

Before you register your business name, you should be aware of the differences between a business name, a company name, and a trademark and what rights each of these provide to you.

### What's the difference?

**A Business name** is a trading name under which a business can operate. Registration of your business name effectively gives you the right to trade under that name in the State/Territory in which you register it. If you plan to trade in more than one State/Territory you need to register under the laws of each one. Registration of a business name is compulsory when you trade under a name other than your own;

**A Company name** is obtained by forming a company under the Corporations Act, which is administered by the Australian Securities and Investment Commission. A Company will have the right to trade across boundaries, and is not necessarily restricted to trade in the State/Territory in which it was incorporated. A Company name does not give you any proprietary rights to the name, unless protected by a trademark.

**A trademark** is a word, phrase, smell, sound, logo, picture, aspects of packaging or a combination of these that distinguishes a product or service from similar products or services. Registration of a trademark gives the owner of the trademark **the exclusive right** to use or control the mark throughout Australia.

### What does this mean for selection of your business name?

While you may not be interested in having exclusive ownership of your business name through the registration of a trademark, it is your responsibility to ensure you are not infringing the rights of a trademark owner.

It is recommended that you conduct a search of registered trademarks in Australia, prior to registering your business name with the Territory Business Centre. You can do this through the IP Australia Trademarks database, which can be found on the Internet at <http://www.ipaustralia.gov.au>. IP Australia also offers a professional search service called the Business Names Applicant Search Service. There is a \$40.00 fee associated with this service.

### Hint:

You may also like to conduct your own business name search for business names already registered in Australia or the Northern Territory prior to submitting your business name application form with the Department. You can do this by accessing the Australian Investment and Securities Commission web site at [www.asic.gov.au](http://www.asic.gov.au).

### How do I register a trademark?

The Territory Business Centre can supply you with a Trademarks Information pack produced by IP Australia, or you can contact IP Australia. The pack includes an application form, and guidelines for registration.

