



**ACCEPT**  
*your company, your choice*



*The* **REGISTRY**  
*'Serving your business'*

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## ACCEPT

### Your Name - Your Choice

#### THE REGISTRY'S GUIDE TO THE SUITABILITY OF BUSINESS AND COMPANY NAMES

*All the guidance booklets together with all our other published information is available on the Jersey Financial Services Commission website: [www.jerseyfsc.org](http://www.jerseyfsc.org)*

The Guide does not explain about controls applied to the use of certain company names. For information on this, please read our guide, 'Accept'. This booklet is only intended as an introduction to these containing obligations. Other guides in this series are mentioned in the text; they cover individual subjects in more detail. Setting up a company brings many obligations. It may be worthwhile taking advice from a solicitor or accountant as to whether an incorporated company is the best way for you to run your business.

# THE LAW

## **Registration Of Business Names (Jersey)**

### **Law 1956**

Under **Article 15 paragraph (1)** of the above Law the Registrar may refuse or remove a business name where, in his opinion, the name is undesirable or misleading. Any person aggrieved by the Registrar's decision may appeal to the Court, (**Article 15 paragraph (2)**) the decision of which shall be final.

## **Companies (Jersey) Law 1991**

Under **Article 15 paragraph (1)** of the above Law the Registrar may direct the company to change its name if, in his opinion, the name is misleading or undesirable. The company, within 21 days from the date of direction, may apply to the Court, (**Article 15 paragraph (3)**) who will either set the direction aside or confirm that the company must change its name.

## **Limited Partnerships (Jersey) Law 1994**

Under **Article 7 paragraph (5)** of the above law the Registrar may refuse to register a declaration where the name to be registered is in his opinion in any way misleading or otherwise undesirable.

## **Limited Liability Partnerships (Jersey)**

### **Law 1997**

Under **Article 7 paragraph (4)** of the above law where the name to be registered in respect of a limited liability partnership is, in the opinion of the Registrar, in any way misleading or otherwise undesirable, he may refuse to register the name.

# ACCEPT

This booklet is predominantly an introduction to the process of registering company and business names with the Registrar of Companies and Business Names. Both these positions are held by the Director General of the Jersey Financial Services Commission (JFSC). Although the guide is aimed at Companies and Businesses, it is equally applicable to Limited Partnerships and Limited Liability Partnerships. Being an introduction, it is to be used as a guide only, and is designed to help the reader avoid the more obvious pitfalls and therefore save time all round. Those wanting more detailed information should first consult the JFSC website on: "<http://www.jerseyfsc.org>" and, if necessary, consult the Registry staff.

*If you are not forming a company and propose to trade solely in your own name, then read no further. There is no requirement for you to register your Business Name with the Registrar of Business Names.*

Your name is your choice. You can have any name you want, provided that it is consistent with the Law's requirement that it be neither "misleading" nor "undesirable". This booklet gives guidance to help you satisfy yourself that the name you choose does not offend against either criteria. Compliance with the Law is your responsibility and the Registrar will, henceforth, not refuse your name unless completely convinced that it breaches the Law's criteria. In most cases, the Registrar will advise you of his view while leaving the decision to you.

You should be aware that, even if the Registrar has reserved your proposed name, you would have to change it if someone demonstrates that it is misleading or undesirable. This might happen, for example, if someone demonstrates that the public could be misled by a name that is too similar to that of an existing business, which is carrying out similar activity.

This booklet is designed to help you secure the name of your choice while avoiding the expense of having to change it at a later date.

**A C C E P T :** The guidelines to our policy and the law on the registration of names can be summarised under the following headings. Think of them as part of a check list; adhere to them all and minimise the risk of change:

**A - Activity**

**C - Connection**

**C - Corporate Form**

**E - Existing or Similar Name**

**P - Potentially Offensive**

**T - Trading Size and Stature**

***ACCEPT our advice, consider the risks and make your life a little easier.***

# ACCEPT

## Activity

*A chosen name should only suggest a specific activity if that reflects the primary activity of the business entity.*

A company called Robinson Builders Limited would be expected to be involved in building whereas, for example, Oscar's Hair Design would be an acceptable name for a hairdresser. Obviously the name and the primary activity should not be at variance. In this instance Robinson Builders Limited would be inappropriate for a company selling insurance, and Oscar's Hair Design would be inappropriate for a business importing flowers to sell.

