



# BUSINESS NAME REGISTRATION

INFORMATION LEAFLET NO.14 / SEPTEMBER 2005

# 1. INTRODUCTION

## 1.1 CRO

The CRO is the central repository of public statutory information on Irish companies. It operates under the aegis of the Department of Enterprise, Trade and Employment. It is located at Parnell House, 14 Parnell Square, Dublin 1. Postal Enquiries can be directed to: Companies Registration Office, O'Brien Road, Carlow, County Carlow.

The CRO's main functions are:

- Incorporation of companies
- Registration of business names
- Registration of company post-incorporation documentation
- Registration of changes in business name particulars
- Enforcement, prosecution and striking companies off the Register
- Provision of information to the public

## 1.2 Opening hours

The CRO is open to the public every working day from 9.30am until 4.30pm. The Office's Information Unit may be contacted during normal working hours at 01 804 5200. If the lines are busy or if you wish to call outside office hours, messages may be left on the Office voice mail system. The CRO has a policy of returning voice mail messages within one hour or first thing the following day for calls left overnight. Clients are also invited to contact the Office by e-mail at [info@cro.ie](mailto:info@cro.ie). Messages are responded to within one hour or first thing next morning if left overnight.

## 1.3 Methods of access to information on companies/business names

### 1.3.1

Certain vital information, such as a business name, may be checked free of charge on the CRO web search facility at [www.cro.ie/search](http://www.cro.ie/search). Further information is available to CRO deposit account holders. This search facility provides round the clock access to registered business names and company information. It is identical to that available in the CRO public office and results are instantly displayed. For further information regarding on-line services, visit [www.cro.ie](http://www.cro.ie), e-mail [electronic\\_filing@entemp.ie](mailto:electronic_filing@entemp.ie) or telephone CRO Electronic Filing Section. For further information on opening a deposit account, e-mail [accounts@cro.ie](mailto:accounts@cro.ie) or telephone CRO Accounts Section.

### 1.3.2

The CRO publishes a regular electronic bulletin giving up to date information on the Office's procedures, practices and services. There is no charge for the bulletin. Instructions on subscribing to the free service are available from [www.cro.ie](http://www.cro.ie).

### 1.3.3

All statutory information supplied by the proprietors of business names is kept on files by the CRO; in paper format in the case of business names registered prior to 5 April 1998, and in electronic format for business names registered since that date.

### 1.3.4

Scanned images of documents may be ordered over the internet, by post or at the Office. Where the documents have not been scanned files in paper format may be inspected during opening hours and may not be removed from the Office. Photocopying facilities are available in the Office.

## 1.4

This booklet is a guide to the rules of the Registration of Business Names Act 1963. It is not a complete statement of the law. Any business names shown in this booklet for the sake of example are fictitious. While this leaflet gives the appropriate fees at the time of publication, the level of fees may vary. Details of the current fees are always available from the Office or on [www.cro.ie](http://www.cro.ie).

**All forms (and associated filing fees) and information leaflets referred to in this publication can be downloaded from [www.cro.ie](http://www.cro.ie) < Downloads.**

## 2. BUSINESS NAMES

### 2.1 What is a business name?

It is a name used to carry on business by any individual, body corporate or partnership (whether of individuals and/or bodies corporate), which has a place of business in the Republic of Ireland, and which name is not the same as their own true name(s).

### 2.2 Who does the Registration of Business Names Act 1963 apply to?

It applies to:

- an individual who trades under a name which is not his/her true surname. It makes no difference whether the individual's first names or initials are added. So the Act would apply to Mr. John Murphy if he traded as "Murphy Builders" but not if he traded as "Murphy" or "John Murphy"
- a partnership which does not trade under the true names of all partners who are individuals and/or the full corporate name of all partners which are bodies corporate
- a company which trades under a name which is not its full corporate name, for example "Murphy Construction Limited" trading as "Murphy Builders"
- a person who, having a place of business in the State, carries on the business of publishing a newspaper

The applicant must have a place of business in the State and carry on business under a business name.

