

2012

BUSINESS NAMES

S.R.O. 26

COMMONWEALTH OF DOMINICA

STATUTORY RULES AND ORDERS NO. 26 OF 2012

RULES

MADE by the Minister under section 18 of the Registration of
Business Names Act (Chap 78:46)

(Gazetted August 2, 2012)

1. (1) These Rules may be cited as the –

Short title and
commencement.

BUSINESS NAMES RULES, 2012.

(2) These Rules shall come into force on the 1st day of
October, 2012.

2. In these Rules —

Interpretation.

“the Act” means the Registration of Business Names Act;

Chap. 78:46.

“Comptroller of Inland Revenue” has the meaning assigned to it
in the Income Tax Act;

Chap. 67:01.

“enterprise” means a sole proprietor, firm or partnership;

3. (1) A business name shall not be –

Restrictions respecting
the use of identical or
similar names.

(a) the same as a registered name; or

(b) similar to a registered name if such similarity
would be liable to confuse or mislead.

- (2) For the purposes of this rule, a registered name is –

- Act 21 of 1994.
- (a) a business name already registered in accordance with the provisions of the Act;
- (b) the name of a company incorporated under the Companies Act 1994; or
- Act 10 of 1996.
- (c) the name of an international business company incorporated under the provisions of the International Business Companies Act 1996.

Misleading or objectionable names.

4. A business name shall not be registered if the business name—

- (a) suggests or implies a connection with the State or any Ministry, department, branch, bureau, service, agency or activity of the Government, unless consent in writing to the use of such name is duly obtained from the Minister;
- (b) suggests or implies a connection with a political party or a leader of a political party;
- (c) suggests or implies a connection with any university or a professional association recognised by the laws of Dominica unless such university or professional association consents in writing to the use of such name;
- (d) is defectively inaccurate in describing —
- (i) the business, goods or services in association with which it is proposed to be used,
- (ii) the conditions under which the goods or services will be produced or supplied,

(iii) the persons to be employed in the production or supply of those goods or services, or

(iv) the place of origin of those goods and services; or

(e) is, in the opinion of the Registrar, for any reason, objectionable.

5. Where, through inadvertence or otherwise, a name is registered which contravenes rule 3 or 4, the Registrar —

Cancellation of registration of inappropriate name.

(a) may cancel the registration; and

(b) upon cancellation of the registration, shall direct the proprietor of the enterprise concerned to cease using that name.

6. (1) Applications for registration of business names shall be made using the forms set out in the Schedule to these Rules.

Forms for application.

(2) Without prejudice to the generality of sub-rule (1) —

(a) an application by an individual shall be made in Form BN1 set out in the Schedule;

(b) an application by a firm or partnership shall be made in Form BN2 set out in the Schedule; and

(c) an application by a company shall be made in Form BN3 set out in the Schedule.

7. (1) For the purposes of an application for registration of a business name, the proposed or actual business activities of the enterprise shall be expressed in terms of a standard classification.

Standard classification.

(2) The standard classification for the purposes of sub-regulation (1) shall be the International Standard Industrial Classification of All Economic Activities (ISIC) published by the United Nations.

Activities ancillary to registration.

8. The Registrar may, upon receipt of an application for registration of a business name, send some or all of the information contained in the application—

(a) to the Comptroller of Inland Revenue; and

(b) if the application states that the business is to have employees, to the Director of Social Security.