## Connection

*A name should not falsely imply a connection with another institution or governing body.*

If a name suggests a connection with the Royal family, the Crown, the States of Jersey, any department or local authority of Jersey, or any other government or authority, and none can be demonstrated, the name will not be accepted.

## Corporate form

*A name should not suggest a corporate form that the company does not have.*

A company should not, for example, use the word 'trust' in its name unless such an implied status did really exist. Thus an application for Peterson Property Trust Limited would have to demonstrate its corporate trust status.

## Existing or similar names

*A name should not duplicate one which already exists, nor should it be too similar to other names.*

It is not unusual for the JFSC to receive applications for names which are very similar to the names of existing businesses. Where the similarities are beyond doubt, applicants will be asked to select another name. Where similarities are not so clear, the applicant will be reminded of the risks of choosing such a name and the potential expense which could be incurred if the required name should need to be changed in the future.

## Potentially offensive

*A name shall not be offensive.*

This category is, by nature, subjective and changing social attitude will produce revised guidelines. However, inappropriate use of religious terms, suggestive words and swear words come under this category.

## Trading size and stature

*A name which suggest a size or standing of an entity will have to be justified.*

Although difficult to be precise in the examples shown, words - such as 'Group' - which would imply that the company is part of a much larger corporate structure and might even have branches in other jurisdictions, should be avoided unless true.

Thus Mathew's Photo Group Limited, a company dealing in photographic equipment, is an acceptable name where a group structure containing other entities can be demonstrated. However, Mathew's Foto Consolidated Ltd, for a single company trading solely in Jersey, would be inappropriate.

## FREQUENTLY ASKED QUESTIONS

*Please refer to the check list on pages 4, together with relevant guidance notes on pages 6-14, to assist you with choosing your name.*

### ***Can I Choose Any Name I Want For My Business/Company?***

Although in theory the answer is “yes”, as always there are some exceptions. Names must not be misleading or undesirable.

### ***Can I Choose Any Ending For My Business/Company Name?***

No, all company names must end with the following words or their abbreviated forms:

Avec Responsabilité Limitée - a.r.l.

Limited - Ltd

Abbreviations of company designations will not be allowed, as they may be indicative of the limited company's status or category in other jurisdictions and would be misleading for a Jersey entity.

### ***Can I Reserve A Business Name?***

It is not possible to reserve a business name.

### ***Can I Reserve A Company Name?***

Yes, you will need to complete the company name application form and forward it to the Registry. Confirmation of reservation or refusal will normally be forwarded within two working days.

### ***Do Some Names Need Additional Consideration?***

Yes, particularly those relating to finance or other professional activities. Please refer to the guidance notes on page 6.

### ***How Do I Apply For A Business/Company Name?***

Check the Registry name index system to ensure no other business or company is already registered with your chosen name or with a similar name.

Reserve a company name by completing the company name form.

Complete the relevant application form(s).

Forward the application together with the relevant fee to the Registry for processing.

**Please note that it is your responsibility to check Registers of Limited Companies and Trade Marks in other jurisdictions, as the Jersey Registry will not consult these when considering your application.**

### ***What Can I Do If The Name Chosen Or The Application Is Refused?***

The Registry will confirm the reason why a name or application has been refused. However, on rare occasions individuals, businesses or companies may not agree with the Registry's decision. In these circumstances, you may appeal to the Deputy Registrar in writing, detailing the reason why you feel your name or business/company application should be reconsidered by the Board of Commissioners. Should the Commissioners' decision agree with that of the Registrar then you may appeal to the Court, the decision of which shall be final.

### ***Where Do I Obtain The Relevant Application Form(s) And Guidance?***

These can be obtained direct from the Registry, see contact details on page 15.

## GUIDANCE NOTES - APPLICATION PROCESS

If you trade solely under your own personal name, there is no requirement to register your business name under the Registration of Business Names (Jersey) Law 1956 with the Registry at the Jersey Financial Services Commission.

The reservation of any particular name by the Registrar of Companies in Jersey is not an indication that there are no such other businesses/companies, or that no intellectual property rights exist which may be attached to such a name.

