

BUSINESS NAME REGISTRATION GUIDELINES

1. INTRODUCTION

- 1.1 The name of a business is the title that is used as an identification or introduction of the business.
- 1.2 The name of a business can be categorized into two:
 - (a) **Personal name:** Uses the name in the identity card. This category does not need to be reviewed for approval. Example Ruslan Bin Mohamad, Lee Yng Fei and Sharmila A/P Avaniappan.
 - (b) **Trade Name:** The proposed business name needs prior approval of the Registrar of Business, Companies Commission of Malaysia (SSM). Example Kedai Dobi Mewah, Lucky Star Catering and ABS Unggul Enterprise.

2. NAME APPLICATION PROCEDURE

Business Name Application Process

- (a) Application for name search must be made using the PNA42 form. The application form must be completed.
- (b) If the requested name contains a word which requires the approval of the Minister, the applicant must complete the information and attach supporting documents for approval.

3. GUIDELINES FOR CONSIDERATION OF BUSINESS NAME APPLICATION

Comply with the law/Act

A business name should not go against the constitution, the law and should not have any negative elements. Business names should not contain prohibited words under these law:

- (a) Rule 15, Business Registration Rules 1957 (See item 5);
- (b) Government Gazette No. 716, Companies Act 1965 (See item 6); and
- (c) Provisions of other laws on the prohibition of using certain words without the consent of the laws' governing and regulating party.

4. THE PRINCIPLES OF NAMING A BUSINESS

4.1 The usage of correct language and spelling

- (a) The name has to use the correct language and spelling. Using both Bahasa Malaysia and English in a name is permissible if the use is to illustrate the type of business, and it must use correct language.

Eg:

Padu Construction not Construction Padu

Kedai Dobi Power not Power Kedai Dobi

- (b) If the name contains a word that is not from Bahasa Malaysia or English or is fictitious, the meaning or origin of the word must be given.

4.2 A name that is not too general

The requested name must have an identity name and should not be very common. Names are considered general when using common words or only portraying activity;

Eg:

Technology Resources

4.3 Does not resemble a business name that has been registered or in safekeeping

A business name is said to be identical/similar if it is only distinguished by the following words or symbols:

- (a) The symbol **"&"** or the letter **"N"**, or the word **"dan"** or **"and"**;

Eg:

Light & Easy Trading = Light N Easy Trading

Light and Easy Trading = Light Easy Trading

- (b) The usage of the symbol **","** (fullstop) atau **"-"** (dash);

Eg:

A-B-C Trading = A.B.C. Trading

ABC Resources = A.B.C. Resources

- (c) Contains words that carry the same meaning;

Eg:

Builder= Build

Forwarding = Forwarders

(d) Differences in plural and singular words;

Eg:

ABC Services = ABC Service

ABC Technology = ABC Technologies

ABC Publish = ABC Publishing

(e) The word "New"

Eg:

Golden Dynamic Trading = New Golden Dynamic Trading

(f) The name of a business will be deemed to be different and not identical if there is a difference in letters or texts;

Eg:

Blue Star Trading not the same as Star Blue Trading

CM World Trading not the same as CMT World Trading

MCY Tech not the same as MYC Tech

(g) Combined common words combined are considered common words and not the same if the whole name is not the same.

Eg:

Setiabudi Maju Services not the same as Setiabudi Jaya Services

4.4 Names that are vulgar, insulting or misleading in terms of identity and object

The proposed names should not contain:

- (a) Elements of obscenity, insults or profanity
- (b) A name is considered confusing in terms of identity and object if the requested name is not in line with the type of business;

Eg:

Restoran Maju (Store selling clothes)

Karate Academy (Store selling food)

4.5 Comply to Other Prescribed General Principles

- (a) Words that touch or represent religious or religious elements are not allowed

Eg:

Alkarim, Alqudus , Almuhammadin

Lord Sri Shiva Resources

Mekah Great God Enterprise

- (b) The use names (of self/people) is allowed in the following circumstances;

- (i) When using the names of renowned figures, consent should be sought from of that particular individual or his/her heirs;

- (ii) Names associated with local and foreign historical figures such as Ibnu Sina, Cheng Ho,

Marco Polo, Raffles, Parameswara, Hang Tuah and the like;

(iii) Names that refer to the owner, must refer to the proper individual;

(iv) Only the usage of the owner's full name is allowed in case the name contains special titles such as Prince/Princess/King;

Eg:

Raja Gopal a/l Muthusamy Enterprise not Raja Enterprise

(c) The name that contains words that can be confused as an identity under the law or NGO/NPO such as "Company", "Co." "Corporation", "Body", "Foundation" and "Club" is not permitted to be used as business name;

(d) The company name should not contain the names of statutory bodies, government companies or agencies, including;

(i) Abbreviations of institutions of higher learning

Eg:

UiTM, UTM, UM, UKM, UPM, UUM, USM, UIA, UNIMAS, UMS, UIAM, UPSI, UMT, UMP, UTEM, UNIMAP and others

- (ii) Abbreviations of the Federal or State government agencies and Government-linked Companies (GLCs);

Eg:

SSM, CCM, JKR, JPA, JPM, BNM, KPDKK, SEDC, PKEN, SIRIM, TNB, PNB, FELDA, FELCRA, PETRONAS, SKM, MYCC, MIDA, KWSP, LHDN, PERKESO, MARDI, RISDA and others.