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SCHEDULE

**FORMS
FORM BN1**

COMMONWEALTH OF DOMINICA

COMPANIES & INTELLECTUAL PROPERTY OFFICE

**Application for Registration of a Business Name
by an individual**

Contact details of proprietor

Forename and surname	<input type="text"/>
Usual residential address	<input type="text"/>
Telephone number	<input type="text"/>
E-mail address	<input type="text"/>
Business name	<input type="text"/>
Any other business name currently used	<input type="text"/>

Additional details of the proprietor

Previous forename or surname (if any)	<input type="text"/>
Nationality	<input type="text"/>
Other business occupation (if any)	<input type="text"/>

Status of the business – Tick as appropriate

<i>Is this an existing business?</i>	<input type="checkbox"/>	Yes – The business started (date)	<input type="text"/>
	<input type="checkbox"/>	No – It is a new business	
<i>Do you have a Tax Identification Number (TIN)?</i>	<input type="checkbox"/>	Yes – My TIN is	<input type="text"/>
	<input type="checkbox"/>	No	
<i>Are you registered with the Dominica Social Security as an employer?</i>	<input type="checkbox"/>	Yes	
	<input type="checkbox"/>	No	
<i>Do you intend to have employees?</i>	<input type="checkbox"/>	Yes	
	<input type="checkbox"/>	No	

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Business activities

State the proposed activity using one or two codes from the International Standard Industrial Classification of All Economic Activities (ISIC).

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Principal business address

(tick as appropriate)

Is this the same as the
proprietor's address stated
above?

Yes

No - The main business address is -

Telephone number

E-mail address

Web site

DECLARATION

The information given above is true and correct to the best of my knowledge and belief. I am aware that if there is any statement in this application which is false in any material particular or which I know to be false I am liable under section 11 of the Registration of Business Names Act to a fine and imprisonment.

I acknowledge the need to notify the Registrar of any changes in this information

I acknowledge the requirement to submit an annual return and to pay an annual fee

I apply for registration of the business name stated above.

Signature _____ Date _____

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FORM BN2
Commonwealth of Dominica
COMPANIES & INTELLECTUAL PROPERTY OFFICE

**Application for Registration of a Business Name
by a firm or partnership**

Contact details of person making this application

Forename and surname

Address

Telephone Number

E-mail address

Business name

Any other business name
currently used

Business activities

State the proposed activity using one or two codes from the International Structured Industrial Classification of all Economic Activities (ISIC)

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If the firm or partnership acts as a nominee or trustee or as a general agent of a foreign firm, provide additional details on page 4.

Principal business address

*Is this the same as the contact
address stated above?*

Yes

No - The main business address is -

Telephone number

Email address

Web site

Detail of the partners

1 Forename and surname¹

Any former name(s)

Nationality²

Other business occupation (if any)

Usual residence³2 Forename and surname¹

Any former name(s)

Nationality²

Other business occupation (if any)

Usual residence³

3 Forename and surname¹

Any former name(s)

Nationality²

Other business occupation (if any)

Usual residence³4 Forename and surname¹

Any former name(s)

Nationality²

Other business occupation (if any)

Usual residence³

¹ Corporate name for a company ² Country of incorporation for a company ³ Registered office of a company

If necessary copy this page to add further names

DECLARATION – *If any of the partners is not available to sign, the applicant must complete the statutory declaration on the next page.*

The information given above is true and correct to the best of our knowledge and belief. We, being all the partners, are aware that if there is any statement in this application which is false in a material particular or which we know to be false, we are liable under section 11 of the Registration of Business Names Act to a fine and imprisonment.

We, being all the partners, acknowledge the need to notify the Registrar of any changes in this information.

We, being all the partners, acknowledge the requirements to submit an annual return and to pay an annual fee.

We, being all the partners, apply for registration of the business name above .

(All signatures)

Additional details where the firm or partnership acts as a nominee or trustee or general agent

If the business is carried on under a trust for the benefit of a class of persons, describe the class.

If the business is carried on as agent for 3 or more foreign firms, state the countries in which those firms carry on business.

Otherwise, provide details of the person(s) on whose behalf the business is carried on

Forename and surname

Any former name(s)

Nationality

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Usual residence	
Forename and surname ¹	
Any former name(s)	
Nationality ²	
Usual residence ³	
Forename and surname ¹	
Any former name(s)	
Nationality ²	
Usual residence ³	

¹ Corporate name for a company ² Country of incorporation for a company ³ Registered office of a company

If necessary copy this page to add further names:

The following statutory declaration is required only if all the partners have not signed on page 2.

