



Procedures to Register a Business Name

These notes should be read before an application for registration is completed

BEFORE any business may be carried on in the Northern Territory under a business name, the name must first be registered under the Business Names Act with the Registrar of Business Names. The Act provides for the registration of names where business is being carried on under a business name in the Territory, and does not provide legal protection to the registrant.

BUSINESS NAMES REGISTRATION:

PRIVACY STATEMENT

Consumer & Business Affairs is collecting this information to administer consumer and business protection related services within the Northern Territory. This collection is authorised and in some cases required by Acts of the Northern Territory Parliament. Consumer and Business Affairs may give some or all of this information to the Department of Corporate & Information Services for the purpose of accounts administration and finalisation, the Commissioner, Agents Licensing Board and parties involved in disputes, complaints and disciplinary action. Courts, the general public in relation to public registers and other parties as authorised by the provisions of the *Information Act 2002*. Failure on your part to provide the information in full or in part may result in Consumer & Business Affairs being unable to progress matters or deliver services to you in the manner requested.

The personal information you provide can be accessed and corrected if necessary by you or your nominated representative by written request to: The Information Officer, Consumer & Business Affairs, GPO Box 1722, DARWIN NT 0801.

Business Names forms may be accessed via the website : www.caba.nt.gov.au

LODGEMENT BY HAND Territory Business Centres				LODGEMENT BY MAIL Business Affairs
<u>Darwin</u> Development House 76 The Esplanade Darwin NT 0800 Ph: 08 8982 1700 Fax: 08 8982 1725	<u>Katherine</u> 1 Randazzo Building 18 Katherine Terrace Katherine NT 0850 Ph: 08 8973 8180 Fax: 08 8973 8188	<u>Tennant Creek</u> Shop 2, Barkly House Cnr Paterson & Davidson St Tennant Creek NT 0860 Ph: 08 8962 4411 Fax: 08 8962 4413	<u>Alice Springs</u> Peter Sitzler Building 67 North Stuart Highway Alice Springs NT 0870 Ph: 08 8951 8524 Fax: 08 8951 8533	<u>Darwin</u> GPO Box 1722 Darwin NT 0801 Ph: 08 8946 9530 Fax: 08 8999 7657

APPLICATION FOR REGISTRATION OF BUSINESS NAME

Applications should be made on Form 1, which includes a choice of up to four alternate names (the first available name will be registered). **There are no fees payable.**

***PLEASE NOTE - to open a bank account in the business name, the bank requires an extract of the business name (the certificate is not acceptable). Please ask for extract to be processed at the same time as business name. The fee is \$10.00. This also applies to registration of a vehicle under the business name at Motor Vehicle Registry.**

COMPLETION OF FORM

Applications should be completed in block letters in clear type or handwriting. An illegible or incomplete document will be rejected by the Registrar. Alterations must be initialled by all applicants and liquid paper is not to be used. Application forms that are completed and are faxed or photocopied are not acceptable for lodgement.

ITEM 1

State name (or alternatives) you want registered as a business name. A name applied for should not be:

- (a) a name which is capable of being confused with or mistaken for the name of any Australian company or a business name registered in the Territory; or
- (b) a name which is misleading or otherwise undesirable. For instance words like "corporation", "incorporation", "club", and "association" are generally considered to be misleading in a business name.

ITEM - 2 DATE OR PROPOSED DATE OF COMMENCEMENT OF NAME

A business name cannot be registered more than two months before it is proposed to carry on business under the name. If you have already commenced business you should enter the date on which you first traded under the business name.

ITEM 3 - NATURE OF BUSINESS

You are required to state the nature of the business. The description should be as accurate as possible to indicate the branch of trade or profession in which the name will be employed. Descriptions such as "manufacturing", "trading", and "retailing" do not satisfy the requirement. A later change or addition to the nature of business must be notified on a form (Form 4/6) prescribed for that purpose.

ITEM 4 & 6 - REGISTERED ADDRESS AND OTHER PLACES OF BUSINESS

Particulars of ALL ADDRESSES IN THE NT where business is to be carried on are required. Full details of each address must be supplied including street number, lot numbers, room and floor numbers and names of buildings (if any). A Post Office Box does not constitute a place of business. You may wish to include this in item 5, to assist us in sending notices, particularly if your business is in an area which does not receive a regular mail delivery.

