

2012

BUSINESS NAMES

S.R.O. 26

COMMONWEALTH OF DOMINICA

STATUTORY RULES AND ORDERS NO. 26 OF 2012

RULES

MADE by the Minister under section 18 of the Registration of
Business Names Act (Chap 78:46)

(Gazetted August 2, 2012)

1. (1) These Rules may be cited as the –

Short title and
commencement.

BUSINESS NAMES RULES, 2012.

(2) These Rules shall come into force on the 1st day of
October, 2012.

2. In these Rules —

Interpretation.

“the Act” means the Registration of Business Names Act;

Chap. 78:46.

“Comptroller of Inland Revenue” has the meaning assigned to it
in the Income Tax Act;

Chap. 67:01.

“enterprise” means a sole proprietor, firm or partnership;

3. (1) A business name shall not be –

Restrictions respecting
the use of identical or
similar names.

(a) the same as a registered name; or

(b) similar to a registered name if such similarity
would be liable to confuse or mislead.

- (2) For the purposes of this rule, a registered name is –

- Act 21 of 1994.
- (a) a business name already registered in accordance with the provisions of the Act;
- (b) the name of a company incorporated under the Companies Act 1994; or
- Act 10 of 1996.
- (c) the name of an international business company incorporated under the provisions of the International Business Companies Act 1996.

Misleading or objectionable names.

4. A business name shall not be registered if the business name—

- (a) suggests or implies a connection with the State or any Ministry, department, branch, bureau, service, agency or activity of the Government, unless consent in writing to the use of such name is duly obtained from the Minister;
- (b) suggests or implies a connection with a political party or a leader of a political party;
- (c) suggests or implies a connection with any university or a professional association recognised by the laws of Dominica unless such university or professional association consents in writing to the use of such name;
- (d) is defectively inaccurate in describing –
- (i) the business, goods or services in association with which it is proposed to be used,
- (ii) the conditions under which the goods or services will be produced or supplied,

(iii) the persons to be employed in the production or supply of those goods or services, or

(iv) the place of origin of those goods and services; or

(e) is, in the opinion of the Registrar, for any reason, objectionable.

5. Where, through inadvertence or otherwise, a name is registered which contravenes rule 3 or 4, the Registrar —

Cancellation of registration of inappropriate name.

(a) may cancel the registration; and

(b) upon cancellation of the registration, shall direct the proprietor of the enterprise concerned to cease using that name.

6. (1) Applications for registration of business names shall be made using the forms set out in the Schedule to these Rules.

Forms for application.

(2) Without prejudice to the generality of sub-rule (1) —

(a) an application by an individual shall be made in Form BN1 set out in the Schedule;

(b) an application by a firm or partnership shall be made in Form BN2 set out in the Schedule; and

(c) an application by a company shall be made in Form BN3 set out in the Schedule.

7. (1) For the purposes of an application for registration of a business name, the proposed or actual business activities of the enterprise shall be expressed in terms of a standard classification.

Standard classification.

(2) The standard classification for the purposes of sub-regulation (1) shall be the International Standard Industrial Classification of All Economic Activities (ISIC) published by the United Nations.

Activities ancillary to registration.

8. The Registrar may, upon receipt of an application for registration of a business name, send some or all of the information contained in the application—

(a) to the Comptroller of Inland Revenue; and

(b) if the application states that the business is to have employees, to the Director of Social Security.

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SCHEDULE

**FORMS
FORM BN1**

COMMONWEALTH OF DOMINICA

COMPANIES & INTELLECTUAL PROPERTY OFFICE

**Application for Registration of a Business Name
by an individual**

Contact details of proprietor

Forename and surname	
Usual residential address	
Telephone number	
E-mail address	
Business name	
Any other business name currently used	

Additional details of the proprietor

Previous forename or surname (if any)	
Nationality	
Other business occupation (if any)	

Status of the business – Tick as appropriate

<i>Is this an existing business?</i>	☐	Yes – The business started (date)	
	☐	No – It is a new business	
<i>Do you have a Tax Identification Number (TIN)?</i>	☐	Yes – My TIN is	
	☐	No	
<i>Are you registered with the Dominica Social Security as an employer?</i>	☐	Yes	
	☐	No	
<i>Do you intend to have employees?</i>	☐	Yes	
	☐	No	