



COMPANY SECRETARIAL AND CORPORATE GOVERNANCE

What's in a Name?

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Companies are increasingly spending more time and money on establishing and developing their brand. The naming of a company is an essential element of a company's branding and as such, choosing and securing the right name can play an important part in the future success of the company.

We have put together four tips that you should consider when choosing a company name;

1. Be Aware

The name you wish to use may not be available. Other companies may already have the name you have chosen or something similar. Commonly encountered problems include:

- It is identical or similar to an existing name on the register;
- It is offensive;
- It would suggest state sponsorship.

The Registrar of Companies will determine whether a name is available or not. An appeal may be made to the High Court should the Registrar refuse a name on incorporation, re-registration or merger.

2. Be Diligent

Search the Companies Registration Office online register for existing registered names. Generally it is recommended that additional words that are distinctive be used in a company name. Words such as company, services, holding, group, international or place names such as Ireland, Dublin or south are not considered distinctive

Words such as Bank, Co-op, University and Credit Union can only be used with the permission of the relevant authority. If a company wishes to use holding or group in its name a letter of association may be required from an existing company in the same group granting permission to the use of the new name.

The CRO do not check proposed names against names on the business names register or trade mark register. Applicants are advised to check these registers since any person claiming an existing right to a name could take a passing off action.

Where a name might seem to be available, there is also a possibility that the name may be the subject of a trade mark. In such instances, even when the Registrar grants the use of a name, the owner of a trade mark could demand that you cease using it.

3. Be Creative

Distinctive names work best. Names that are purely descriptive of what a company does (Dublin Tyre Company Ltd for a tyre services company) are difficult to protect. This is because the law does not allow you to monopolise a name that merely describes a particular activity. It is easier to protect distinctive names and the best ones can be those that are made up, e.g Facebook, Google and Microsoft

4. Be Prepared.

A company name may be reserved for a period of up to twenty eight days. The application fee is €25 and can be offset against the fee for the incorporation of a company.

The use of the new name of a company is only permissible once the Registrar of Companies issues the certificate of incorporation on change of name. Until then the old name must be used.

[Our team](#) at LK Shields are always available to you should you require any assistance in relation to this process.

About the Author