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Registration of a Business Name

Do I have to register a business name?

If you are operating or planning a business only using your name – that is, your surname and all given names or initials – then you don't have to register a business name. If you use a name other than your given name – or you include other words with your name, such as *Joan Smith Party Hire* or *John Smith & Sons* – you do need to register it.

If you are operating a company (Pty Ltd), you will need to register your business name if it is different from your company name.

The reason for registering a business name is to let the public know who is conducting a business under a certain name. It also serves to avoid any confusion by ensuring that no two businesses have the same name, or even similar sounding names.

It is an offence under the Business Names Act if you use an unregistered business name that is different from your given or company name. If you do so, you risk being prosecuted and/or fined.

You may also need to register for an ABN (Australian Business Number) with the Australian Tax Office www.ato.gov.au Depending upon the turnover of your business.

Where do I go to register my business name?

In Queensland, business names are registered with the Business Names Register, Office of Fair Trading, Department of Tourism, Fair Trading and Wine Industry Development. Registration forms are available from:

- 1. SmartLicence:** Telephone 1 300 363 711 or www.smartsmallbusiness.qld.gov.au.
- 2. State Development Centres:** There are eighteen State Development Centres located across Queensland – telephone 13 26 50.
- 3. The Office of Fair Trading, Department of Tourism, Fair Trading and Wine Industry Development:** Telephone 1300 658 030 or www.consumer.qld.gov.au.
- 4. Any office of the Clerk of The Magistrates Court in Queensland**

When completing your application form, you will need to provide the following information:

- Your proposed business name and a selection of alternate business names in order of preference.
- The nature of your business.
- The business location.
- When you propose to begin operating.
- The name and address of each person operating the business.



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How much does a business name registration cost?

Refer to the Office of Fair Trading website at www.consumer.qld.gov.au

If your payment has not been made within four months after the due date, your business name will be de-registered and another business will be free to use it. You could then be stopped from using the name you have been trading under.

How do I go about choosing a business name?

Choose any name which you feel suits the nature and image of your business. There are some names which you cannot register, including:

- Names which are the same as or similar to existing registered names.
- Names which indicate your business is a government, charity or not-for-profit organisation.
- Offensive and/or misleading names.

It is best to have your business name registered before investing time and money in signage, printed material, name tags or uniforms displaying the business name.

If you are unsuccessful in your application for registering your business name, you have the right of appeal. Your appeal should be lodged in writing to:

Email: BrisbaneOFT@dtftwid.qld.gov.au
Level 21, State Law Building, 50 Ann Street, Brisbane
GPO Box 3111, Brisbane, QLD, 4001
Facsimile: (07) 3119 0259

What are the conditions of registration?

Once your business name is registered, you will receive a *Certificate of Registration* effective for one year. You are required to display this certificate in a prominent position in your business premises. Your bank, as well as your telephone and electricity suppliers, may request to see your certificate.

Similarly, you are required to display the business name in a prominent position outside your business and on your business letters, invoices and receipts.

Should there be any changes to your business name, such as change of ownership, address, partners, or nature of business, contact *SmartLicence* or the Business Names Register for the necessary forms to register the change.

If your registered business name conflicts with an existing trade mark, the holder of the trade mark can take legal action against your business.



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To check whether such a trade mark is already being used, contact IP Australia at www.ipaustralia.gov.au (Patent, Trade Marks and Designs Office) at Level 1, 102 Adelaide Street, Brisbane and carry out a free search of the trademark register. For alternate ways of searching the trademark register please contact IP Australia on telephone 1300 65 1010.

Call *SmartLicence* on 1 300 363 711 to receive general information on trade marks. Contact your solicitor or a patent attorney if you would like specific advice about trade marks.

Further information

The following fact sheets provide further information on these issues:

- Set up as a partnership
- Set up as a sole trader