

Making it easier to do business



National Business Names Register

Contents

Introduction	3
What is the national Business Names Register?	4
Business names are now online	5
When do I need to log in to ASIC Connect?	5
How do I register a business name?	6
How do I renew a business name?	8
Closing or selling your business name?	9
How do I update my details?	10
How do I search the register?	10

Introduction



On 28 May 2012, the Australian Securities and Investments Commission (ASIC) launched a new national Business Names Register.

Business owners can search, register, transfer, update, cancel or renew a business name, all in one online service – at any time.

The national Business Names Register delivers a single national registration with free online searches. Since it commenced, over half a million new names have been registered, taking the total number of registered business names in Australia to over 2 million.

The online service has cut red tape and compliance costs for Australian business. The online service is a much cheaper, more efficient and nationwide service for business. It has already saved Australian businesses \$76.6 million in reduced fees to register and renew a business name, and is estimated to save \$329 million including time savings over five years.

We're working hard to continually improve the service by adjusting policy settings, investing in system enhancements and seeking opportunities to make it easier for business to deal with government. Some recent examples of improvements we've made to the online service include:

- Providing business with greater choice in how they renew their registration. The Pay Now service was introduced earlier this year, and over 75% of all customers are choosing this service.
- Allowing home-based businesses to provide a postal address rather than a physical address as the contact address for their business name.
- Introducing AUSkey, a single credential business can use to log in when interacting with government. AUSkey simplifies the log on experience by removing the need to remember multiple usernames and passwords.
- Making it even quicker to register a business name by sending information including the record of registration to applicants in 'real time' rather than overnight.
- Improving the information and the online service for customers selling their business, and the options available to them if the sale does not proceed.
- Improving the linkages between the Australian Business Register and the ASIC Business Names Register to provide greater consistency and transparency of information across both registers.

ASIC is delighted to provide business owners with a quick, lower-cost national online business names service, making it easier to do business.

Greg Tanzer
ASIC Commissioner
28 May 2014

What is the national Business Names Register?

A business name is simply a name under which you conduct a business.

In Australia, unless you trade under your own name or fall within an exemption, you must register your business name.



Australia's national Business Names Register began on 28 May 2012, when ASIC took over the administration of business names from state and territory agencies.

Approximately 1.6 million business names were automatically transferred to the new national register.

The national register collects, stores and makes available information from businesses across Australia. Our online service helps those wanting to register an available name, or identify who has a business name.

Under the national business names legislation¹:

- You only need to register a business name once to have national effect.
- New businesses must first have an Australian Business Number (ABN) to register a business name. This also applies to a new owner of a transferred business name.
- When you sell your business name, that business name can be transferred to a new owner.
- If you are 'disqualified' you will not be able to register your business name and you cannot trade under your business name. You are disqualified if you are, or someone involved in the management of your business is, convicted of certain criminal offences.
- There are different types of 'holders' of a business name, including: family trusts, partnerships and joint ventures – which can now be recorded on the national register.

What's in it for you?

- Time savings – one central point to register, renew, update and search business names online.
- More efficient – cuts red tape and business compliance costs.
- Cheaper – it costs less to register or renew your business name under the new register.
- Single registration – trade Australia-wide under one business name (no need for multiple registrations if you don't need them).
- Free online searches to check name availability, registration details and business ownership.

What's not in a business name?

Registration of a business name does not provide you with exclusive ownership of the name. See 'What's (not) in a business name?' on page 6 to find out more about protecting your rights to a name.

Social media

You can follow us for more information and our latest updates on social media:



Get regular Twitter updates
[@ASIC_Connect](https://twitter.com/ASIC_Connect)



Find us on Facebook
www.facebook.com/asicconnect



See more on YouTube
<http://www.youtube.com/asicconnect>

1. Business Names Registration Act 2011

Business names are now online

ASIC Connect is our online service to search, register, transfer, update, cancel or renew a business name.

What can I do online?

- Apply to register a business name.
- Check the availability of a business name.
- Search the business names register.
- Update your business name details.
- Renew your business name.
- Cancel your business name.
- Transfer your business name.
- View your business names.

How will I benefit?

- Quicker and easier to register and make changes online.
- One free online search will show if a business name is available nationally.
- Convenient, as you can register a business name at any time, including after business hours.
- Your business name will be linked to your Australian Business Number (ABN) and displayed on the Australian Business Register.
- You can pay online immediately via credit card.

When do I need to log in to ASIC Connect?

You need to log in to ASIC Connect to register, transfer, update or cancel a business name.

You do not need to log in to ASIC Connect to search our registers or to pay for a business name renewal using the Pay Now service available from www.asic.gov.au.

Log in to ASIC Connect

To log in to ASIC Connect go to www.asic.gov.au and click on the **Log in / Sign up** link in the ASIC Connect button.