Check the Registry name index system to ensure no other business or company is already registered or incorporated with your chosen name or with a similar name. Please note it is your responsibility to check Registers of Limited Companies and Trade Marks in other jurisdictions as the Jersey Registry will not consult these when considering your application.

Ensure the application and other relevant forms are completed and signed, all documentation is enclosed and the spelling of the name is accurate.

If foreign words are used in a name, please ensure you provide the English translation.

Applicants cannot indefinitely reserve a company name: the Registrar will endeavour not to allocate the name, or one that closely resembles it in a misleading manner, to another applicant for a period of twelve months.

Registration of a name which includes ordinary word(s) does not give the applicant exclusive use of such word(s).

When a name has been reserved the Registrar will still have the right to reconsider their decision, prior to incorporation, should they become aware of circumstances which would make the use of the name undesirable, or misleading.

**For this reason, it is inadvisable to undertake final printing of notepaper etc. until all the registration formalities have been completed and the certificate issued.**



# GUIDANCE NOTES - THE USE OF SPECIFIC WORDS OR NAMES

## *Bank/Bankers*

The general use of the word 'Bank' or 'Bankers' in the name will not normally be permitted unless the organisation concerned is an established banker, and is being granted a licence by the Jersey Financial Services Commission, under the provisions of the Banking Business (Jersey) Law 1991.

## *Currency Symbols or Currency Abbreviations*

Symbols or abbreviations will not normally be allowed. The relevant word is to be used in full.

## *Foreign Words*

If foreign words are used, please ensure the English translation is provided to the Registrar.

## *Former Name*

The former name of a business or company which has changed its name may not be used by another person, business or company. However, a connected person, business or company of that former name may be used as long as some distinguishing feature is included within the title.

## *Internet*

When applying for a company name using an Internet domain name, we will require confirmation that the domain name issued is registered and owned by that particular person. However, this does not mean that it is always right to register a business or company using the owner's domain name as the Registry's criteria for choosing a name must first be met.

## *Invented Words*

Invented words are those which have no proper meaning and do not appear in the standard English dictionary. This category of word will be allowed where there is no other registration having that word as the first or only word in its title.

If there is already a business or limited company having the intended word as its first word but followed by a different word, it would be best to choose a different name unless there is a connection between the two businesses or companies.

Care must be taken in considering such words, especially for companies manufacturing or selling a product, in the light of the possible existing use of that word as someone else's registered trade mark.

## *Investment*

If the word 'Investment' is used in a name, you may be required to register with the Jersey Financial Services Commission, under the provisions of the Financial Services (Jersey) Law 1998.

## *Names of Dissolved Companies*

When deciding on a new company name, names of companies which have been dissolved may be available for reuse after ten years, preferably with some distinguishing feature incorporated within the name.

## *Professional Qualifications*

Words which describe a medical or professional qualification or an activity such as an architect, doctor, nursing home or pharmacist, etc., which are controlled by other legislation, may require other governing bodies to give consents.



# GUIDANCE NOTES - THE USE OF SPECIFIC WORDS OR NAMES

## *Numerals*

You can use numerals in Arabic or Roman form to replace words, if this is appropriate.

## *Ordinary Words*

Ordinary words are generally acceptable. However, an ordinary word in everyday use will not allow any particular business or company to have the monopoly over the use of that word or words.

**When an application for a company name consists solely of everyday words, we strongly advise you to check the Register of Limited Companies in Jersey, Companies House (UK) and where possible the Register of Companies in the jurisdiction where the entity may trade . This is to ensure that no other company has a similar name.**

For further guidance on the use of everyday words turn to **Appendix II on page 11.**

## *Personal Names*

Provided that it is the name of the beneficial owner, a personal surname is to be regarded as an everyday word and, therefore, no business or company can have the monopoly on the use of such a word. Companies in the same field of activity could use the same first word (if justified) provided that the sequential word(s) which may describe the business activities are different.

The surname cannot be used alone; it needs to be supported by another word to describe the nature of the company or business activity, for example:

<b>Robinson Investments Limited</b>	<b>Robinson Carpenters</b>
<b>Robinson Securities Limited</b>	<b>Robinson Plumbers</b>
<b>Robinson Plasterers Limited</b>	<b>Robinson Builders</b>

Other variations may be introduced to avoid confusion between similar personal names e.g. the initials of the person(s) concerned.

