



Application for registration of a business name

form 1A

Carrying on business

The *Business Names Act 1996* makes it **compulsory** to **register a business name** if business is being conducted under a name other than the legal name of the proprietor (individual or body corporate).

Applying for a business name

- You must apply within two months prior to commencing business.
- **Don't spend any money** on advertising, printing, etc until your business name has been registered.
- If you are applying to be part of an existing **franchise**, you must attach a **letter of consent** from the franchisor stating you are eligible to register under that name. An example of this letter is available from our office or website www.ocba.sa.gov.au.
- If your proposed name is similar to a company name you must attach a letter of consent from the company.

Fees

See separate fee schedule.

Note: The prescribed fee must accompany this form. Your business name will not be registered unless the full fee is attached.

How the application is processed

- The Office of Consumer and Business Affairs (OCBA) will check whether your chosen name is eligible for registration. We are unable to register a business name if, in **OCBA's view**, it is the **same as**, or it would be **likely to be confused with or mistaken for** a registered business name or body corporate.
- We suggest you **list more than one** business name on the form in case your preferred name is not eligible.
- If your application is **granted** you will receive a **certificate of registration**. If it is **refused** you will receive a letter about your right of appeal. If you have not heard anything **within a month** please contact OCBA.
- Once the business name is registered, it **cannot be changed**. You must apply for a new business name and pay the registration fee if you want to use a different name.
- A business name is registered for **three years**.
- Registration **does not give exclusive rights** to use the name or the words contained in the name. A business name registered in South Australia will not prevent the registration of the same name in another State, nor will it prevent the registration of a similar name.
- **We do not provide advice on the availability of names** prior to the receipt of your application and fees.

You will need to contact the ATO to obtain your ABN or visit the website www.ato.gov.au.

Restricted words in a business name

There are certain words that cannot be used in a business name or require Ministerial consent to be used in a business name e.g. Trust, Bank, University. For a complete list, check our website www.ocba.sa.gov.au. An application with an additional fee is necessary to obtain Ministerial consent. For further information please contact us on **1300 138 918**.

What you must do once you are registered

- Use your business name **exactly** as it is registered. It cannot be changed in any way. This includes the use of special characters such as (-&*@!+). **Do not abbreviate or alter the name**. This will constitute a new name and it should be registered.
- Ensure your registration is current. We will notify you **every three years to renew** the registration, **but it is your responsibility** to keep the registration current. If you do not renew your business name within two (2) months of the expiry date, it will be removed from the business names register.
- **Notify us of any changes** to business details (e.g. change of address of proprietors) by completing the appropriate form. This must be done **within 28 days** and the forms are available from our office or website www.ocba.sa.gov.au.
- If your business name is no longer being used, the Act requires you to notify OCBA so we can cancel your business name. The appropriate form is available on our website.

All business name information stored in our office is on a public register and the information is available to the public for a prescribed fee.

Please note

OCBA undertakes the administration of the *Business Names Act 1996* on behalf of the Corporate Affairs Commission.

For further information visit our website at www.ocba.sa.gov.au.

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Approvals and licences

Do you need **official approval** (such as from your professional board) to trade under this business name? (For example, occupational therapists must have their business names approved by the Occupational Therapy Board).

YES NO

If **YES**, do you have their approval?

YES NO If **YES**, please **attach a copy**.

Do you need a **licence or registration** for the trade or profession for which you want this business name? (For example, builders, plumbers, security guards and many other traders must be licensed.)

YES NO

If **YES**, do you have a current licence?

YES NO If **YES**, please **attach a copy**.

Business & Occupational Services administer the following licences and can be contacted on the numbers below:

- Building and Construction Work 08 8204 9644
- Plumbing, Gas Fitting, Electrical 08 8204 9696
- Security, Investigation, Conveyancing, Travel Agents, Second-hand Motor Vehicle Dealers and Real Estate 08 8204 9686

Some other examples of occupations you may require a licence or registration for are:

- Architects
- Legal Practitioners
- Health Practitioners including Doctors, Chiropractors, Dentists, Occupational Therapists, Optometrists, Psychologists, etc
- Pharmacists
- Selling of Alcohol
- Veterinary Practice

These are **not** the only professions that may require approval or licence. If unsure, contact the Business Licence Information Service at www.bli.net.au/sa or phone 1800 188 018 for further information.

Offences

Some criminal convictions can prevent you from using a business name in South Australia (except in special circumstances). See section 17 of the *Business Names Act 1996* for more details. If you have any criminal convictions and would like to find out if this restriction applies to you, please phone 1300 138 918.

In the past five years, have you or your co-applicant(s) been convicted of any of these offences?

YES NO If **YES**, please **attach details of your conviction**.

Trade Mark warning

If you register a name that turns out to be similar to a registered trade mark, **you will not be able to use that name**. It is **YOUR** responsibility to carry out a free search of the trade mark register at www.ipaustralia.gov.au or telephone 1300 651 010.

office use only

Document ID	
LUN No.	
Amount \$	Cash / Cheque / Card / MO



Government of South Australia
Office of Consumer and
Business Affairs

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Please note: Incomplete forms including incorrect fees cannot be accepted and will be returned.