From the ASIC Connect home page you can log in by selecting the 'Sign up' button and creating

a username and password, or if you have an AUSKey, by selecting the AUSKey button.

If you don't have an AUSKey you will need to create an online account and a username and password.

Further information on AUSKeys and ASIC Keys can be found at www.asic.gov.au.

Link your business name

If you log in using your AUSKey, all your businesses will automatically link to your account, as long as the ABN:

- Is recorded on our register; and
- Matches the ABN registered to the AUSKey.

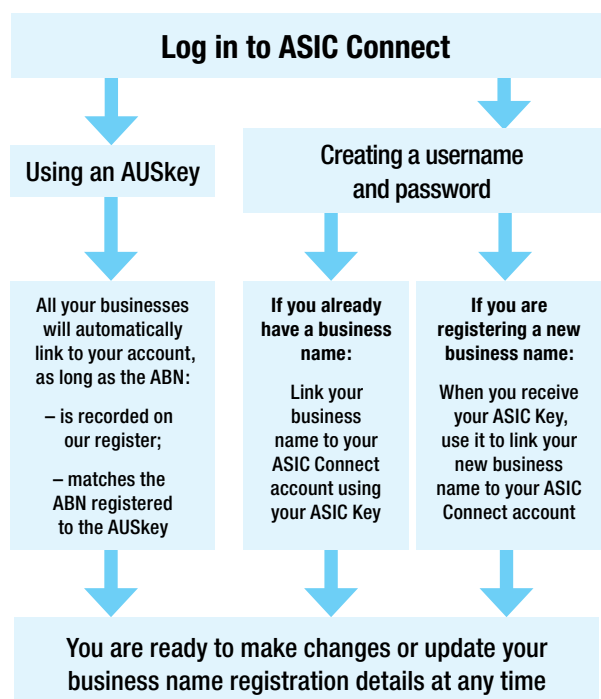
If you log in by creating a username and password, you will first need to link your business name to your account using your ASIC Key.

If you have provided your email address to us your ASIC Key will be emailed to you when you register a new business name or renew your existing registration.

Otherwise we will post the ASIC Key to the address for service of documents.

Once you have linked your business name to your account, you can see all the details for your business name.

Now you have all the tools you need to search, register, transfer, update, cancel or renew a business name.



How do I register a business name?

To register a business name, you must log in to ASIC Connect (see 'Log in to ASIC Connect' on page 5).

You will need your ABN and basic business details and your credit card, if you want to pay the registration fee online.

Watch our video to learn how to register a business name and what information you will need.

If you have all your information on hand, it takes about 15–20 minutes to complete the online application to register a business name.

Video: How to register a business name

www.youtube.com/asicconnect



Choose your business name

First, check if a business name is available. Use the free check name availability search on ASIC Connect at www.asic.gov.au.

It's important to remember that registering a business name doesn't mean you own it, or that you are preventing other people from being able to register and use similar names.

For example, Jim registers the business name 'Jim's Gym', while someone else registers 'Jim's Gym Sydney' – both are allowed as separate names under Australian business name rules.

What's (not) in a business name?

Registering a business name with ASIC is an important part of setting up and running your business, however registration *does not* provide exclusive ownership of your business name.

Instead, registering a business name is a legal obligation if you plan to carry on business or trade in Australia using a name other than your own.

Watch our video to learn more about what a business name is.

Video: What is a business name and how to get one

www.youtube.com/asicconnect



You can take steps to protect your rights to a business name. To find out more about how to do this go to www.ipaustralia.gov.au.



Check your business name

Even if the name passes the ASIC availability search, before you register it you should:

- Check if the name is identical or similar to a registered trademark, using IP Australia's TM Check, at www.ipaustralia.gov.au.



Table 1: Tracking our progress

As at 30 April 2014									
Number of registered business names		Business names registered		Information updates to the register received		Free searches		Paid searches	
2012-13	2013-14	2012-13	2013-14	2012-13	2013-14	2012-13	2013-14	2012-13	2013-14
1,740,780	1,973,275	274,349	274,627	131,131	133,405	15,479,692	18,913,375	562,214	537,067

- Check whether a domain name is available, at www.auda.org.au.



- Check whether you need any government licences, permits or approvals to use a name or conduct a particular type of business, using the Australian Business Licence and Information Service at <http://ablis.business.gov.au/pages/home.aspx>.



“

I really liked the part where you told me what registers I should check and provided me with the hyperlinks to the register lookup. Well done!

”

Getting an ABN

An Australian Business Number (ABN) is a unique number that identifies your business.

You will need to have an ABN or be in the process of applying for one through the Australian Business Register (ABR) if you are:

- Applying to register a business name for the first time.
- Purchasing a business name from another holder.
- An existing business name holder (pre-28 May 2012) and want to register a new business name.