### 2.3 What are the registration requirements?

An application for registration must be submitted to the CRO within one month of the date of adoption of the business name.

The forms for registration are:

RBN1	for an individual
RBN1A	for a partnership
RBN1B	for a body corporate

Applications can be filed electronically at [www.core.ie](http://www.core.ie).

You should note that registration of a business name

- does not give protection against duplication of the name
- does not imply that the name will necessarily prove acceptable subsequently as a company name
- does not authorise the use of the name if its use could be prohibited for other reasons. It should not for instance be taken as an indication that no rights (e.g. trade mark rights) exist in the name

#### 2.3.1 What checks should I make before applying to register a business name?

The CRO does not check proposed business names against names on the registers of companies, business names or trade marks. You are, therefore, advised to investigate the possibility of others having rights in the name you propose to use before incurring expenditure in stationery, etc.

You can check the register of companies and register of business names free of charge at [www.cro.ie/search](http://www.cro.ie/search). The search facility provides round the clock access to company/business information. It is identical to that available in the CRO public office and the results are instantly displayed.

Alternatively, you can visit the CRO public office.

You can undertake a search of the trade mark register at:

**The Patents Office**  
Government Buildings  
Hebron Road  
Kilkenny

Tel: 056 772 0111/Local 1890 220 223  
Fax: 056 772 0100/Local 1890 220 120  
E-mail: [patlib@entemp.ie](mailto:patlib@entemp.ie)  
Web: [www.patentsoffice.ie](http://www.patentsoffice.ie)

**Patents Information Centre**  
The Earlsfort Centre  
Lower Hatch Street  
Dublin 2

Tel: 01 631 2603/Local 1890 220 222  
Fax: 01 631 2551/Local 1890 220 120  
E-mail: [patdub@entemp.ie](mailto:patdub@entemp.ie)

### **2.3.2 Do I need business permission?**

If you are a non-EEA national (the European Economic Area is comprised of the Member States of the EU plus Iceland, Liechtenstein and Norway) who intends to come to Ireland to establish a business, you will require the permission of the Minister for Justice, Equality and Law Reform to do so.

For further information, see the Department of Justice, Equality and Law Reform's Information Leaflet Immigration No. 5, "Business Permission". When applying to register a business name, a copy of the Certificate of Registration Card or Green Card/Green Book (front and back), must be filed along with the registration form.

### **2.3.3 How much does the CRO charge to register a business name?**

The CRO registration fee is currently €40 for paper applications and €20 for electronic applications filed at [www.core.ie](http://www.core.ie).

## **2.4 What do I receive from the CRO following registration of a business name?**

The Registrar issues a Certificate of Registration for each business name registered.

### **2.4.1 Must the certificate be displayed in a particular way?**

The original certificate of registration must be exhibited in a conspicuous position:

- in the case of a firm or individual, at the principal place of business, with an official duplicate certificate so exhibited in every branch office or place where the business is normally carried on
- in the case of a body corporate, at its registered office in the State with an official duplicate certificate so exhibited in every branch office or place where the business is normally carried on

### **2.4.2 What information must be shown on documents on which the business name appears?**

In all business letters, circulars and catalogues on or in which the business name appears, and which are sent by the owner of the business name to any person, the following must be legibly stated in relation to the owner:

- in the case of an individual, his/her present name, any former names, and his/her nationality, if not Irish
- in the case of a firm, the present name and any former names, and the nationality, if not Irish, of all the partners in the firm, or in the case of a body corporate being a partner, the corporate name
- in the case of a body corporate (other than a company registered under the Companies Acts), the full name of the company (note that the only permitted abbreviation is "Ltd" for Limited, "PLC" for "Public Limited Company" etc.), the names and any former names of the directors, and their nationality, if not Irish

All Irish-registered companies are required to mention the name of the company in legible characters in all business letters of the company and in all notices and other official publications of the company, and in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of the company and in all invoices, receipts and letters of credit of the company.

