



0101

Register your business name online at <http://online.justice.vic.gov.au>

# Business Name Application

Business Names Act 1962 Section 7

### Office use only

If barcode not available write in account no. and case no. above

Registration number	Date lodged	Initials
<input type="text"/>	<input type="text"/> / <input type="text"/> / <input type="text"/>	<input type="text"/>

**Registration fee is \$73.40**  
**Please read the information on the back page.**  
**Use a blue or black pen to complete this form.**  
**Please print clearly using block letters.**

#### 1. Contact person for this application (this section MUST be completed)

Name

Address *(The registration certificate will be posted to this address. After registration all contact will be to the postal address)*

Daytime telephone number

Contact email address

#### 2. What is your proposed business name? (note: there are some restrictions on business names. See back page)

If your first choice of business name is unavailable, you can list other preferred names here or attach a separate list. We will use this list to automatically register the first available name. Please consider your preferences carefully as you will not be contacted to confirm the business name that is registered from this list.

Second preference (not compulsory)

Third preference (not compulsory)

#### 3. Have you registered a name for this business before?

No  Go to question 4.

Yes  What was the previous registered business name?

#### 4. What is the nature of your business?

Be specific about the industry sector and type of product or service if possible (eg dairy farming, manufacturing furniture, retailing children's clothes)

#### 5. Has your business started trading under this business name?

No  What is the proposed date of starting? You must start within two months of registering your business name

/  /

Yes  Date you started trading under this business name?

/  /

#### 6. What is the registered address of your business?

PO Boxes cannot be accepted. It must be a Victorian street address or your application cannot be processed.

State VIC Postcode

#### 7. After the business name is registered, do you want mail for your business to be sent to the registered address above?

Yes  Go to question 8.

No  Nominate a postal address here (this can be a PO box, RMB etc)

State VIC Postcode

#### 8. What is the business address(es)?

This is the actual location(s) of the business.

Same as registered address above

Also complete any other locations below. They must be a Victorian street address. PO Boxes cannot be accepted. Attach a separate list if there are more than 2 locations.

Business address 1 (PO boxes cannot be accepted)

State VIC Postcode

Business address 2 (PO boxes cannot be accepted)

State VIC Postcode

#### 9. Will your business be transacting business over the internet?

No  Go to question 10.

Yes  What are your business internet/email addresses?

www.

Email:

**Privacy** – CAV is committed to responsible and fair handling of your personal information, consistent with the laws we administer and the *Information Privacy Act 2000*. The information marked with a 'P' on this form will be placed on the public register in accordance with the *Business Names Act 1962*. We may be unable to process this form if you do not provide the required information. You can contact us at any time to request access to the personal information we hold about you. In exceptional circumstances, you may apply to have public access to your personal information restricted. Our privacy statement, and other privacy information is available at [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au) or on request.



**10. Business owners** You must provide details of all individuals and corporations who are/will be carrying on business under this business name. If you need to list more owners, photocopy this page as needed or attach a separate list.

**Owners – Individuals**

Surname (family name)  
 (P)

Full given names  
 (P)

Date of birth  /  /  Is this person a minor (under 18 years of age)?  
 No  Yes

Residential address (PO boxes cannot be accepted)  
 (P)

Postcode

Surname (family name)  
 (P)

Full given names  
 (P)

Date of birth  /  /  Is this person a minor (under 18 years of age)?  
 No  Yes

Residential address (PO boxes cannot be accepted)  
 (P)

Postcode

Surname (family name)  
 (P)

Full given names  
 (P)

Date of birth  /  /  Is this person a minor (under 18 years of age)?  
 No  Yes

Residential address (PO boxes cannot be accepted)  
 (P)

Postcode

Surname (family name)  
 (P)

Full given names  
 (P)

Date of birth  /  /  Is this person a minor (under 18 years of age)?  
 No  Yes

Residential address (PO boxes cannot be accepted)  
 (P)

Postcode

**Owners – Corporations**

Name of company or incorporated association or statutory body  
 (P)

Company/association or statutory body registered office. This must be a street address. PO boxes cannot be accepted.  
 (P)

Postcode

ACN  ABN (if applicable)

Association number (if applicable) or Act & Year Stat Body formed under

**Note:** Before an Association can apply for a business name it must first comply with Section 51 of the Associations Incorporation Act 1981.