It is not generally appropriate to permit the use of a personal name unless it is the name of the proprietor of the business. Where a company is being formed to take over a business/company already registered under a personal name, the continued use of the name may form part of the goodwill of the business move and, with the written approval of the person whose name it is or of the present owner, may be appropriate.

Personal names which are also ordinary words, those which have another everyday meaning, for example 'Green', 'Stain' or 'Steel' are to be treated as ordinary words, as are popular/traditional names such as 'Alan', 'Charles', 'Victoria' etc.

## *Phonetics*

The Registry will not check for phonetics. If however, it is clearly demonstrated that the name is misleading, you will be required to change your name.

Example of possible phonetic confusion could include the following, and applicants should check all possibilities carefully.

# GUIDANCE NOTES - THE USE OF SPECIFIC WORDS OR NAMES

The letter 'K' must be checked in cases where the first letter of the word begins with a hard-sounding 'C' as in 'Klean'- 'Clean'. The letter 'S' must be checked against a soft sounding 'C' as in 'Sell'- 'Cell' and 'PH' must be checked against the letter 'F' as in 'Photo'- 'Foto'. Bear in mind the procedure should also be followed in reverse. It is your responsibility to check.

## *Place Names*

Names of countries, cities, towns, villages and continental districts are to be treated as ordinary words. No company can have any rights to the exclusive use of a place name.

Generally names of continents, countries and large cities will not be allowed as the first word, unless adequate justification for the implied importance or predominance of the company in that continent, country or city is given. Using the name of any country immediately before the word 'Limited' will be allowed so long as it is not in brackets. However, 'Jersey', 'CI' or 'Channel Islands' may be placed within brackets as this indicates the place of incorporation. Names of geographical features i.e. lakes, mountains, rivers etc. are fine.

## *Religious Words*

Words with religious significance may also be personal names, and as long as it is clear that they are linked with an individual of that name, they will be allowed e.g. 'Bishop Removals' or "Christian Anderson Investments". Within this context certain words require extra care, including such words as 'God', 'Jesus', 'Christ', 'Pope', 'Islam' and 'Mohammed'. However, "L Pope Removals" would be appropriate if the beneficial owner's name was "L Pope".

Inappropriate use of religious terms, and offensive, as well as suggestive or swear words, should be avoided.

Care should be taken when considering names which include words with religious meanings. If such names would be likely to offend a religious belief of members of the general community, or mislead the public into thinking that the business or company was connected with a religious organisation, it should be avoided.

Some words may have both religious and secular meaning. If the general context of the name is secular, they will be acceptable e.g. 'Temple Trustees' or 'Church Street Properties'.

## *Sensitive Words*

These include such words as Corporation, International, Associate, Association, Fund, Trust, Trustee, United, Royal, Queen and King.

For a full explanation turn to **Appendix III** on page 12.

## *The Year Date*

In order to distinguish one business or company from another of similar name, requests may be received to introduce a date (usually just the year) into the name of the new company. The acceptance of such a request will depend on conditions outlined in **Appendix IV** on page 13.

A more complete list of names which need additional justification can be found in **Appendix 1** on page 10.

## APPENDIX I - NAMES WHICH NEED ADDITIONAL JUSTIFICATION

The list of names which need additional justification would include the following:-

Associate/Association	Assurance	Assurer	Authority
Benevolent	Board	Building Society Commerce	Chamber of
Charter/Chartered	Charity/Charitable	Chemist/Chemistry	Corporate /Corporation
Education	Educational	Enterprise	Federation
Finance/Financial	Foundation	Friendly Society	Fund
Group	Holding	Industry/Industrial	Institute /Institution
Insurance	Insure	International	Investment
Patent/Patentee	Pension/Pensions	Re-assurer	Register
Registrar	Registry	Re-insurer	Re-insurance
Society	Stock Exchange	Trade	Trade Union
Trust	Trustee	United	University

The list is not exhaustive and will be amended from time to time.

