

## **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—

- (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; or
- (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.

### **General Principles and Characteristics Of Names Acceptable for Registration**

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

- (a) Correct spelling and proper grammar must be used;
- (b) If a name contains words other than the Malay or English Languages, the meaning of such words must be given;
- (c) Names which are not blasphemous or likely to be offensive to members of the public;
- (d) Names which do not resemble elements of religion;
- (e) Refrain from using words which are too general, for example "Attempt Sdn. Bhd." or "Beautiful Sdn. Bhd.";
- (f) 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;
- (g) The meaning of created or coined words must be given;
- (h) The use of acronyms which are identical to other multi-national companies must be avoided.

### **UNDESIRABLE OR UNACCEPTABLE NAMES**

5. 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 6 to 8;
- (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**

6. 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", "Asia", "Asia Pacific", "International", "Singapore", "South Asia", "South East Asia" and "Worldwide";
- (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**

7. 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"

(f) Names which :

- i. are translations 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.

### **NAMES WHICH ARE ASSOCIATED WITH ACTIVITIES REGULATED BY ANY WRITTEN LAWS OR AUTHORITIES**

8. As a general rule, names which are associated with activities regulated under any written laws or any authorities will not be accepted for registration unless the necessary written consent has been obtained. The consent letter must be furnished to the Registrar for the purpose of confirmation of availability of such names.

9. The use of the following names would require prior consent the relevant authorities:

*Names suggesting connections With Activities Controlled By Other Laws*

- (a) Banking And Financial Institutions Act 1989 –  
  
“bank”, “deposit-taking”, “finance”, “merchant bank”, “discount house”, “money broker”, “foreign exchange broker”, “Financial”, “Factoring”, “Leasing”, “Development finance”, “Building credit” or such words connoting the same meaning;
  
- (b) Securities Industry Act 1983 –  
  
“stock exchange”, “stock market”, “securities trading market” or such words connoting the same meaning;
  
- (c) Futures Trading Industry Act 1993 –  
  
“futures exchange”, “futures broker”, “futures trading adviser” or such words connoting the same meaning;
  
- (d) Insurance Act 1963 –  
  
“insurance”, “assurance”, “underwriter” or such words connoting the same meaning;
  
- (e) Money-Changing Act 1998 –  
  
“money changer”, “foreign exchange” or such words connoting the same meaning;
  
- (f) Valuers, Appraisers And Estate Agents Act 1981 –  
  
“estate agent”, “house agent”, “property agent”, “land agent”, “house broker” or such words connoting the same meaning;

(g) Takaful Act 1984 –

“Takaful” or such words connoting the same meaning;

(h) Accountant Act 1967 –

“taxation”, “tax”, “accounting”, “Public Accountant”, “Auditor”, “Tax consultant”, “Tax advisor” or such words connoting the same meaning;

(i) Medicine (Advertisement and Sale) Act 1956 –

(j) “Private clinic”, “Clinic”, “Private Radiological clinic”, “private medical laboratory”, “alternative medicines”, “traditional herbs”, “tabib”, “treatment”, “hair clinic”, “hair loss”, “homeopathy”, “traditional medicine herbs” and “medical hall” or such words connoting the same meaning;

(k) Any other laws as being notified to the Registrar of Companies from time to time.

*Names suggesting Connections With Activities Regulated By Government Agencies Or Professional Bodies*

(a) Labuan Offshore Financial Services Authority (LOFSA) –

Words such as "Labuan Offshore", "Offshore Company", "Labuan Trust Company" or such words of the same meaning;

- (b) Malaysian Architect Board –

Words such as "architect";

- (c) Ministry of Education Malaysia –

Words such as "college", "institute", "university", "school" or such words of the same meaning;

- (d) Suruhanjaya Koperasi Malaysia –

Words such as "co-op", "Co-operative" or such words of the same meaning;

- (e) Department of Civil Aviation –

Words such as "aviation", "airways", "airlines", "air" or such words of the same meaning;

- (f) Malaysia Engineer Board –

Words such as "engineer";

- (g) Malaysia Institute of Accountants –

Words such as "accountant" or "taxation";



- (h) Prime Minister's Department –

Word such as "dinar";

- (i) Ministry of Primary Industries –

Word such as "Pusat Serantau Pengurusan Hutan" ("Information Centre for Forest Management");

- (j) Jabatan Kemajuan Agama Islam Malaysia –

Words such as "Crypto", "Muttaqim", "Mustaqim", "Ehram Mukjizah", "Wakaf", "Amil", "Baitulmal", "Halal", "wasiat", "faraid" or such words of the same meaning;

- (k) Suruhanjaya Syarikat Malaysia (SSM) –

Words such as "Amanah" and "Trust" for formation of trust company.

*Names which usage is being controlled and limited due to national and public interest.*

- (a) Government-linked companies or famous established names that are registered under Trade Mark Registration Act –

Example: "Astro", "DIGI", "Berjaya", "Chase", "HICOM", "Petronas", "Intrakota", "Celcom", "Pernas", "Perodua", "Modenas", "Telekom", "Kenyir", "Kulim Hi-Tech";

- (b) "Cyber" or any words of the same meaning;
- (c) "Putrajaya" or words of the same meaning;
- (d) "MSC/Multimedia Super Corridor";
- (e) "Middle Man";
- (f) "Malay Reserve";
- (g) Words which resemble gambling activities such as "sweepstake", "lottery", "fortune teller" or such words connoting the same meaning;
- (h) Words such as "liquor" and the like words; and
- (i) Words from the Government slogan such as "Vision 2020", "Bersih, Cekap dan Amanah", "Jatidiri", "Kuala Lumpur 2001", "Kuala Lumpur 2006", "Kuala Lumpur 2008", "Malaysia Boleh", "Dulu, Kini dan Selamanya" ("Then, Now and Always") and others being introduced from time to time.

#### **DIRECTION AS TO THE CHANGE OF A COMPANY NAME**

10. 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.

11. 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**

12. 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.

13. 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**

**Xxxx January 2017**