholders are looking for damages or money to compensate for a harm, Delaware's Chancery Court focuses on what is fair and equitable for the parties involved in a dispute. The Delaware Rapid Arbitration Act allows most disputes to be expertly resolved within 120 days, and most judges issue opinions in 90 days or less. The court does not hear criminal cases or routine civil cases that seek money damages (such as product liability, automobile negligence or breach of contract). The Court's limited jurisdiction enables it to focus on corporate law disputes and significant business cases, and businesses experience a fair and predictable process without costly jury trials.

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### Low Costs and Privacy

For entities that choose to incorporate in Delaware but do not conduct business within the state itself, the annual state franchise tax is limited to approximately \$300, regardless of revenue. In addition, limited liability corporations (LLCs) in Delaware benefit from privacy not provided in many other states, as Delaware simply publishes the entity name, registered agent and filing date.

### About DPP

Delaware Prosperity Partnership leads Delaware's economic development efforts to attract, grow and retain businesses; to build a stronger entrepreneurial and innovation ecosystem; and to support private employers in identifying, recruiting and developing talent.

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