## APPENDIX II - ORDINARY WORDS

*In all circumstances, it is important that the overall impression the name gives and the relationship of such impressions should comply with the activities described.*

*However, an ordinary word in everyday use will not allow any particular business or company to have the monopoly over the use of any word or words.*

Often such words will be descriptive of the activity in which the business or company is involved and may be used as a descriptive prefix. New businesses or companies that have the same activity may use the same ordinary word prefix, provided that the business description suffix is different e.g. 'Legal Services Ltd', 'Legal Property Utilities Ltd'.

A series of everyday words, linked together to describe the nature of a business, would not necessarily prevent another business or company using the same words in a different sequence e.g. 'Executive Personnel Recruitment and Selection Ltd', 'Personnel Selection and Executive Recruitment Ltd'.

An application for the use of ordinary word(s) in common use will be allowed, unless there is an identical name registered, in which case the application may be amended by inserting additional word(s) describing its activities e.g. "Champions Ltd", "Champions Builders Ltd".

The significance of the name and proposed "activities" of the business or company need careful consideration in this respect. Further evidence with regard to the status or expertise of the company's promoters may be required before the name is reserved.

## APPENDIX III - SENSITIVE WORDS

### *'Corporation'*

Will not normally be allowed, except in connection with a Trust Corporation recognised under the Probate (Jersey) Law 1949, or for a subsidiary of a very substantial parent company using that word already.

### *'International'*

Use of the word 'international' in a name is restricted and needs to be used only by companies of stature, trading internationally.

### *'Associate', 'Association', 'Fund', 'Trust', 'Trustee', 'United'*

These words will not be allowed except when the company's activities justify their use.

### *'Royal', 'Queen', 'King' etc.*

Words which in the context of the name as a whole may imply connection with royalty will not be allowed.

## APPENDIX IV- ORDINARY WORDS

*This may be acceptable in a business or company name but only if the following circumstances apply:*

The two businesses or companies are to be associated by common ownership, or the new business or company is to take over the business of the old, or a scheme of reorganisation is proposed.

The old business or company will change its name or will be liquidated within a reasonable time after the registration of the new business name or the incorporation of the new company.

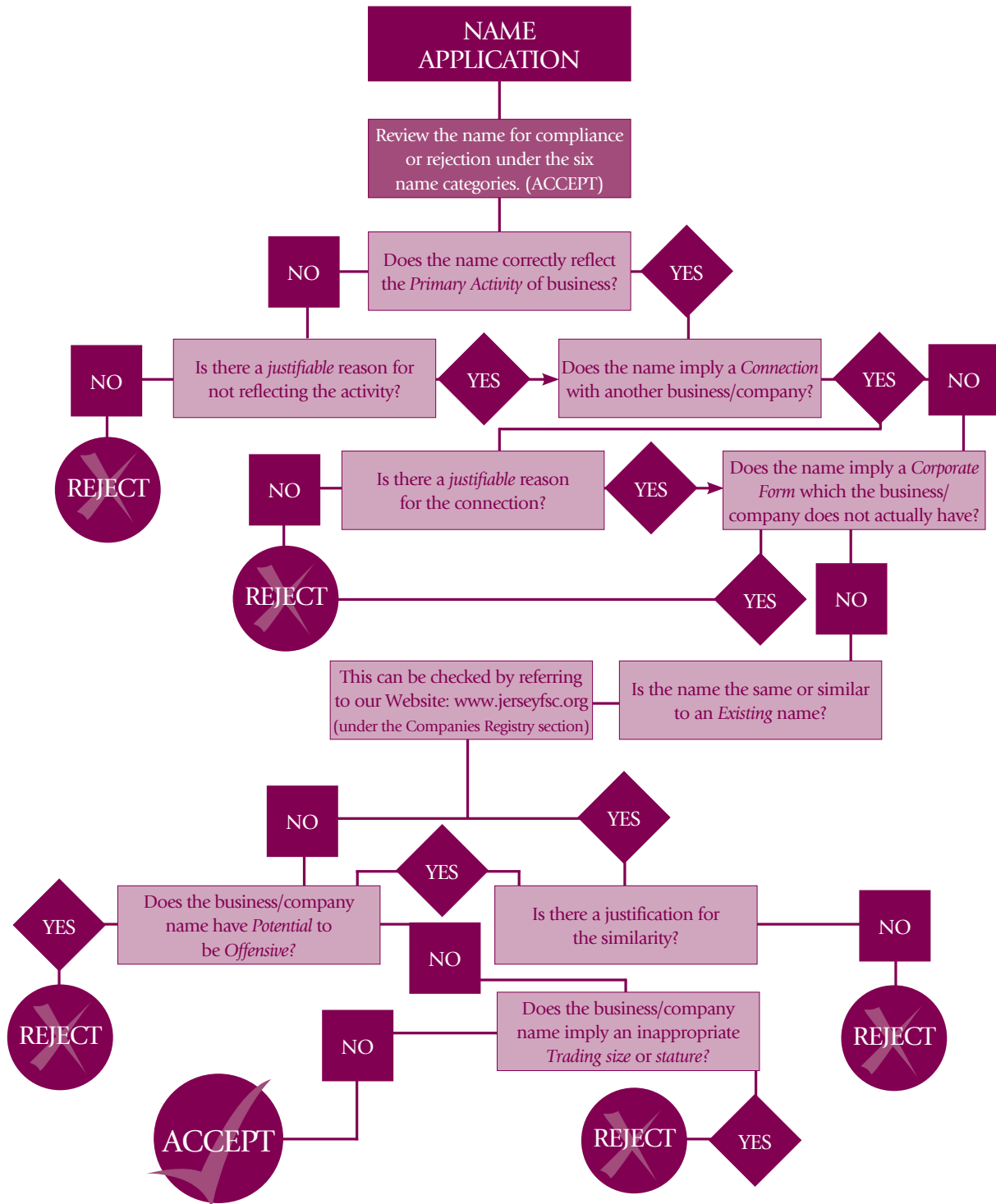
The date is current.