The following additional particulars are required to be displayed by an Irish-registered limited company on its business letters and order forms:

- place of registration e.g. registered in Dublin, Ireland
- registered number i.e. number of Certificate of Incorporation
- address of the registered office (where this is already shown on the document, the fact that it is the registered office must be indicated)
- if the share capital of a company is mentioned in the business letter and order forms, the reference must be to the paid-up share capital

## 2.5 What do I do if changes occur to the particulars I have registered?

A change in any of the particulars of a registered business name (e.g. change of business name or business address) should be notified to the Registrar within one month of the date of the change. The forms for notifying changes are:

RBN2	for an individual
RBN2A	for a partnership
RBN2B	for a body corporate

### 2.5.1 How much does the CRO charge to change the registered particulars?

The CRO fee is currently €15. However change of address details can be filed electronically for free at [www.core.ie](http://www.core.ie)

## 2.6 What do I do when the business under a business name ceases?

When an individual, partnership or body corporate ceases to carry on business under a business name, a Form RBN3 should be filed with the CRO within three months after the business has ceased.

The form should be signed as follows:

<i>Individual</i>	By the individual. In the event of the death of an individual by the personal representative of the deceased.
<i>Partnership</i>	By all persons who were partners of the firms when it ceased to carry on business.
<i>Body corporate</i>	By a director or liquidator.

A fee does not apply to Form RBN3.

## 2.7 How can I obtain a duplicate certificate of registration of a business name?

You can now retrieve a free duplicate certificate from [www.cro.ie](http://www.cro.ie). This certificate is valid solely for public service use, for example for submission to the Revenue Commissioners. Once requested, the duplicate certificate is instantly e-mailed to you.

Alternatively, a certified copy of the certificate can be ordered from the CRO in the following ways:

- by post with cheque for the appropriate fee
- by calling to the CRO's public office and paying the appropriate fee

The cost of a certified copy is €12 (plus €1 when requested by post).

## 2.8 What can I do to avoid delays in registering a document with the CRO?

It is essential you submit the correct form and that you accurately complete it. Take the time to read the guidance notes that accompany each form. Erroneously completed forms are returned for correction, resulting in a delay in registration.

## APPENDIX 1

### LEAFLETS PUBLISHED BY THE CRO

<i>Leaflet No.</i>	<i>Leaflet Subject Matter</i>
1	Company Incorporation
2	Six things that every company director should know about company registration
4	CRO Fees
5	Registration of Foreign Companies in Ireland
5a	Legalisation of Foreign Documents
6	Limited Partnership Registration
7	Disclosure and Publication Requirements in Relation to Companies and Business Names
8	Company Change of Name
9	Guarantee Company Without Share Capital – Accounts
10	Audit Exemption for Certain Small Private Companies
11	Restoration of a Company to the Register
12	Single-Member Company
13	Euro Conversion of Share Capital
14	Business Name Registration
16	The Company Secretary
17	Requirement to have an Irish-Resident Director
18	Notification by Director/Secretary of Resignation
20	Statutory Declaration Made Pursuant to the Companies Acts
21	Grounds for Returning Documents to Presenters
22	Filing an Annual Return in the CRO
24	Exemption from use of “Limited”/“Teoranta” as part of company name
25	Section 24 licences exempting use of “Limited”/“Teoranta” as part of company name

COMPANIES REGISTRATION OFFICE

**Public Office:** Parnell House, 14 Parnell Square, Dublin 1

**Postal Enquiries:** O'Brien Road, Carlow

Lo Call: 1890 220 226

Tel: +353 1 804 5200 Fax: +353 1 804 5222

Email: [info@cro.ie](mailto:info@cro.ie) Web: [www.cro.ie](http://www.cro.ie)

AN OIFIG UM CHLÁRÚ CUIDEACHTAÍ

**Oifig Poiblí:** 14 Cearnóg Pharnell, Baile Átha Cliath 1

**Fiosruithe:** Bóthar Uí Bhriain, Ceatharlach

Lóghlao: 1890 220 226

Fón: +353 1 804 5200 Faics: +353 1 804 5222

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