

# Update: 4 July 2011 National business names: Worth the wait



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## Summary

A single national register of business names was first endorsed by the Council of Australian Governments in July 2008. Progress has been slow, but the end may be in sight.

### What will change?

At present, business names are administered separately in each state and territory. A business operating in NSW and Victoria, for example, needs registration in both states.

The national scheme will create a single register, effective throughout Australia and administered by the ASIC.

Lower fees are promised and the register will be supported by a web interface allowing on-line registration, renewals and other administration.

However, an ABN will be needed before applying for a business name and the ABN and business name will be linked in the registry.

The latest information from the ASIC tentatively puts commencement at 'mid-2012'. However, given the need for legislation in each state and territory, as well as at the Commonwealth level, there is ample potential for further delay.

### What will stay the same?

Business names will remain mandatory unless an individual or company trades only under his, her or its own legal name.

The distinction between business names and trademarked names will remain: registration of a business name will create no rights in the name, nor guarantee exclusive use.

### What will happen to existing names?

Existing names will be imported into the national register unchanged. If the same name is owned by different entities in different states, it will have the state added as an identifier. For instance 'XYZ' would become 'XYZ (NSW)'.

A business with the same name in several jurisdictions will be able to consolidate those registrations into a single, national registration.

### How can Fleming Muntz help?

Accredited business law specialists at Fleming Muntz can help determine what business names are and should be held, as well as the jurisdictions in which they should be registered, prior to the changeover.

#### Important fine print

**This update is for general information only. It is not a complete guide to the area of law. Competent advice should be obtained before taking any action.**

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