

# **BUSINESS NAMES ACT 1962**

## **MINISTERIAL DIRECTION**

**I, JAN WADE**, Minister for Fair Trading for the State of Victoria, being the Minister responsible for the time being administering the Business Names Act 1962, pursuant to the powers conferred by section 9 of the said Act hereby revoke all directions previously given under the said section and do hereby direct that the Commissioner for Corporate Affairs shall not, except with the consent of the Minister for the time being administering the said Act, accept for registration any business name that is a name of a kind mentioned hereunder, viz:

1. Names which are likely to be confused with or mistaken for-
  - (a) a registered business name.
  - (b) a registered Limited Partnership.
  - (c) the name of an incorporated association.
  - (d) the name of an incorporated building society, co-operative company, co-operative society, co-operative housing society, credit union or friendly society.
2. Names which are identical with a name reserved or registered under Part 4.2 or 2.2 of the Corporations Law, except where the registered corporation is the applicant.
3. Names which are misleading in relation to the nature, objects or purposes of the business conducted or to be conducted under those names, or in relation to any other matter.
4. Names which are likely to be offensive to members of the public or members of any section of the public.
5. Names containing the following words or phrases or any abbreviations thereof or any words, phrases or abbreviations of like import:
  - (a) "Building Society", "Chamber of Commerce", "Chamber of Manufactures", "Chartered", "College of Advance Education", "Consumer", "Co-operative", "Credit Union", "Executor", "Friendly Society", "Guarantee", "Institute of Advanced Education", "Made In Australia", "Oxfam", "Savings", "Starr Bowkett", "Stock Exchange", "Trust", "Trustee", "University".
6. Names which include the words "Commonwealth" or "Federal".
7. Names which, in the context in which they are proposed to be used, are capable of suggesting:
  - (a) connection with a member of the Royal Family when the connection suggested does not exist; or
  - (b) that Royal patronage has been received when this is not the case.
8. Names which, in the context in which they are proposed to be used, are capable of suggesting connection with the Crown, the Government of the Commonwealth of Australia or of a State or Territory or any other part of the Queen's dominions, possessions or territories when the connection suggested does not exist.
9. Names which, in the context in which they are proposed to be used, are capable of suggesting connection with the government of a foreign country when the connection suggested does not exist.
10. Names which, in the context in which they are proposed to be used, are capable of suggesting connection with a department, authority or instrumentality of the Government of the Commonwealth of Australia or a State or Territory or with a municipal or other local authority when the connection suggested does not exist..
11. Names which, in the context in which they are proposed to be used, are capable of suggesting:

- (a) connection with ex-servicemen's organisations when the connection suggested does not exist; or
- (b) that the members of an organisation are totally or partially incapacitated when this is not the case.

12. Names which contain;

- 1.(a)
  - (i) a word or an abbreviation of a word in an item in either column 1 or column 2 below and one or more words or abbreviations of words contained in column 3 below; or
  - (ii) the word "24th", "Twenty-Fourth" or "XXIVth" and the word "Olympic" or "Olympics" or "Games"; or
  - (iii) the word "27th", "Twenty-Seventh" or "XXVIIth" and the word "Olympiad"; or
  - (iv) the phrase "Share the Spirit"; or
  - (v) the word "Sydney" and the number "2000" or the words "Two Thousand"; or
  - (vi) the word "Gold" and the number "2000" or the words "Two Thousand"; or
  - (vii) the word "Games" and the number "2000" or the words "Two Thousand"; or
  - (viii) the phrase "Games City"; or
  - (ix) the phrase "Summer Games"; or
  - (x) the phrase "Sydney Games"; or
  - (xi) the phrase "Millennium Games"; or
  - (xii) the phrase "Gold Games"; or
  
- (b) a word or an abbreviation of a word contained in column 1 or column 2 which, in the context in which it is proposed to be used, suggests a connection with the Summer Games of the Twenty-Seventh Olympiad to be conducted under the auspices of the International Olympic Committee ("Sydney Olympic Games"), or the Paralympic Games to be held in Sydney in the year 2000 and conducted under the auspices of the International Paralympic Committee ("Sydney Paralympic Games"); or
  
- (c) a word, or an abbreviation of a word contained in Column 1 or Column 2 which, in the context in which it is proposed to be used, otherwise suggests a connection with the Sydney Olympic Games or the Sydney Paralympic Games,

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Olympic	Paralympic	City
Olympics	Paralympics	Gold
Olympiad	Paralympian	Games
Olympian		Millennium
		Summer
		Sydney
		Two Thousand
		2000

2. Paragraphs 12.1(b) and 1(c) do not apply where the relevant authority has consented in writing to the use of the proposed name. The "relevant authority" means:

- (a) in relation to a name which suggests a connection with the Summer Games of the Twenty-Seventh Olympiad - the Sydney Organising Committee for the Olympic Games; or
- (b) in relation to a name which suggests a connection with Paralympic Games to be held in Sydney in the year 2000,
  - (i) where the application is lodged prior to the registration of a company to be known as the Sydney Paralympic Organising Committee Limited - the Director-General of the Premier's Department of New South Wales; or
  - (ii) where the application is lodged after the incorporation of that company - the Sydney Paralympic Organising Committee Limited.