


**ASIC**

Australian Securities &amp; Investments Commission

## SCHEDULE 6 - Availability of Names

### Corporations Regulations 2001 - Reg 2B.6.01, 2B.6.02, 5B.3.01 and 5B.3.02

#### PART 1

#### Rules for ascertaining whether names are identical

6101. In comparing one name with another for paragraph 147(1)(a) or (b) or 601DC(1)(a) or (b) of the Corporations Act 2001, the following matters are to be disregarded:

- (a) the use of the definite or indefinite article as the first word in one or both of those names;
- (b) the use of 'Proprietary', 'Pty', 'Limited', 'Ltd', 'No Liability' or 'NL' in one or both of the names;
- (c) whether a word is in the plural or singular number in one or both names;
- (d) the type, size and case of letters, the size of any numbers or other characters, and any accents, spaces between letters, numbers or characters, and punctuation marks, used in one or both names;
- (e) the fact that one name contains a word or expression in column 2 of the following table and the other name contains an alternative for that word or expression in column 3:

Column 1- Item	Column 2 - Word or expression	Column 3 - Aternative
1	Australian	Aust
2	Company	Co or Coy
3	Co	Company or Coy
4	Coy	Company or Co
5	Number	No
6	and	&
7	Incorporated	Inc
8	Corporation	Corp
9	Australian Company Number	ACN

**PART 2****Names unacceptable for registration**

*Rules 6201, 6202, 6206 and 6207 dealt with name restrictions in connection with the Sydney Olympic Games of 2000 and ceased to have effect from 1/1/2001 (as per Rule 6208).*

6203. For paragraph 147(1)(c) or 601DC(1)(c) of the Corporations Act 2001, a name is unacceptable for registration if the name:

- (a) in the opinion of ASIC, is undesirable, or likely to be offensive to:
  - (i) members of the public; or
  - (ii) members of any section of the public; or
- (b) subject to rule 6204:
  - (i) contains a word or phrase specified in an item in Part 3 or an abbreviation of that word or phrase; or
  - (ii) a word or phrase or an abbreviation having the same or a similar meaning; or
- (c) subject to rule 6205, includes the word ‘Commonwealth’ or ‘Federal’; or
- (d) in the context in which it is proposed to be used, suggests a connection with:
  - (i) the Crown; or
  - (ii) the Commonwealth Government; or
  - (iii) the Government of a State or Territory; or
  - (iv) a municipal or other local authority; or
  - (v) the Government of any other part of the Queen’s dominions, possessions or territories; or
  - (vi) a department, authority or instrumentality of the Commonwealth Government; or
  - (vii) a department, authority or instrumentality of the Government of a State or Territory; or
  - (viii) the government of a foreign country; if that connection does not exist; or
- (e) in the context in which it is proposed to be used, suggests a connection with:
  - (i) a member of the Royal Family; or
  - (ii) the receipt of Royal patronage; or
  - (iii) an ex-servicemen’s organisation; or
  - (iv) Sir Donald Bradman; if that connection does not exist; or
- (f) in the context in which it is proposed to be used, suggests that the members of an organisation are totally or partially incapacitated if those members are not so affected.

6204. Paragraph 6203(b) does not apply to:

- (a) item 6309, 6312 or 6318 of Part 3 if a word in any of those items must be included in the name of:
  - (i) a registrable Australian body; or
  - (ii) a registered Australian body; because of the Act under which it is incorporated or registered; and
- (b) item 6314 of Part 3 if the word must be included in the name of:
  - (i) a registrable Australian body; or
  - (ii) a registered Australian body; or
  - (iii) a registered foreign company; or
  - (iv) a foreign company; because of the Act under which it is incorporated or registered.

6205. Paragraph 6203(c) does not apply if ASIC is satisfied that the word is used in a geographical context.

6206. Ceased to have effect as from 1/1/2001

6207. Ceased to have effect as from 1/1/2001.

6208. Rules 6201, 6202, 6206 and 6207 cease to have effect at the end of 31 December 2000.

### **PART 3**

#### **Restricted words and phrases**

<b>Column 1 - Item</b>	<b>Column 2 - Word or phrase</b>
6301	Aboriginal Corporation
6302	Aboriginal Council
6304	Chamber of Commerce
6305	Chamber of Manufactures
6306	Chartered
6307	College of Advanced Education [This item repealed 15/10/2001]
6308	Consumer
6309	Co-operative
6311	Executor
6312	Friendly Society (other than in relation to the conduct of a financial business)
6312A	GST
6312B	G.S.T.
6313	Guarantee
6314	Incorporated
6315	Institute of Advanced Education [This item repealed 15/10/2001]
6316	Made in Australia
6316A	Police
6316B	Policing
6317	R.S.L.
6317A	RSL
6318	Starr Bowkett
6319	Stock Exchange
6320	Torres Strait Islander Corporation
6321	Trust
6322	Trustee

**PART 4****Consent required to use restricted words and phrases**

<b>Column 1 - Item</b>	<b>Column 2 - Word or phrase</b>	<b>Column 3 - Minister</b>
6401	Anzac	Minister for Veterans' Affairs
6403	Geneva Cross, Red Crescent, Red Cross, Red Lion and Sun	Minister for Defence
6405	United Nations	Minister for Foreign Affairs
6406	University	Minister for Education, Science and Training

**PART 5****Names relating to Financial Institutions for use of which consent is required**

<b>Column 1 - Item</b>	<b>Column 2 - Letters, word or expression</b>	<b>Column 3 - Public Authority, instrumentality or agency</b>
6501	ADI	APRA
6502	authorised deposit-taking institution	APRA
6503	bank	APRA
6504	banker	APRA
6505	banking	APRA
6506	building society	APRA
6507	credit society	APRA
6508	credit union	APRA
6509	friendly society (in relation to the conduct of a financial business)	APRA

For more information contact **ASIC Enquiry Line** on **03 5177 3988**.