The date is inserted in brackets before 'Limited' in a company name and does not vary the wording of the existing company name. For a business name the date is inserted in brackets after the name. Some variation of this may, in particular circumstances, be justified.

The old business or company may wish to insert a date into its name in order for the name to become available to the new business or company. However, instead of using the current date, the original date of registration or incorporation would be appropriate, or if evidence that the business was founded earlier than such date (e.g. as a partnership) the proven date of the foundation of the business may be inserted.

**Note: The Registrar may wish to apply certain additional conditions in some of the above mentioned instances.**

## APPENDIX V - NAME APPLICATION FLOW CHART





# CONTACTS

## REGISTRY ADDRESS

Jersey Financial Services Commission,  
PO Box 267, Nelson House, David Place,  
St. Helier, Jersey, JE4 8TP

Telephone: + 44 (0) 1534 822030

Facsimile: + 44 (0) 1534 822003

E-mail: [registry@jerseyfsc.org](mailto:registry@jerseyfsc.org)

Website: [www.jerseyfsc.org](http://www.jerseyfsc.org)

*Registry operating hours:*

Monday to Friday 9.00am – 5.00pm  
(Except Wednesdays 10.00am – 5.00pm)

*Registry public access opening hours:*

Monday to Friday 9.30am – 4.00pm  
(Except Wednesdays 10.00am – 4.00pm)  
Documents for the Registry can be delivered  
to reception outside these hours.

## FOR COMPANIES REGISTERED IN ENGLAND AND WALES

General Enquiries Companies House, Crown Way,  
Cardiff, CF14 3UZ

Telephone: 0870 3333 636

Website: [www.companieshouse.gov.uk](http://www.companieshouse.gov.uk)

## REGULATION OF UNDERTAKINGS AND DEVELOPMENT OFFICE

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The Parade, St. Helier, Jersey, JE4 0UT

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*Public opening hours:*

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## INCOME TAX DEPARTMENT

Cyril Le Marquand House, PO Box 56, The Parade,  
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## JUDICIAL GREFFE

Royal Court House, Royal Square, St. Helier,  
Jersey, JE1 1BA

Telephone: + 44 (0) 1534 502300

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Email: [jgreffe@psilink.co.je](mailto:jgreffe@psilink.co.je)

*Public opening hours:*

Monday to Thursday 9.00am – 5.30pm  
Friday 9.00am – 5.00pm

## STATES GREFFE

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*Public opening hours:*

Monday to Thursday 8.45am – 5.15pm  
Friday 8.45 - 4.45pm

## RECEIVER GENERAL

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## NOTES



**JERSEY FINANCIAL SERVICES  
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