

Business Name Registration

Under the Registration of Business Names Act 1963 it is a legal requirement for a business to register its business name in the following circumstances (note: the expression body or bodies corporate usually means limited companies):

- Where an individual uses a business name which differs in any way from his surname.
- Where a partnership uses a business name which differs in any way from the true names of all partners who are individuals and the corporate names of all partners which are bodies corporate.
- Where a company uses a business name which differs in any way from its full corporate name.
- Where a person having a place of business in Ireland carries on the business of publishing a newspaper.

Registration requirements

The details for registration have to be provided to the Registrar within one month of the date of the adoption of the name. If more than one month has elapsed they should be provided as soon as possible.

The [forms](#) of application for registration, which are available from Parfrey Murphy, are:

- For an individual - RBN1
- For a partnership - RBN1A
- For an Irish body corporate -RBN1B

The Registrar doesn't compare the name with the Trade Marks Index, the Company Index or the Business Names Register.

So it's usually a good idea to do your own check on whether anyone else has rights in the name you've chosen. This will save you paying out on business stationery and other items that later need to be changed.

The Registration of Business Name Act 1963 gives the Minister for Industry and Commerce the right to refuse the registration of any name which in his opinion is undesirable. However, the applicant does have the right to appeal against the Minister's decision to the High Court.

Certificate of registration

The Registrar issues a Certificate of Registration for each business name registered.

A copy of the Certificate of Registration must then be displayed in a prominent or noticeable position:

- In the case of a firm or individual it would need to be displayed at the principal place of business as well as in every branch office or place where business is normally carried on.
- In the case of a body corporate it would need to be displayed at its registered or principal office in Ireland and also in every branch office or place where business is normally carried on.

You also need to be aware of the following cautions when registering a business name.

- Registering doesn't give protection against your name being duplicated.
- Registration doesn't imply that the name will necessarily be acceptable later as a company name.
- Registering doesn't authorise the use of the name if its use could be prohibited for other reasons. So for instance, registration cannot be taken as an assurance that no rights (e.g. Trade Mark rights) exist in the name.

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Why not call Seamus Parfrey today on **021 431 0266** and find out how we can help you in starting up your new business.

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