

APPROVAL OF A BUSINESS NAME

1. GUIDELINES FOR APPROVAL OF A BUSINESS NAME

- a. A business name prescribed and selected by the trader himself but must not contravene the provisions of the Registration of Businesses Rules 1957.
- b. A trader using his own name as per his Identity Card is exempted from making an application for a business name.
Example: NUR AISYAH BINTI MANSOR
- c. Any addition to his own name requires an application for a business name.
Example: RESTORAN ABD. RAHMAN SALEH
- d. If a trade name is being used as the business name, the trader has to present an application for approval of name.
Example: PERNIAGAAN MAWAR INDAH

2. RESTRICTIONS IN RELATION WITH NAMES THAT CAN BE USED

Names that cannot be used unless with written consent from the Minister.

Excerpt from Rule 15 of the Registration of Businesses Rules 1957 (Amendment 2002).

- a) contains any word suggesting a connection with the Yang Di-pertuan Agong, the Raja Permaisuri Agong or the Ruler of a State or a member of the Royal Family or Royal patronage including such words as “Royal” or any equivalent expression;
- b) contains any word suggesting a connection with the Federal or a State government department, statutory body, authority or agency or any municipality or other local authority, including such words as “Federal”, “State” or “National”;
- c) contains any word suggesting a connection with any Asean, Commonwealth or other foreign government or with the United Nations or any other international organisations;

- d) contains the word “Chartered” or any word suggesting a connection with any Society or body incorporated by Royal Charter;
- e) contains the words “Association”, “Union”, “Foundation”, “Trust”, “Forces”, “Co-operative”, “International” or any equivalent expression;
- f) contains any word that is blasphemous or likely to be offensive to members of the public;
- g) contains any word that is misleading as to the nature, scope or importance of the business carried on or to be carried on under such name;
- h) contains any word that is offensive to any race or religion.

3. PROHIBITION ON USE OF UNDESIRABLE NAMES

To determine whether any name that has been applied for is an undesirable name, the Registrar of Businesses has prescribed several criteria based on a few general principles, including other laws that also contain provisions to regulate the use of names that have a connection with activities regulated by the said laws, names that have a connection with activities regulated by Government Agencies or professional bodies and names in relation to national and public interest.

3.1 *Names that have a connection with activities regulated by other laws*

- (a) Banking And Financial Institutions Act 1989 –

Examples of names regulated by the said Act are “bank”, “deposit-taking”, “finance”, “merchant bank”, “discount house”, “money broker”, “foreign exchange broker” or such words connoting the same meaning;

- (b) Securities Industry Act 1983 –

Examples of names regulated by the said Act are “stock exchange”, “stock market”, “securities trading market” or such words connoting the same meaning;

- (c) Futures Industry Act 1993 –

Examples of names regulated by the said Act are “futures exchange”, “futures broker”, “futures trading adviser” or such words connoting the same meaning;

(d) Insurance Act 1963 –

Examples of names regulated by the said Act are “insurance”, “assurance”, “underwriter” or such words connoting the same meaning;

(e) Money-Changing Act 1998 –

Examples of names regulated by the said Act are “money changer”, “foreign exchange” or such words connoting the same meaning;

(f) Valuers, Appraisers And Estate Agents Act 1981 –

Examples of names regulated by the said Act are “estate agent”, “house agent”, “property agent”, “land agent”, “house broker” or such words connoting the same meaning; and

(g) Any other laws as being notified to the Registrar from time to time.

Names that contain prohibited words under the laws stated above can be considered if the applicant or the promoter of the company obtains the necessary written approval from the relevant government agency or professional body.

3.2 General principles and characteristics of names that can be considered for a name.

- a) Name which utilises correct grammar and spelling.
- b) As far as possible, the use of company names in the national language is encouraged.
- c) If the name contains a word that is not in Bahasa Malaysia or English, the meaning of that word has to be provided.
- d) Names that do not insult or cannot be construed as insulting to members of the public.
- e) Names that do not represent elements of religion.