Business and Tax Office Registrations

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Below you will find out about registering your business or company name, how to protect your business or company name and web address and tax registrations for new business owners. Remember, Rogerson Kenny Business Accountants can assist you with all of the below points!

REGISTERING A BUSINESS NAME

Why do I need to register my business name?

The Business Names Act 1962 requires that all businesses trading in Victoria do so under a registered business name.

The exceptions to The Business Names Act 1962 are:

* Businesses that operate under a company name.
* Businesses that operate under a personal name.

A business name is not a legal entity like an individual or corporation and cannot sue, be sued or hold property. It merely registers the name in the public registry - available to the public for a fee - held by Consumer Affairs Victoria (CAV). Any disputes over the naming rights are dealt with by legislation or through the legal system, so you should contact your solicitor if you require assistance in such matters.

What if my business is a company?

If your business is a company, it falls under Corporations Law and, unlike other businesses, the company name is not lodged with Consumer Affairs Victoria, but with Australian Securities and Investment Commission. To determine whether your business is a company or not, visit the business structures page.

If your company carries on a business in a name that is different to its company name, you must register that business name with CAV. This is sometimes referred to as 'trading as' or operating under a 'trading name'.

How do I choose and register a business name?

After you have determined that your business is the type that needs to register a business name, there are several steps towards choosing and registering one that is right for you and your business.

CHOOSING YOUR BUSINESS NAME

Decide carefully

Your business name is important, not just at the onset of a new business, but as the business develops or diversifies. Often the first impression of your business is made from its business name; it's a key factor contribution to your identity and image.

A business name is an individual decision and one that you should consider carefully. The name you choose should:

* Be memorable.
* Be easy to pronounce and spell.
* Be original and not too similar to existing business names, company names or trademarks.
* Be appropriate, professional and not offensive.
* Say what you want it to say about your business, products and services.

Be aware of rules and restrictions

There are a number of rules and restrictions that affect what you can and can't call your business. Check the Restrictions on Business Names or Branding and Intellectual Property pages for further information, or use the Step-by-Step: How to Register Your Business guide.

Create a short list

By providing a number of choices you can save time in the checking and registration process, in the event that you don't get your first choice. Firstly, choose a list of potential business names and put these in order of preference on your application. If your first choice is ineligible for registration, your second choice is checked, and so on, until an available and eligible name is found.

Finding an Existing Business Name

The Victorian Names Register lists all business names, associations, cooperatives and limited partnerships registered in Victoria. You can search the Department of Justice online register for free.

Use the register to:

* Check whether the proposed name for your new business is the same as or similar to an existing business name.
* Check that the association, cooperative or limited partnership that you are dealing with is registered.
* Find out more details about a business that is registered in Victoria.

Always check the availability of a name before submitting your business name application to Consumer Affairs Victoria (CAV). Rogerson Kenny Business Accountants can carry out the registration process for you, [contact us](http://rogersonkenny.com/contact-us.html) to find out more about this service.

CHOOSING YOUR COMPANY NAME

You should follow the same guideline as choosing a business name. In other words, it should be unique and stand out from your competitors. In addition, a company name must indicate the:

* Legal status of the Company - 'Proprietary' simply means a company, which is not listed on the stock exchange as a public company. A proprietary company name must include the word 'Proprietary' or it's abbreviation 'PTY'.
* Liability of Company members - Liability is usually limited so the name must include the work 'Limited' or it's abbreviation 'Ltd'.

You cannot use a name that is already registered as a Company, so you need to check the availability of your name with the following separate authorities:

* ASIC - Australian Securities and Investments Commission
* IP Australia
* CAV - Consumer Affairs Victoria

Rogerson Kenny Business Accountants can carry out the registration process for you, [contact us](http://rogersonkenny.com/contact-us.html) to find out more about this service.

PROTECTING YOUR BUSINESS OR COMPANY NAME & WEB ADDRESS

When you start a new business, register a new name or develop a new product you should give consideration to protecting your Intellectual Property (IP). Even though a new business name has been registered with Consumer Affairs Victoria, if it is not protected, a competitor can still legally register:

* A similar company name with ASIC
* A similar Trademark with IP Australia
* The same business name in another state or territory
* A similar Domain Name

The three main ways of providing Australia wide protection are:

Trademark Protection

Registering your business or company name as a trademark gives you legal ownership rights to the name across Australia and prevents others from trading under it. A trademark can be a letter, word, phrase, number, sound, scent, logo or image. It can be an effective marketing tool, making a business stand out from the competition. To find out about the trademark application process, go to 'Trademarks' on the IP Australia website, [contact Rogerson Kenny Business Accountants](http://rogersonkenny.com/contact-us.html), or your solicitor for more help.

Domain Name Protection

The domain is the main part of a web address (URL) and follows 'www' and is used to identify the location of the website. Note that just because you have registered a business name, company name or trademark does not mean you can automatically use it as a domain name. You may also not be able to stop someone using a domain name that is the same as your business name, company name or trade mark. For more information and guidance through the domain name registration process visit the Australian Domain Name Administrator website (www.auda.org.au).

Interstate Protection

To give your business name interstate protection, you need to register the name in each relevant state or territory where you intend to operate. Your first step is to check the register of business names in each relevant state or territory. Your business name will not be accepted if it is too similar to an already existing business name. A full list of business name registers and their contact details are available on the Business Victoria website. Type 'Interstate Business Name Registration' into the homepage search.

Source: http://www.rogersonkenny.com.au/resources-rk/business-and-tax-office-registrations