Government of **Western Australia**
Department of **Commerce**

Application for Registration of a Business Name

Business Names Act 1962 s. 7 Business Names Regulations 1962

FORM 1

Why do I need to register a business name?
If you intend carrying on a business in Western Australia under a name other than your own or your company's name, you must register the business name. It's a requirement under the Business Name Act 1962.

What is meant by "my own name"?
If you trade using only your name, you don't need to register a business name. However, if you trade using any other name, or with an addition to your name (eg "Bill Bloggs Lawnmowing") you do need to register that business name.

How to fill in this form
If you don't fill in this form correctly, you may not be issued with the business name you want. Before answering each question, read the instructions for that question (see overleaf). When you've finished, you can either mail this form in with the correct fee, or lodge it over the counter. The application cannot be accepted by fax.

How much will it cost?
It costs $90.00 to register a business name. If you'd like your new certificate laminated, this will cost a further $3.00. Extracts from the business names database cost $5.00. (You might need this as banks often ask for an extract when you open an account.) Payments can be made out to: Department of Commerce.

What happens to my application?
If you fill in the form correctly and the business name is available, the department will send your business name certificate to your Address for Service of Notices. Proposed business names might be rejected if they are too similar to existing names or could be confused with Government agencies or activities.

If the application is rejected, you will be advised by mail. This application form gives you the option of three alternative names, in case the first one is rejected. If none of the names are accepted you can withdraw the application, in which case the monies (minus a $10.00 search fee), will be refunded, but this must be done in writing. (Note: there is no refund on the cancellation of a registered business name).

Can I alter my existing business name?
This can't be done under the Act. In these circumstances you would need to cancel the existing registered name and apply for a new one, at the normal cost.

IMPORTANT

Your proposed business name may infringe a registered trademark now or in the future. As a result there may be legal ramifications. Please contact IP Australia on 1300 65 10 10 for more information and assistance with a trademark search. More information can be found on IP Australia's website at www.ipaustralia.gov.au.

Secondly, the registration of your proposed business does not provide you with ownership of any word or phrase used in the name. The Act primarily exists to ensure identification of proprietors and only protects you from another entity trading under your business name as registered. Other business names may contain same or similar words that are in your business name. Protection of your name may be achieved through the registration of a trademark.

We recommend you don't spend money associated with a business name (eg: buy stationery or signage) until the name is registered and you have received the certificate. It may be that the name is unavailable.

Renewing a business name
Business names must be renewed every three years. We will send you a renewal form, but it is your responsibility to renew the name.

What if details change later?
You must let us know within one month of any changes to information that you provided in your application. Contact the business names office for a form or more information. Fees apply to late changes of details lodged more than one month from the date of change.

For further information on your obligations as a proprietor of a business name visit our web site www.commerce.wa.gov.au/businessnames

PLEASE NOTE: IT IS AN OFFENCE TO MAKE A FALSE STATEMENT ON THIS FORM. PENALTY IS $1000.

Business Names
1300 30 40 14
(8.30am - 5.00pm weekdays, at the cost of a local call)

Department of Commerce
The Forrest Centre
219 St Georges Terrace
Perth WA 6000

Locked Bag 14
Cloisters Square
WA 6850

Administration
Tel: 08 9282 0777

TTY
Tel: 08 9282 0800

Quality of Service Feedback Line
1800 304 059

ABN 91 329 800 417

REGIONS
Great Southern
Unit 2
129 Aberdeen Street
ALBANY WA 6330
Tel: 08 9842 8366

South West
8th Floor
61 Victoria Street
BUNBURY WA 6230
Tel: 08 9722 2888

Mid West
Shop 3
Post Office Plaza
50-52 Durlacher Street
GERALDTON WA 6530
Tel: 08 9964 5644

Goldfields/Esperance
Cnr Broadwood &
Hunter Street
KALGOORLIE WA 6430
Tel: 08 9026 3250

Northern
Unit 9
Karratha Village Shopping Centre
Sharpe Avenue
KARRATHA WA 6714
Tel: 08 9185 0900

www.commerce.wa.gov.au/businessnames

INSTRUCTIONS FOR COMPLETION OF APPLICATION

(This page is to be detached and kept by the Applicant)

ITEM 1 - Business Name

The name applied for should not be:-

(a) a name which is capable of being confused with or mistaken for the name of a company or a business name already registered, or

(b) a name which is misleading or otherwise undesirable. For instance, words like “Pty Ltd”, “Incorporation”, “Trust” and “Association” are considered to be misleading in a business name and will not be approved.

ITEM 2 - Alternative Business Names

You may list a further three options of names you would like to be considered for registration if your first choice of name is not available. Consideration will be given to the order of preference you list the alternative names in. The first available name will be registered.

ITEM 3 - Existing Business Name

If this application is for a name to replace an existing registered business name, which is to be cancelled, you must show the existing name here. You must also complete a Notice of Cessation of Business (Form 5) and lodge it with this application. Forms are available from the department or by downloading one from our website at www.commerce.wa.gov.au/businessnames

ITEM 4 - Nature of Business

State the type of business you intend carrying on. Vague descriptions such as “trading”, “manufacturing” or “retailing” will not be accepted.

ITEM 5 - Address(es) in WA where business is to be carried on

Please indicate all places where business will be carried on at in Western Australia. Postal addresses (such as Post Office Boxes) will not be accepted as a business address.