Name of company or incorporated association or statutory body  
 (P)

Company/association or statutory body registered office. This must be a street address. PO boxes cannot be accepted.  
 (P)

Postcode

ACN  ABN (if applicable)

Association number (if applicable) or Act & Year Stat Body formed under

**11. Authorised person (not compulsory)** — An authorised person is someone (other than the owners) who has been authorised in writing by all owners to sign on their behalf for business name transactions lodged with Consumer Affairs Victoria (eg an accountant). If you wish to nominate an authorised person, fill in their details below.

Surname of authorised person

Given names

Address of authorised person

Postcode

**12. Signature of Owner/Authorised Person**

I certify that:

- I am a person entitled to sign this form in accordance with section 15 of the Business Names Act 1962 (refer to back page);
- no owner is a person to which section 5A of the Business Names Act 1962 applies (refer to back page);
- the information contained in this application is true and correct and I acknowledge that it is an offence under section 17 of the Business Names Act 1962 for a person to give false or misleading information in a business name application.

**Signature of Owner/Authorised Person**

Date

## How to pay for this application



Please attach any cheques or extra pages by paperclip.  
Do not staple.

**Business name registration fee is \$73.40** (there is no GST payable on this fee).

The fee can be paid by:

- **credit card** – fill in the details below
- **cheque** made payable to 'Consumer Affairs Victoria'.
- **money order** made payable to 'Consumer Affairs Victoria'.
- **cash** – only if paying in person at the counter.

### If paying by credit card, fill in the details here

Visa  Mastercard  Bankcard  Amex  Diners Club  Amount

Card number

Card expiry date      CCV number\* (see note below)

 /       

Name of cardholder

Signature of cardholder

Date

 /  / 

\*Note on CCV numbers: Credit cards are now issued with a CCV number. This is the last three numbers located on the signature strip on the back of the card. If your credit card has been allocated this number enter the 3 numbers in the space provided.

## How to lodge this application

### Send by post to:

Consumer Affairs Victoria  
GPO Box 4567, Melbourne 3001

(please use a large envelope and fold this form as little as possible)

### Deliver in person to:

Consumer Affairs Victoria  
2nd floor, 452 Flinders Street, Melbourne  
Counter area is open 8.30am-4.30pm Monday to Friday

**Only if paying by credit card, fax to:** (03) 9627 6210

**When your business name is registered** you will receive a Certificate of Registration.

### After registration you must:

- Commence business under the Business Name within two months.
- Carry on business under the Business Name at all times.
- Display the Business Name in a conspicuous position outside the Registered and Business Addresses and on all business documentation.
- Use the full Business Name at all times. Do not abbreviate.
- Notify Consumer Affairs Victoria of any change of addresses, owners etc, or if the business is ceasing to trade.
- Renew the Business Name every three years.

Office use only

# Information on Registering a Business Name

## Who must apply for a business name?

- The Business Names Act 1962 requires the registration of all business names under which business is conducted in Victoria. This is with the exception of a person who carries on business under their own personal name only or a registered company name. Any variation or addition to a personal name must be registered.
- Because a Trust is not a legal entity it cannot be the owner of a registered business name, unless it is a corporation registered by Australian Securities & Investments Commission. However, trustees of a Trust can register a business name in their own names.

## Choosing a business name

A business name identifies your business and is how your clients remember and refer others to you. Some of the goodwill in your business resides in your business name.

The business name you choose should be:

- **Easily Identified** to help establish and grow your business;
- **Unique, Different and Distinct** so that it is not confused with another business.