ITEM 7 - FULL NAME AND ADDRESS OF EACH APPLICANT

Particulars of ALL partners or members must be included. Names should be completed in full, together with ABN, RESIDENTIAL addresses shown and the date and place of birth of each person must be shown. In the case of a company, the full corporate name, registered office, and ACN number must be shown. A corporation must either have its registered office, or have a fixed address in the Northern Territory or appoint a Resident Agent.

ITEM 8 - SIGNATURE OF EACH APPLICANT

In the case of an application for registration, each individual who intends to carry on business under the name being applied for, and who is mentioned in Item 7 must sign the form.

ITEM 8a - EXECUTION BY AN APPLICANT WHICH IS A CORPORATION

If a corporation is included as an applicant, special provision is made for a director, principal executive officer or secretary of the corporation to execute the application.

ITEM 9 - APPOINTMENT OF RESIDENT AGENT

Complete only if proprietors do not reside in the Northern Territory, or if the Corporation does not have a fixed address in the Northern Territory.

ITEM 10 - FORMER BUSINESS NAME

This is to be completed if the name to be registered is in place of another registered name. A Notice of Cessation of Business (Form 5) for the replaced name must be lodged at the same time. There is no fee on lodgement of a Form 5.

DOCUMENT LODGED BY

The person lodging the form should complete this section. This is important because if there are any questions raised in regard to the application, or corrections needed on the form, the Registrar of Business Names will need to contact the lodging party. You should include a telephone number if possible.

DISPLAY OF CERTIFICATE AND BUSINESS NAME

The certificate of registration must be displayed in a conspicuous place at the principal place of business.

The business name must appear on every business letter, statement of account, invoice, official notice, publication, order for goods, or receipts.

USE OF NON ENGLISH WORDS

Any application for a Business Name must be written in the English language. Where words/phrases are of another language, a certified translation of the words/phrases must accompany the application.

NOTIFICATION OF CHANGE

Every person who has registered a business name is required by Section 12 of the Business Names Act to notify the Registrar of ANY changes occurring in relation to ANY of the particulars contained on the original application form.

Changes must be notified within fourteen days on the special form provided by this office with the payment of the prescribed fee. (Form 4/6)

If the Registrar is not notified of any change within fourteen days, late fees may be imposed. In addition, the Act has provided penalties of up to \$200.00 for failure to lodge the documents, and in certain circumstances, the Business Name may be cancelled.

A notice detailing the types of changes which must be notified is generally forwarded with each certificate of registration.

DURATION OF REGISTRATION

The registration of a name remains in force for a period of three years from the date of registration shown on the certificate of registration. You will be sent a renewal notice towards the end of the three years. If a business ceased to be operated under that name, a cessation of business name (Form 5) must be lodged. There is no charge for a lodgment of a Form 5.

IMPORTANT NOTICE

Registration of a business name does not, of itself, provide legal protection to the proprietor. Registration of a business name is an obligation of carrying on a business under a business name. The intention is to protect consumers, not the registrant. If you register a name consisting of generic words this office will register another name containing the same words.

Stamp duty is payable on the acquisition of certain business property and rights. For more information please contact Territory Revenue Management on 1300 305 353, or visit www.nt.gov.au/ntt/revenue.



BUSINESS AFFAIRS

Application for Registration of Business Name

DOCUMENT LODGED BY

Name: _____
 Postal Address: _____
 Telephone: _____ Email: _____

OFFICE USE ONLY

Date: ____/____/200____
 Lun: _____
 Registration No: **BN**

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Department of Justice does not search trade marks. No responsibility will be accepted for registration of a name which might infringe proprietary rights acquired by registration of a trade mark.

Stamp duty is payable on the acquisition of certain business property and rights. For more information please contact Territory Revenue Management on 1300 305 353, or visit www.nt.gov.au/ntt/revenue.

Please print clearly

1. BUSINESS NAME *Name preferred if 1st choice of name is not available on application for registration
- (1) _____
- (2) _____
- (3) _____
- (4) _____

If using initials in the name please indicate what they stand for: _____

2. DATE OR PROPOSED DATE FOR COMMENCEMENT OF BUSINESS UNDER THE BUSINESS NAME:
 (a business cannot be registered more than 2 months before commencement) ____/____/200____

3. NATURE OF BUSINESS: _____

*Vague descriptions such as Trading, Contracting, Manufacturers, Retailing will not be accepted