1 Name of individual to be contacted regarding this application (does not need to be applicant)

Name

Address

Suburb

State Postcode

Phone Fax

Email

2 Business name

Nominate the business name you wish to register. We suggest you nominate three names in order of preference. Choose carefully in case we cannot give you your first choice. Please print the name clearly as you wish it to appear on your certificate.

1	<input type="text"/>	office use only	<input type="checkbox"/> Approved
	<input type="text"/>		<input type="checkbox"/> Rejected
2	<input type="text"/>		<input type="checkbox"/> Approved
	<input type="text"/>		<input type="checkbox"/> Rejected
3	<input type="text"/>		<input type="checkbox"/> Approved
	<input type="text"/>		<input type="checkbox"/> Rejected

If you have registered this name previously please state your registration number.

3 Date of commencement of business name

This is the date your business is to commence using the business name.

/ / **Please note:** You must commence using the business name within 2 months of this date

4 Nature of business

Specify the exact type of business to be carried on under this name. **WE DO NOT** accept single word descriptions such as consulting, contractor, manufacturing, retail or wholesale.

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7 Proprietor details

Individual - each individual proprietor must sign this form. If signing on behalf of an individual, written authority **MUST** be presented.

Company/body corporate - a director or a person duly authorised in writing by the company/body corporate must sign this form.

Statutory body - the chairperson, executive officer or other authorised officer must sign this form.

Trust - a trust is not a legal entity and does not have the right to own a business name. Trustees' names should be listed.

7.1 Name of individual/body corporate

ACN (if a body corporate) DOB (if an individual)

Residential address/registered office. A PO Box is not acceptable here.

Street/section/part/lot number

Street name

Suburb

State Postcode

Statutory Declaration: I, the proprietor, declare the information I have provided is true and correct and I have not been convicted of an offence, within or outside this State, as prescribed by Section 17 of the *Business Names Act 1996*.

Signature Date

Name

Position Phone

7.2 Name of individual/body corporate

ACN (if a body corporate) DOB (if an individual)

Residential address/registered office. A PO Box is not acceptable here.

Street/section/part/lot number

Street name

Suburb

State Postcode

Statutory Declaration: I, the proprietor, declare the information I have provided is true and correct and I have not been convicted of an offence, within or outside this State, as prescribed by Section 17 of the *Business Names Act 1996*.

Signature Date

Name

Position Phone

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7.3 Name of individual/body corporate

ACN (if a body corporate) DOB (if an individual)

Residential address/registered office. A PO Box is not acceptable here.

Street/section/part/lot number

Street name

Suburb

State Postcode

Statutory Declaration: I, the proprietor, declare the information I have provided is true and correct and I have not been convicted of an offence, within or outside this State, as prescribed by Section 17 of the *Business Names Act 1996*.

Signature Date

Name

Position Phone

7.4 Name of individual/body corporate

ACN (if a body corporate) DOB (if an individual)

Residential address/registered office. A PO Box is not acceptable here.

Street/section/part/lot number

Street name

Suburb

State Postcode

Statutory Declaration: I, the proprietor, declare the information I have provided is true and correct and I have not been convicted of an offence, within or outside this State, as prescribed by Section 17 of the *Business Names Act 1996*.

Signature Date

Name

Position Phone

If you have more than four proprietors please photocopy this page.

Payment facilities



Payment can be made by

- cash/money order/eftpos transaction (in person)
- credit card (Visa or Mastercard) (see below)
- cheque (made payable to Business and Occupational Services)

Any 'Application for Registration of a Business Name' form received without the appropriate fee will be returned.



Paying by post

Payment can be forwarded by post to:
Office of Consumer and Business Affairs
Business and Occupational Services
GPO Box 1719 Adelaide SA 5001



Paying by fax

Business Names forms can be lodged by facsimile and payment made by credit card. Forms received by facsimile (together with payment by credit card authorisation) will be processed as next day mail lodged documents.

Payment can be forwarded by fax on: **(08) 8204 9771**



Paying in person

Payment can be made in person at:

Office of Consumer and Business Affairs
Business and Occupational Services
Level 3, Chesser House, 91-97 Grenfell Street
Adelaide SA 5000

Transactions and renewals are also available through Service SA customer service centres in:

Berri, Gawler, Kadina, Mount Gambier, Murray Bridge, Naracoorte, Pt Augusta, Pt Lincoln, Pt Pirie and Whyalla.



For further information

Visit our website www.ocba.sa.gov.au or phone **1300 138 918**.

CVV is a new authentication procedure established by credit card companies to reduce fraud for Internet transactions. It requires a cardholder to enter the CVV number in at transaction time to verify that the card is on hand. The CVV code is a security feature for 'card not present' transactions (e.g. Internet transactions), and now appears on most (but not all) major credit and debit cards. This new feature is a three-digit code that provides a cryptographic check of the information embossed on the card. Therefore, the CVV code is not part of the card number itself. The CVV code appears as the three digit number on the reverse side of your credit card (where your signature appears). See below for example:



Authorisation for payment by credit card

Visa Mastercard

Credit Card No.

Expiry date

/

CVV no.

Name on card

Contact phone no.

I hereby authorise the Corporate Affairs Commission to draw on my credit card for the amount of

\$

Registration no.
(if applicable)

Cardholder's signature