



MEDIA RELEASE

Bob Baldwin, MP

Parliamentary Secretary to the
Minister for Industry, Tourism and Resources

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IT'S ALL IN A NAME WHEN IT COMES TO GOOD BUSINESS

A Federal Government advisory body report has found that many business owners in Australia are uncertain of the differences between trade marks, business names, company names and domain names with potentially serious consequences for their businesses.

The Advisory Council on Intellectual Property's (ACIP) report *Review of the relationship between trade marks, business names, company names and domain names* was released today by Federal Industry Parliamentary Secretary, Bob Baldwin.

"These identifiers all serve a different purpose and misunderstanding of this by businesses may in result unwanted consequences for businesses," Bob Baldwin said today.

"Under the current arrangements, people can set up a business, commence trading under a registered business name and be unaware that they are infringing an existing trade mark. This can lead to expensive legal disputes, loss of reputation, and in some circumstances, may even result in a business closing down," he said.

In conducting the review ACIP received a number of submissions from stakeholders which called for changes to address misconceptions.

Key recommendations of the report include:

- requiring that business names should only be registered if searches of the trade mark register shows there to be no conflict with registered or pending trade marks in the same field of business activity;
- amending the *Trade Marks Act 1995* so that registered business and company names may provide some protection when they were used prior to the registration of an identical or confusingly similar trade mark; and
- integrating state and territory business name systems.

The report also recommends Australian Government agencies work collaboratively with state and territory governments to implement educational measures which will aim to better inform business name applicants about the nature of business name registration and the potential for infringing trade marks.

"I would like to thank ACIP for the report which makes some important recommendations relating to the processes of business name registration in Australia. It has listened to the concerns of the business community, which include a need for greater education for business about the various identifiers and how they relate to each other. The Government will consider the reports contents in detail when making future decisions regarding these issues." Bob Baldwin said today.

A copy of the report is available at www.acip.gov.au.

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