



Corporation names

The *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act) and *Corporations (Aboriginal and Torres Strait Islander) Regulations 2017* set out rules for the names of Aboriginal and Torres Strait Islander corporations.

Principles

1. The Registrar believes that similar corporation names should not cause confusion or misrepresentation.
2. When considering if a corporation name is unacceptable, undesirable or offensive, the Registrar will consider a range of factors.
3. The Registrar may give permission to a corporation to have an unavailable or unacceptable name.

Principle 1: The Registrar believes that similar corporation names should not cause confusion or misrepresentation.

1. The CATSI Act says an Aboriginal and Torres Strait Islander corporation cannot have the same name as another corporation or company or a proposed corporation unless the Registrar provides consent.
2. However, the Registrar also wants to avoid registering a corporation name that is similar to another company or corporation name. This is so that people do not mistake a corporation for



another company or corporation but also to avoid intentional or unintentional consequences such as:

- a. any confusion about a corporation's purpose, role or mandate or cultural authority
 - b. the risk of a corporation's governance or business structure being misrepresented or misleading.
3. If the Registrar registers a corporation name, it does not protect the corporation from another person or entity taking action for infringing on their intellectual property.
4. Before asking for a corporation name, the Registrar expects an applicant to:
 - a. check the name is not already registered to a corporation or company
 - b. consider if the proposed corporation name is too similar to another corporation or company name and therefore, risks creating confusion.
5. Before registering a corporation name, the Registrar will also check if a proposed name is the same as, or too similar to, another company or corporation.
6. The Registrar will not register a corporation name that is the same as, or similar to, another corporation or company, including a corporation name that is currently under consideration by the Registrar in an existing, separate application.
7. The Registrar will consider changing the name of a corporation if they receive concerns from an existing company or corporation that an Aboriginal and Torres Strait Islander Corporation's name is the same as, or too similar to, another company or corporation.

Principle 2: When considering if a corporation name is unacceptable, undesirable or offensive, the Registrar will consider a range of factors.

1. The Registrar may decide a corporation name is unacceptable if it is likely to affect another's cultural, community or family authority, identity or reputation.
2. The Registrar may decide a corporation is undesirable or likely to be offensive if it:
 - a. contains swear words
 - b. contains words or abbreviations that may cause offence
 - c. suggests illegal activity
 - d. is too similar to another corporation or company's name.
3. The Registrar may decide a corporation name is undesirable if it suggests the corporation is not an Aboriginal and Torres Strait Islander Corporation. For example if the name references another country or race of people.
4. The Registrar may decide a corporation name is undesirable if it suggests a corporation is a type of corporation that it is not. For example, a registered native title body corporate or a trade union which cannot be registered under the CATSI Act.
5. The Registrar may decide a corporation name is undesirable if it could cause conflict or division between groups of people, within individual communities or in the broader Australian population.

Principle 3: The Registrar may give permission to a corporation to have an unavailable or unacceptable name.

1. The Registrar can give permission to a corporation to have an unavailable or unacceptable name if the:
 - a. owner of the existing name agrees to the applicant registering a similar name
 - b. existing name has been secured by a person who has a history of reserving corporation names for no genuine purpose
 - c. proposed name would not mislead people dealing with the corporation about the nature of the corporation's activities
 - d. those affected by the use of the name have been considered.
2. The Registrar will generally not give permission to register a corporation name that is identical to another corporation.



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