ITEM 6 - Address in W.A. for Service of Notices

Each business name registration must nominate an address at which Notices issued under the Act may be served. This address is where all official correspondence from the department will be sent to, including renewal notices. This may be a postal address.

ITEM 7 - Commencement date of business.

This is the date on which you will start carrying on business under this business name. A business name cannot be registered more than two months prior to the date of commencement indicated on the application.

ITEM 8 - Details of individuals who will carry on the business.

Please state the full name and address of any individual(s) who will carry on business under this business name.

If a proposed individual is under the age of 18 years, their date of birth MUST be provided.

Any individual that has been convicted of an offence as stated, within the last 5 years, or within the last five years after release from that imprisonment, must seek approval from the District Court prior to being a proprietor of a business. You should seek further advice from the department on 1300 30 40 14.

All proposed individuals MUST sign this form.

ITEM 9 - Details of corporations who will carry on the business.

Please state the full corporation name, Australian Company Number and registered office address in Australia of any corporation who will carry on business under this business name.

Before a corporation can carry on business in Australia, the corporation must be incorporated or registered in Australia.

If the applicant is a body corporate or incorporated under an Act other than Australian Corporations Legislation, then the title of the Act under which it is incorporated must be shown.

A Director or Secretary of each and every proposed corporation proprietor must sign this application.

ITEM 10 - Details of persons who may be contacted about this application.

Please list the name and contact details of a person who may be contacted by the department if further information is needed.

CREDIT CARD DETAILS *(Please attach this slip to your application)*

Card Type: Tick which card ✓ **Visa** ☐ **Mastercard** ☐ **Amount:** $

Card Number: _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ **Expiry Date:** _ _ / _ _

Proposed Business Name:

Name of Card Holder:

Signature of Card Holder:

Government of **Western Australia**
Department of **Commerce**

FORM 1

Application for Registration of a Business Name

Business Names Act 1962 s. 7 Business Names Regulations 1962

FEE: $90.00*

OPTIONAL, PLEASE TICK

Certificate Lamination $3 ☐

*Computer extract of registered particulars $5 ☐

Note: Often required by banks when opening an account

*GST free

For Office Use Only

LUN	
Searched by	Date

PLEASE READ EXPLANATORY NOTES, USE BLOCK LETTERS

DETAILS OF THE BUSINESS

1. BUSINESS NAME TO BE REGISTERED

2. ALTERNATIVE NAMES (if above name not available)

2nd preference:

3rd preference:

4th preference:

3. EXISTING BUSINESS NAME (if any)

[if existing business name is to be cancelled, complete Form 5]

4. NATURE OF BUSINESS (be concise)

5. ADDRESS(ES) IN WA WHERE BUSINESS IS OR IS PROPOSED TO BE CARRIED ON

[including street name and number]

Principal place of business: Postcode:

Other place: Postcode:

Other place: Postcode:

6. ADDRESS IN WA FOR SERVICE OF NOTICES UNDER THE ACT

[postal address acceptable]

Postcode:

Must be completed

7. COMMENCEMENT DATE OF BUSINESS

/ /

(PLEASE COMPLETE THE REVERSE OF THIS FORM)

DETAILS OF THE PERSONS WHO DO OR WILL CARRY ON THE BUSINESS

For Office Use Only

8. APPLICANTS WHO ARE INDIVIDUALS

[give date of birth if under 18 years of age]

[if insufficient space, attach an annexure]

NOTE:
DO NOT COMPLETE DIRECTOR'S DETAILS IF CORPORATION ONLY CARRYING ON BUSINESS

Surname: Given names:

Residential address: (not P.O. Box No.) Postcode:

Signature Date of birth: / /

Surname: Given names:

Residential address: (not P.O. Box No.) Postcode:

Signature Date of birth: / /

Surname: Given names:

Residential address: (not P.O. Box No.) Postcode:

Signature Date of birth: / /

Surname: Given names:

Residential address: (not P.O. Box No.) Postcode:

Signature Date of birth: / /

Surname: Given names:

Residential address: (not P.O. Box No.) Postcode:

Signature Date of birth: / /

MUST BE COMPLETED

Have any of the above persons been convicted in WA or elsewhere -

- on indictment of an offence in connection with the promotion, formation or management of a corporation;
- of an offence involving fraud or dishonesty punishable on conviction with imprisonment for 3 months or more; or
- of any other offence relating to the management or administration of a corporation or the purchase or selling of shares in a corporation?

☐ **Yes** ☐ **No** ← **Please Tick** ☑

If yes you must contact the Department on 1300 30 40 14 before you lodge this form.

9. APPLICANTS WHO ARE CORPORATIONS

[the officer signing must be a director or secretary of the corporation]

[if insufficient space, attach an annexure]

Corporation name: ACN:

Registered office: (not P.O. Box No.) Postcode:

Officer's full name: Position:

Officer's signature: Date: / /

Corporation name: ACN:

Registered office: (not P.O. Box No.) Postcode:

Officer's full name: Position:

Officer's signature: Date: / /

CONTACT DETAILS OF THE PERSON LODGING THIS APPLICATION

10.

The Forrest Centre
219 St Georges Terrace
Perth WA 6000

Locked Bag 14
Cloisters Square
WA 6850

Tel: 1300 30 40 14
www.commerce.wa.gov.au/businessnames

Name:

Address: Postcode:

Telephone: Fax: Email:

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