



Government
of South Australia

Department of Trade and
Economic Development

BizFacts

www.southaustralia.biz

Business Names

Registering a business name is simple

Once you have made a decision on a name for your business it is simply a matter of checking the register of existing names at the Office of Consumer and Business Affairs (OCBA) to ensure that the name you have chosen is not being used by someone else. You then fill out a form and pay a set fee. This registers your right to use the chosen name for three years, after which time you must renew the name if you are still in that business. You should have some alternative names in mind in case the name you want to use is already registered to another business.

Why should you register a name?

It is something you should do to identify your business and to put on public record the fact that you are the owner of the business. Once you have registered a business name it is unique to you and no other business in this State may copy or use it

Do you have to register a business name?

Not if you are the sole proprietor of a business and you want to trade under your own name. If this is what you want to do then just use your given names and/or initials in the way that you generally introduce yourself to clients, such as Mary Smith or M G Smith.

If you work in partnership with someone you may also choose not to register your business name if that business is carried out under the names of the partners or associates; for example, Mary Smith and George Jones. You may use initials or combinations of given names and initials on the condition you have your surnames in full. You may put on your business cards a description of the type of business you have – training consultant, air conditioning repairs, secretarial services, without the need to register the description.

When do you have to register a name?

Choosing a name for your business that is unique, describes what you do, or is your marketing tool, means that you will have to register it. Names such as Mary's Marketing Services, Mary Smith's Advertising Agency,

Smith and Jones Real Estate or Really Movin' Trucking Company, will all need to be registered.

You must register that name before you can trade under it and you may do so up to two months before you start up in order to have time to organise things like advertising, telephone listings and business accounts.

Who has responsibility for maintaining the register of business names?

OCBA takes your details and keeps a register which is freely available to anyone who wants to find out the nature of a business, its locations, when it was started and who the owner of the business is. You may check this register yourself to make sure that the name you want to use for your business is not already in use. You can also read the register (which is available from the OCBA Internet Site: www.ocba.sa.gov.au) to check details when wanting to enter into business dealings or purchase an existing business, make decisions about extending credit to a business, or for legal dealings, such as the serving of notices or summons.

What do you do to register?

You can call in person to OCBA to register your chosen name(s) and give your business details. The counter staff will then check your application against the database and you can be supplied with a certificate straight away. They also provide a lamination service for the document at a small extra charge. If you lodge an application by post you will need to allow about 10 days for your certificate to arrive.

You should not use that chosen business name or get stationery or business cards printed until you receive the certificate in case the name cannot be approved, or any further details are required.

You must place the business name certificate on public display in your business premises.

If you have more than one location, it must be shown at the principal one used. Your business name must also be clearly and legibly shown on any business documents, letters, official notices, invoices and accounts, order forms, receipts or cheques.

What do you do if you want to change your registration details?

Simply advise OCBA within 28 days of:

- changes in the nature of your business
- any other proprietor or person trading under your business name
- change of address
- opening of new and additional premises
- closure of any place of business
- closure of the business itself
- sale of the business.

What about other licensing requirements?

Registering your business name is not enough in itself if you are legally required to have a licence or permit to operate.

If your trade or business requires a licence from any authority then you should contact the Business Licence Information Service, Department of Trade and Economic Development on 1800 188 018.

What else is not covered by registration?

Registration of your business does not entitle you to claim trade prices or discounts from suppliers, although many do offer this if shown proof that you are a registered proprietor of a business.

What about trade marks, brand names and labels?

A business name does not guarantee protection of your label, trade mark or brand if you are a manufacturer. If you want to protect your rights to exclusive use of any names or labels you should contact IPAustralia, which will provide information about applying for Australia-wide protection under the Trade Marks Act.

What if your business name, trade mark, brand name or label infringes the Trade Marks Act?

You should check your chosen name or names with IPAustralia to ensure that you do not infringe the rights of others before you register your business name.

OCBA does not accept any responsibility or liability for your use of a protected name.

More information

The Office of Consumer and Business Affairs will assist you with any enquiries in person or over the phone.

Office of Consumer and Business Affairs

Third Floor, Chesser House
91 - 97 Grenfell Street
ADELAIDE SA 5000

Telephone 1300 138 918

Website: www.ocba.sa.gov.au

Registration Fee

As at 25/09/2008

Registration fee of \$144.00 to be paid upon lodgement of application.

Trade marks, brand names information and registration details are available from

IPAustralia

Innovation House East Wing
Mawson Lakes Boulevard
MAWSON LAKES SA 5095

Telephone 1300 651 010

Website: www.ipaustralia.gov.au