Use your business name to tell your clients:

- **Your brand**
- **What you do** (eg "Business Name Plumbers")
- **Where you are located** (eg "Business Name Melbourne")
- **Your personal name** (eg "John Citizen Plumbing")

You may use any combination of the above to make your business name distinct from the other 300,000+ business names registered in Victoria. This will also assist you in improving the chances of your first Business Name choice being approved.

If you provide other choices, make them distinctly different to your first choice. Choices which are only slightly different may also not be registerable.

Use the Victorian Names Register as a guide to find out if the business name you wish to register is already registered to someone else or may be confused with an existing name. Checking the Register is not a guarantee that your proposed business name can be registered. The Victorian Names Register is located at <http://online.justice.vic.gov.au>

## A business name cannot be registered if it:

- contains any of the following words: Building Society, Chamber of Commerce, Chamber of Manufactures, Chartered, College of Advanced Education, Commonwealth, Consumer, Co-operative, Credit Union, Executor, Federal, Friendly Society, Guarantee, Institute of Advanced Education, Made in Australia, Oxfam, Savings, Starr Bowkett, Stock Exchange, Trust, Trustee, University;
- contains any words likely to be offensive;
- suggests an association with any of the following that may not exist: Royalty, Commonwealth Government, State Government, Government of a foreign country, Departments, authorities or instrumentalities of the Commonwealth, States or Territories or Local Government, An ex-serviceman's organisation;
- is likely to mislead people as to the nature or purposes of the business;
- uses the name of a famous person which suggests an association with that famous person when it does not exist;
- is identical to any existing names registered with ASIC;
- is too similar to any existing names on the Victorian Names Register.

A full copy of the Ministerial Direction that lists restrictions on business names is available at [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au)

## Who can sign this application form (section 15 of the Act)

In accordance with section 15 of the Business Names Act 1962, this application form can be signed by:

- the business owner;
- where there is more than one business owner, any one of those owners who has written authorisation to sign on behalf of all owners; or
- a person other than a business owner who has written authorisation to sign on behalf of all owners; or
- in the case of an owner that is a corporation, a director or secretary of the corporation who is authorised to sign on behalf of the corporation.

## Franchises

If you are applying to be part of an existing franchise, buying or licensing group, you must attach a letter of consent from the group stating you are eligible to register under their name.

## Rights and Protection of Business Names

The requirement to register a Business Name is to provide public disclosure about the people who own the business ie. so that customers, suppliers etc can determine who they are dealing with.

The registration of a Business Name under the Business Names Act 1962 does not provide protection of, or establish rights to, a Business Name.

Registration of a Business Name may infringe the ownership of a Trade Mark or Domain Name. Check with the appropriate registration authorities to ensure that there is no conflict with a Trade Mark or Domain Name.

One way of protecting your business name is to register a Trade Mark.

These are private civil matters. You may need to seek legal advice.

## Trade Marks & Internet Domain Names

Trade marks are registered and administered by IP Australia, a Commonwealth Government agency. Information about Trade Marks can be found on the website [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au).

The registration of Domain Names is administered by .au Domain Administration Limited and a list of Accredited Registrars can be found on its website [www.ada.org.au](http://www.ada.org.au)

## Convicted persons (section 5A of the Act)

Restrictions apply to convicted persons who wish to register a Victorian business name where the offence is related to the promotion, formation or management of a corporation, or an offence involving fraud or dishonesty, etc. Further details can be obtained by phoning 1300 361 673 or by referring to Section 5A of the Business Names Act 1962.

## Authorised persons

An authorised person is a person other than a business owner who has written authorisation to sign business name documents lodged with Consumer Affairs Victoria, on behalf of all owners. Examples are a lawyer, an accountant etc. An authorised person form is available at [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au). You do not need to send this form to Consumer Affairs Victoria but you must keep a copy of the written authorisation for a period of at least 7 years and notify Consumer Affairs of any new authorised person by completing a 'Change of Details' form.

For enquiries, please call 1300 361 673