- (e) The usage of controlled and restricted words because of national or public interest is not allowed:

- (i) Words from government slogans such as "1 Malaysia", "Vision 2020", "Malaysia Boleh" and other words that will be introduced from time to time

- (ii) An abbreviated name that can be confused with other names common multi-national companies' names such as PNB, ICI, Kulim Hi-Tech "Cyber" MSC / Multimedia Super Corridor "or" Koridor Raya Multimedia "and others.

- (f) Names that are related to activities controlled by employment agencies or by a profession, are not allowed:

Eg:

Architect, Engineer, Doctor, Pharmacists dan others

(g) Using the symbol "&" or the letter "N" to replace the word "and";

Eg:

D&T Services

(i) The symbol fullstop ".";

Eg:

A.B.C Trade.

(ii) The symbol "-"(hyphen).

Only allowed for words like;

Eg:

Kupu-Kupu Design

Focus Re-Engineering

Words containing plural elements need not be used with hyphens as the plural name is already understood

Eg:

Kedai Barang Logam Jati

Pusat Alat Sukan Kencana,

(iii) The symbol"()" brackets.

The usage of brackets is permitted under appropriate conditions and purposes;

Eg:

ZY Advertising (2014)

ZY Advertising (Bangsar)

(iv) The symbol " ' " ("apostrophe") is allowed for appropriate use:

Eg:

Dato' Afiq Success Construction

Sa'diah Binti Muhammad Enterprise

(h) The use of numbers is allowed for appropriate use;

Eg:

123 Maju Enterprise

Maju Hijau 1 Enterprise

(i) The use of letters/alphabets is allowed for appropriate use;

Eg:

ABCY Construction

ABCY Trading

CNMM Development

(j) The word "Malaysia" or the name of a state at the beginning of the name shall not be permitted unless it is in the interest of the Federal / State Government or if it obtained consent from the party concerned;

Eg:

Malaysia Handicraft Center

Malaysia Trading

However words like that can be used in names like:

Eg:

Atiqah Kain Songket Terengganu

- (k) When using a combination of names / words containing gazetted words, it shall be approved by the Minister;

Eg:

DanaRakyat Consultant

RoyalHotel

- (l) The use of names of places shall be followed by the business description

Eg:

Teluk Intan Marketing

Ipoh Sweet & Candy Store

- (m) The reuse of business name that has been expired / terminated:

- (i) Allowed after 12 months from the date of termination or expiry of the business

- (ii) Allowed if the business has been terminated using Form C.

5. RULE 15, REGISTRATION OF BUSINESSES RULES 1957

Business names that shall not be registered except with the consent of the Minister

- (1) Except with the consent of the Minister, no business shall registered by a name which,

- (a) Contains any word suggesting 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 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 connection with any Asean, Commonwealth or other foreign government or with any other international organisation;
 - (d) Contains the word "Chartered" or any words suggesting connection with any Society or body incorporated by "Royal Charter";
 - (e) Contains the word "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.
- (2) The Registrar with the consent of the Minister may restrict the usage of any other names which in his opinion is undesirable and the Registrar shall cause such names to be published in the Gazette.

6. GOVERNMENT GAZETTE BIL DATED 30 JANUARY 1997

Direction of the Minister under Sections 22(1) and 341 Companies Act 1965

Pursuant to section 22(1) and 341 Companies Act 1965, the Minister directs the Registrar of Companies not to accept for registration any

name of a company or a foreign company that is a name or a name of kind mentioned in the Schedule unless prior approval of the Minister has been obtained.

SCHEDULE

- (a) Names suggesting connection with a member of the Royal Family or Royal patronage including names containing such words as "Royal", "King", "Queen", "Prince", "Princess", "Crown", "Regent", "Imperial";
- (b) Names suggesting connection with a State or Federal government department, statutory body, authority or government agency or any municipality or other local authority including names containing such words as "Federal", "State", "National";
- (c) Names suggesting connection with any Asean, Commonwealth or foreign government or with the United Nation or with any other international organisation or cartel including names containing such words as "ASEAN", "UNESCO", "NATO", "EEC", "OPEC";
- (d) Names suggesting connection with any political party, society, trade union, co-operative society or building society;
- (e) Names including the following words or any words of like import: "Bank", "Banker", "Banking", "Bumiputra", "Bureau", "Chamber of Commerce and Industry", "Chamber of Manufacturers", "Chartered", "College", "Consmer", "Council", "Credit", "Exchange", "Executor", "Fair Price", "Finance", "Foundation", "Fund", "Guarantee", "Institute", "Insurance", "Investment", "International", "Leasing", "Made in Malaysia", "Prime", "Registry", "Treasury", "Trust", "Unit Trust", "University";
- (f) Names that are misleading as to the identity, nature, objects or purposes of a company or in any other manner;
- (g) Names that are blasphemous or likely to be offensive to members of the public;

(h) Names which –

(i) Are translation of a name of a company or foreign company registered under the Act; or

(ii) May resemble or be mistaken for the name of any other company or foreign company registered under the Act; or

(iii) May resemble or be mistaken for a name that is being reserved for the purpose of incorporation of a new company or registration of a foreign company or for the purpose of a change of name of a company or foreign company registered under the Act.