When you apply for an ABN online through the ABR, you can also register a business name in one simple process.

To find out how to obtain an ABN, go to www.abr.gov.au.



Australian Government
Australian Business Register



Home-based businesses

For business names belonging to an individual, applicants must provide a physical address for their principal place of business, as well as an address for service of documents.

If you have a home-based business and your principal place of business is your residential address, for privacy reasons the principal place of business is not shown in full. Only the suburb and state or territory is shown on the public register.

However, if you use your home address as your address for service of documents, this will be displayed on the public register.

You may provide an alternative address for service such as a PO Box or the address of your accountant, relative, friend or lawyer (with their consent).

User guides:

Our handy user guides in www.asic.gov.au show you [How to register a business name for the first time](#) and [How to register a business name with a transfer number](#).



How do I renew a business name?

If you have a registered business name you will need to renew it with ASIC every one or three years.

Things you should know about renewing your business name:

- We will email or send your renewal notice 30 days prior to when your business name is due to expire.
- Your renewal notice will be sent to your email address (if you have provided us with your email address) or your address for service.
- Your renewal notice will tell you how to renew your business name.
- You can pay your renewal fee online with a credit card, via BPay or Australia Post.

Options for renewing

Once you receive the renewal notice, there are two options available to renew your business name:

- Pay Now – to simply renew your business name; or
- ASIC Connect – to register, transfer, update, cancel or renew a business name.



Pay Now

If you want to simply renew your business name, use 'Pay Now' to renew in a few simple steps.

To renew your business name using Pay Now see [Renew your business name using our online payment service 'Pay Now'](#) on www.asic.gov.au.



I love how ASIC has a simple way to pay business name renewals. It's right there on the home page!



ASIC Connect

If you want to renew **and** update your business name details use ASIC Connect (see 'Log in to ASIC Connect' on page 5) and create an online account.

What if I have multiple registrations for the same business?

If you have had the same business name migrated from multiple states or territories to the ASIC register, you may choose to renew just one business name. The national register eliminates the need for multiple registrations of the same business name.

You can either ignore the renewal process for the rest (they will be eligible for our automated cancellation processes) or you can email us at bncancel@asic.gov.au and ask us to cancel any unwanted registrations. No fee applies for the cancellation of a business name.

You also have the option of keeping the multiple registrations.

User guides:

Our handy user guide in www.asic.gov.au shows you [How to renew a business name](#).

Closing or selling your business name?

There can be a lot to do when closing or selling your business name. We are here to help.

If you no longer need your business name, you can ask us to cancel it.

There are two ways you can cancel your business name – either through your ASIC Connect account or by sending us an email.

For more information see [Steps to cancel your business name](#) on www.asic.gov.au.

If you are selling your business, you need to ask us to securely transfer your registration to the new owner. The new owner will then need to register the business name.

If you have restructured your business, you may also need to transfer the registration to the new entity which holds the business name. For example, if your business name is held by two or more holders, you must transfer the registration if you:

- Remove all business name holders and add a new one (this is a transfer to a new entity – partnership to a sole trader).
- Remove all partners except one (this is a transfer to a new entity – partnership to a sole trader).

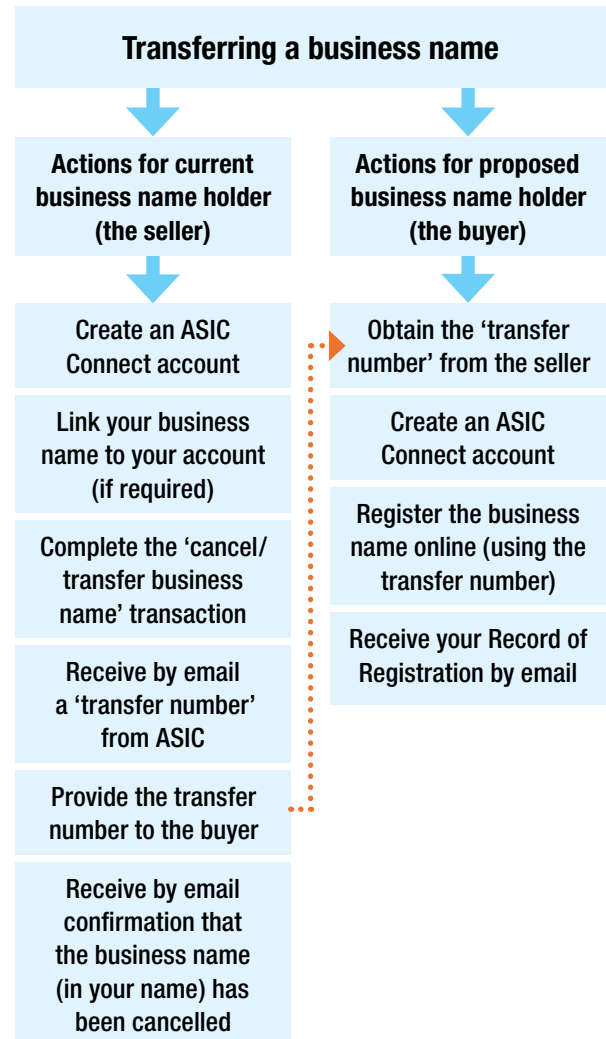
Stopping a transfer

If you have applied to transfer your business name but the transfer is no longer taking place, you can request the transfer be stopped.

