

GUIDELINES ON COMPANY NAMES

1. This guidelines is applicable to all applications for registration of name for incorporation of a company or change of name of a company.

General Requirements of a Company Name

2. For the purposes of incorporating a company or changing a name of a company, a confirmation of availability of the proposed name from the Registrar must first be obtained.

3. As a general rule, a company name will not be available if the name is section 26, companies act 2016-

- (a) undesirable or unacceptable;
- (b) identical to an existing business entities under the registers kept pursuant to laws administered by the Companies Commission of Malaysia;
- (c) identical to a name reserved under the registers kept pursuant to laws administered by the Companies Commission of Malaysia; or
- (d) a name of a kind that the Minister has directed not to accept for to be registered.

4. Upon being satisfied that the name is not one which may be refused on any ground referred to in subsection 26(1) and upon payment of the

prescribed fee, the Registrar may reserve the name for a period of thirty days from the date of lodgement of the application or such longer period as the Registrar may allow.

5. The confirmation of availability of name or the reservation of name under this section does not in itself entitle the intended company, company or foreign company to be registered by that name, either originally or on a change of name.

6. Subject to this Act, the Registrar shall not be liable for any loss or damage suffered by any person by reason of error or omission of whatever nature or however arising, if such error or omission was made in good faith and in the discharge of duties under this section.

Name of foreign company and its publication

7. A foreign company shall be registered under the name as registered in its place of origin subject to the name being available under section 26.

8. Any change name in the name of a foreign company shall not be registered if the name is not available under section 26.

9. No foreign company to which this part applies shall use in Malaysia any name other than that under which it is registered under this Division.

10. The foreign company and every officer or agent who contrivance this section commit an offence and shall, on conviction, be liable to fine not exceeding ten thousand ringgit and in the case of a continuing offence, to a

further fine not exceeding five hundred ringgit for each day during which the offence continues after conviction.

General Principles and Characteristics Of Names Acceptable for Registration

11. The following principles should be observed when deciding on a name of a company:

- (a) Correct spelling and proper grammar must be used;
- (b) The use of mixture of Bahasa Malaysia and English is allowed if the use is to describe the type of business and must follow proper grammar.
- (c) If a name contains words other than the Malay or English Languages, the meaning of such words must be given;
- (d) Names which are not blasphemous or likely to be offensive to members of the public;
- (e) Names which do not resemble elements of religion;
- (f) Refrain from using words which are too general, for example "Technology Sdn. Bhd." or "International Sdn. Bhd.";
- (g) Only names of directors who are specified at the application form for incorporation can be used as company names. Proof of relationship must be given if other individual names are proposed

to be used. Similarly, consent letter must be obtained from the group of companies whose individual names are proposed;

- (h) The meaning of created or coined words must be given;
- (i) The name refers to the name of the director or owner
- (j) Use symbols that are allowed to be used in the name of the company is limited to 5 symbols only and must be appropriate to the use of:

- (i) "&" (include "dan", "and" and "N")

Example : D&T Services Sdn. Bhd.

- (ii) "." ("dot" symbol)

Example : Mr. John Trade Sdn. Bhd.

- (iii) "-" ("hyphen" symbol).

Allowed only for double words or common words that use hyphen.

Example : Kupu-Kupu Design Sdn. Bhd.

Focus Re-Engineering Sdn. Bhd.

- (iv) "()" bracket symbol

Example : ZY Advertising (2017) Sdn. Bhd.

- (v) "' " ("apostrophe" symbol)

Example : Mum's Recipe Sdn. Bhd.

Dato' Yusoff Yahaya Trading Sdn. Bhd.

12. The name is not an acronym that can be confused with names that are associated with the following:

- (a) Stands for the names of the institutions of higher learning

Contoh:

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

- (b) Is the name stands for Federal government agencies or State and Government Owned Companies (GLC).

Contoh:

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

UNDESIRABLE OR UNACCEPTABLE NAMES

12. The Registrar has a full discretion in determining whether a name is undesirable or unacceptable. In exercising that discretion, the Registrar may determine that a name is undesirable or unacceptable if—
- (a) contains words of an obscene nature;
 - (b) it is contrary to public policy including names which are set out in paragraphs 3;
 - (c) it may likely offend any particular section of a community or any particular religion; or
 - (d) Names that are misleading as to the identity, nature, objects or purposes of a company or in any other manner.

IDENTICAL NAMES

13. In determining whether a company name is identical to another, the following shall be disregarded:

- (a) "The", where it is the first word of the name;
- (b) "Sendirian", "Sdn", "Berhad" and "Bhd";
- (c) the following words and expressions where they appear at the end of the name: "company", "and company", "corporation", "Incorporated", " Holding", "Group" "Malaysia";

- (d) any word or expression which, in the opinion of the Registrar, is intended to represent any word or expression in sub-paragraph (c);
- (e) the plural version of the name;
- (f) the type and case of letters, spacing between letters and punctuation marks; and
- (g) the symbol "&" is deemed to have the same meaning as the word "and".

NAMES WHICH ARE PROHIBITED UNDER THE DIRECTION OF THE MINISTER

14. The Minister has directed the Registrar not to accept the following names for registration:

- (a) Names suggesting connection with a members of the Royal family or Royal patronage including names containing such words as "Royal", "King", "Queen", "Prince", "Princess", "Crown", "Regent" or "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" or "National";
- (c) Names suggesting connection with any ASEAN, Commonwealth or foreign government or with the United Nations or with any other

international organization 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", "Consumer", "Council", "Credit", "Exchange", "Executor", "Fair Price", "Finance", "Foundation", "Fund", "Guarantee", "Institute", "Insurance", "Investment", "Leasing", "Made in Malaysia", "Prime", "Registry", "Treasury", "Trust", "Unit Trust", "University"

DIRECTION AS TO THE CHANGE OF A COMPANY NAME

15. Under section 29 of the Companies Act 2016, the Registrar has the power to direct a company to change its name if he believes on reasonable ground that a name under which the company was registered should not have been registered.

16. Upon receipt of such a notice, a company is given a period of sixty days, or such further period as the Registrar allows, to comply with the direction. If a company fails to comply with the direction, the Registrar has the power to change the company's name to the company's registration number or any such expression assigned by the Registrar.

APPEAL AGAINST THE DECISION OF THE REGISTRAR

17. If an applicant or promoter of a company is aggrieved with the decision of the Registrar in confirming the availability of a name, he may appeal against such decision to the Minister.

18. Appeal to the Minister must state the grounds and justification for the use of name, together with an application fee of RM300.

REGISTRAR OF COMPANIES

COMPANIES COMMISSION OF MALAYSIA

31 January 2017