

LICENSING, REGULATION AND ALCOHOL STRATEGY

Information on Business Name Registration Registering a Business Name

You can conduct business under your own name without registering a business name, provided you don't change or add anything to your name. A company can conduct business under the company name without registering a business name but it must use the full name on each occasion and not abbreviate it. E.g.; XYZ Pty Ltd, but not simply XYZ, without registering that variant as a business name.

To conduct business under any other name, that name must first be registered as a business name.

Selecting a business name

You should not commence business under a name, or print stationery or erect signage etc until the name is registered. Business Affairs considers each proposed name individually to determine whether it is available for registration.

Names that are identical to an existing business or incorporated association name in the Northern Territory or company name anywhere in Australia will not be registered, although of course a company may apply to register its abbreviated company name as a business name.

If, in the opinion of Business Affairs, the proposed name is too similar to an existing business or incorporated association name in the NT or company name anywhere in Australia, registration will be denied.

The name you select must not be misleading or offensive, and there are some words or phrases that you cannot use without consent. For example, you cannot use the word "ANZAC" without consent.

Any application for a business name must be written in the English language. Where words/phrases are of another language, a certified translation of the words/phrases must accompany the application.

Is your proposed name already registered?

The Australian Securities and Investments Commission (ASIC) keeps a record of all company and business names registered in Australia, as well as some association names on its National Names Index.

You can check on the ASIC website (www.asic.gov.au) to see if your proposed business name already exists or conflicts with an existing registration. It is

LICENSING, REGULATION AND ALCOHOL STRATEGY

Darwin

Level 1, Enterprise House
28-30 Knuckey Street, Darwin
GPO Box 1154, Darwin, NT 0801
Ph: 08 8999 1800
Fax: 08 8999 1888

Katherine

3/36 Katherine Terrace, Katherine
GPO Box 1154, Darwin, NT 0801
Ph: 08 8972 8906
Fax: 08 8972 8910

Alice Springs

Peter Sitzler Building
67 North Stuart Highway, Alice Springs
GPO Box 8470, Alice Springs NT 0871
Ph: 08 8951 8452
Fax: 08 8951 8591

important to note that a nil response from searching the National Names Index does not necessarily mean that Business Affairs will register your proposed business name.

Generally

The *Business Names Act* requires that the Certificate be displayed at the place where the business is to be carried on. The business name must appear on every business letter, statement of account, invoice, official notice, publication, order for goods, or receipts.

Registration of a business name does not, of itself, provide legal protection to the proprietor. Registration of a business name is an obligation of carrying on a business under a business name. The intention is to protect consumers, not the registrant. If you register a name consisting of generic words, Business Affairs will register other names containing those same words.

Trademarks

Business Affairs does not search trademarks. No responsibility will be accepted for registration of a name which might infringe proprietary rights acquired by registration of a trade mark. You can search trade marks on the IP Australia website (www.ipaustralia.gov.au).

Registration Timeframe

The registration of a name remains in force for a period of three years from the date of registration and must be renewed at the end of that period if still in use.

You will be sent a renewal notice approximately 6 weeks prior to renewal, however if you do not receive the notice, the onus is on the proprietor to re-register the business name.

Failure to renew registration will make the name, or one very similar, available to others. Registration can also be renewed online via www.transact.nt.gov.au

Cessation

If a business ceases to be operated under that name, a Cessation of Business Name Form must be lodged.

There is no charge for a lodgement of this form.

Changes

You, as a proprietor of the business are required to notify Business Affairs whenever a change occurs in your business concerning any of the following:

- i. A change in the name of the business (in which case you will be required to cease the previous registration and make a fresh application under the new name).
- ii. When a new proprietor commences in the business.
- iii. When a proprietor ceases to be a proprietor of the business.
- iv. When the address of the place where the business is carried on changes.
- v. When the nature of the business changes.
- vi. When the residential address (or in the case of a corporation, the address of the registered office) of one or more of the proprietors changes.

- vii. When a proprietor changes his or her name.
- viii. When a second place of business is commenced or ceased. (There may be more than one place of business).
- ix. When the business has ceased.

Notification of any of the above changes should be lodged, on the approved form within fourteen days of the change at a Territory Business Centre or by mail to Business Affairs.

It is the responsibility of the registrant to ensure that the correct postal address for their business is held on record as some locations (read: street addresses) are designated “non delivery areas” and are not serviced by Australia Post.

Fees payable:

Registration = \$60 (for 3 years)

Renewal = \$50 (for 3 years)

Changes to any particulars = \$10

Make cheques or money orders payable to r.t.m.
(Receiver of Territory Monies)

Electronic lodgement must be accompanied by credit card details

* Please note that there may be a liability to pay Northern Territory stamp duty upon a change in the proprietors of a business. For further information consult the brochure titled “Stamp Duty – Business Property & Rights” or call the Commissioner of Taxes Office on 1300 305 353. Alternatively you may wish to view their [website](#).