

I have in the last few days become aware of your review and would like to make a few comments.

We are a provider of services relating to registering companies and business names, in most cases dealing with Accountants and Solicitors.

We have found that since ASIC took over the registration of companies any similar names can be registered where previously Corporate Affairs would at least review other similar names registered. This practice was of course slow and at times could take up to 3 weeks to reserve a company name. The process now takes just minutes on-line. We find that even though we advise clients what similar names are already registered in most cases they don't change their mind because they have an 'attachment' to the name they have thought up - believing it to be unique. If there is a trade mark registered clients are more inclined to change their minds.

As currently company names and business names are included in the ASCOT database why not also make the trade mark register part of the same database although there would obviously need to be some understanding of how trade marks are registered.

We think probably the time taken to register a trademark puts people off and it is often something people intend to do but don't get around to. A compulsory trade mark register search as a condition of business or company name registration seems appropriate. Further information about registering a trademark could then be given at the time of registration.

One central business name register seems appropriate as at the moment different states use different criteria for allowing registration of names - they currently have access to the ASCOT database which could also include the trademark register.

We imagine it would be difficult to include currently registered names in a Two-tier trade mark system as there are so many names already that are too similar registered. We know in Victoria the so called "rules" for registering business names have changed many times over the years. Would each name currently owned be expected to be registered under this system?

Yours faithfully

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