STATUTORY DECLARATION

To be signed in the presence of the Registrar or other person authorised to take such a declaration*

DECLARED before me

I, the applicant named above, acting for and on behalf of the partner, do solemnly and sincerely declare as follows:

The details of the partners and their business stated in this application are true to the best of my knowledge and belief.

I am authorised by the partners to apply for registration of the business name stated above.

I make this declaration conscientiously believing the same to be true and according to the Statutory

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(Signature, designation and date)

Declarations Act, and I am aware that if there is any statement in this declaration which is false in fact, which I know or believe to be false or do not believe to be true, I am liable to fine and imprisonment.

Signature

*Chief Justice, any Judge of the High Court, the Registrar, any Magistrate, Justice of the Peace, Notary Public or Commissioner for Oaths

FORM BN3

Commonwealth of Dominica
COMPANIES & INTELLECTUAL PROPERTY OFFICE

**Application for Registration of a Business Name
by a Company**

Contact details of person making this application

Forename and surname	
Address	
Telephone number	
E-mail address	
Company registration number	
Company's name	
Business name	
Any other business name currently used	

Business Activities

State the proposed activity using one or two codes from the International Standard Industrial Classification of All Economic Activities (ISIC).

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If the company acts as a nominee or trustee or as a general agent of a foreign firm, provide additional details on the page next following.

Principal business address:

Is this the same as the contact address stated above?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No - The main business address is -

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Telephone number	
E-mail address	
Web site	

Details of the directors:

1	Forename and Surname ¹	
	Any former names(s)	
	Nationality ²	
	Other business occupation (<i>if any</i>)	
	Usual residence ³	
2	Forename and surname ¹	
	Any former name(s)	
	Nationality ²	
	Other business occupation (<i>if any</i>)	
	Usual residence ³	
3	Forename and surname ¹	
	Any former name(s)	
	Nationality ²	
	Other business occupation (<i>if any</i>)	
	Usual residence ³	
4	Forename and surname ¹	
	Any former name(s)	
	Nationality ²	
	Other business occupation (<i>if any</i>)	
	Usual residence ³	

*If necessary copy this page to add further names***Additional details where the company acts as a nominee or trustee or general agent**

If the business is carried on under a trust for the benefit of a class of persons, describe the class.	
If the business is carried on as agent for 3 or more foreign firms, state the countries in which those firms carry on business	

Otherwise, provide details of the person(s) on whose behalf the business is carried on

2012**BUSINESS NAMES****S.R.O. 26**Forename and surname¹

Any former name(s)

Nationality²Usual residence³Forename and surname¹

Any former name(s)

Nationality²Usual residence³Forename and surname¹

Any former name(s)

Nationality²Usual residence³

¹Company's corporate name ²Company's country of incorporation ³Registered office of a company

If necessary copy this page to add further names

STATUTORY DECLARATION

To be signed in the presence of
the Registrar or other person
authorised to take such a declaration*

I, the applicant named above, acting for and on behalf
of the Company, do solemnly and sincerely declare as
follows:

The details of the directors and their business stated in
this application are true to the best of my knowledge
and belief.

I am authorised by the resolution of the directors to
apply for registration of the business name and stated
above.

DECLARED before me

I make this declaration conscientiously believing the
same to be true and according to the Statutory
Declarations Act, and I am aware that if there is any
statement in this declaration which is false in fact,
which I know or believe to be false or do not believe to
be true, I am liable to fine and imprisonment.

(Signature, designation and date)

Signature _____

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**The Chief Justice, any Justice, any Judge of the High Court, the Registrar, any Magistrate, Justice of the Peace, Notary Public or Commissioner for Oaths.*

Made this 27th day of July, 2012.

IAN DOUGLAS

Minister for Legal Affairs