You must contact us at BN lodgements@asic.gov.au as soon as you decide to stop the transfer as we need sufficient time to process your request.

Your request must contain:

- The business name being transferred.
- Details of who has authorised the stopping of the transfer (usually the business name holder).
- The transfer number (if available).



Be aware, we can't stop cancellation of your business name if:

- Your registration has already been cancelled; or
- If the new holder has registered or applied to register the business name.

User guides:

Our handy user guides in www.asic.gov.au show you [How to cancel a business name](#) and [How to transfer a business name](#) and [How to register a business name with a transfer number](#).

How do I update my details?

There are a number of business name details you need to keep up-to-date including:

- The name of the business name holder.
- Address for service of documents.
- Principal place of business.
- Residential address.
- Email address.
- Mobile number.
- Birth details.

These updates must be made within 28 days of any changes.

You cannot change your registered business name (you have to register a new name).

For information on how to update your details, see [How to update your business name details](#) on www.asic.gov.au.



Information not shown on the public register

Your personal information is not available to the public for privacy reasons. This includes your date and place of birth, email address, mobile phone number and residential address.

However, if you nominate a residential address as your address for service, it will be shown on our public register.

Add or remove a partner

Generally, adding or removing partners from a partnership creates a new partnership. However, if your partnership agreement provides for the partnership to continue in these circumstances, then we will accept this change.

You must declare that you are able to add or remove partners without dissolving your partnership agreement. If your partnership has dissolved or ended and you have formed a new partnership, you must cancel the registration held by the dissolved partnership and transfer it to the newly formed partnership.

Note that if you have dissolved a partnership and need to transfer the business name to a new partnership, you will require an ABN to complete the transfer.



User guides:

Our handy user guides in www.asic.gov.au show you [How to change your business address](#), [How to add or remove a business name partner](#), [How to change business name holder details \(person\)](#) and [How to change business name representative details](#).

How do I search the register?

Anyone can do a free online search for contact and ownership details of any business name currently registered in Australia.

Search types

Real-time online searches can be performed for:

- A business name – to see what information we hold about the business name.

- A business name holder (person or organisation) – to see what business names they hold.
- Business name availability – to see if a name is available for registration.

Search for a business name

You can confirm (for free):

- That a business name is registered.
- A business name's registration/expiry dates.
- Business name holder details.
- Address details.

You can also obtain paid information extracts about business names. For example, historical information, names of partners (where the holder is a partnership), representative details and relevant addresses.

There are three ways to search for information about business names: ASIC Connect, NZAUCONnect smartphone app or information brokers.

ASIC Connect

ASIC Connect is our online service for interacting with ASIC's registers including companies and business names.

Video: ASIC Connect – Search

Learn about ASIC's online search service that will allow you to search our registers via ASIC Connect.



www.youtube.com/asicconnect

Our NZAUCONnect smartphone app

You can use NZAUCONnect to quickly and easily find details on registered companies in New Zealand, and registered companies and business names in Australia.

Through NZAUCONnect, you can use your smartphone or tablet to access information including a business name registration status, registration number and principal place of business.

NZAUCONnect allows you to save your most common searches and share search results by email.



Use your smartphone or tablet to quickly and easily find details on almost 5 million registered organisations in Australia and New Zealand.

Information brokers

Information brokers have direct access to our registers and offer a variety of services that may suit your needs.

There are several benefits to searching through an information broker which may include:

- Access to information maintained by a variety of government agencies with the option to combine them into one product.
- Additional customer service, assistance and support.
- A wider variety of payment options, including accounts.

Identical business names

Two or more identical (or nearly identical) business names may be recorded on the ASIC register if they were previously registered in different states or territories.

Extra information appearing in ASIC searches will help you to distinguish between identical business names transferred from the states and territories – such as which state or territory the business name was first registered in and their respective previous registration numbers.



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www.asic.gov.au

ASIC: 1300 300 630

Disclaimer

Please note that this is a summary giving you basic information about a particular topic. It does not cover the whole of the relevant law regarding that topic, and it is not a substitute for professional advice.

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