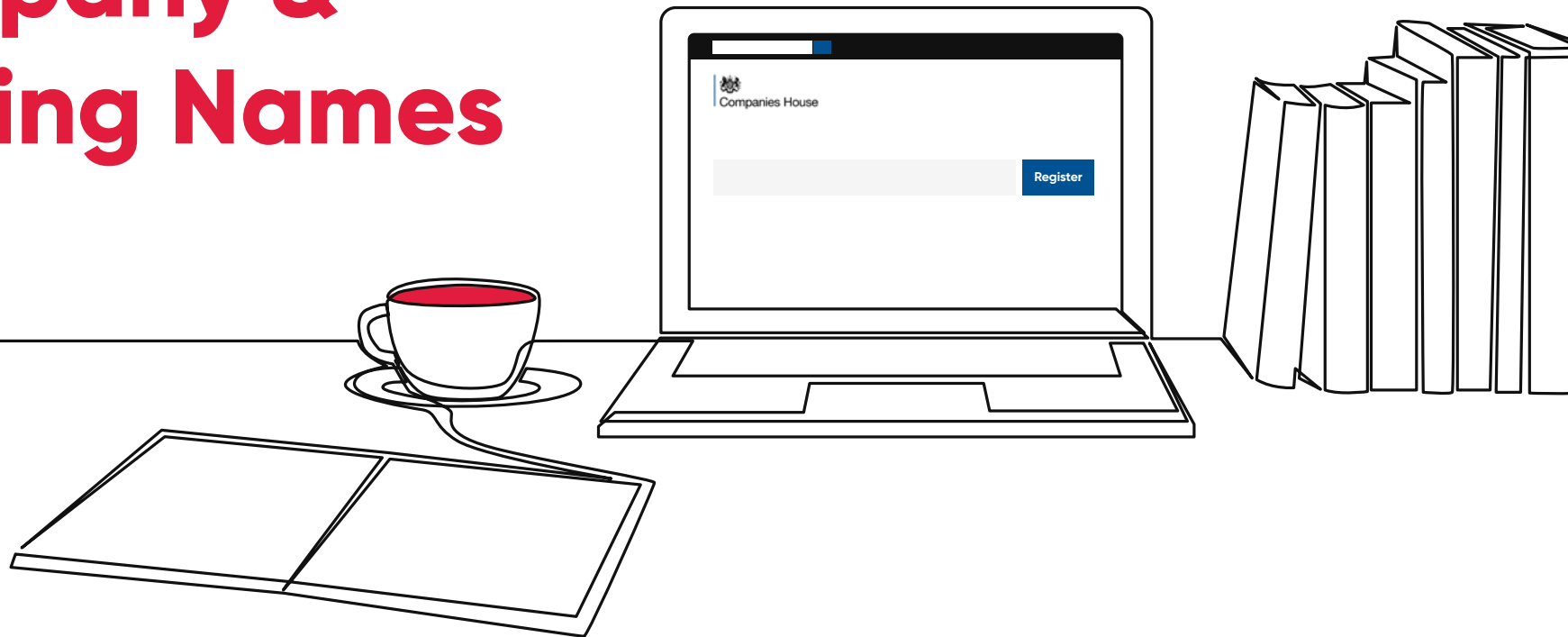


Oury Clark Quick Guides:



Company & Trading Names



Commercial: G21

A business wishing to trade as a UK company must be registered at Companies House.



This process includes choosing and registering a company name. A company may only have one registered name, but can have multiple trading names, as required.

Company Name

A company name is subject to certain restrictions under the Companies Act 2006 (and associated legislation). In order for a name to be accepted and registered by the UK registrar at Companies House, the following conditions must all be observed:

- It must not be likely to give the impression that the business is connected with HM government or any local or public authority;
- It cannot include sensitive words or expressions unless pre-approved;
- It must not be the same as or too similar to the name of another registered company;
- It should include the appropriate ending (i.e. Ltd, CIC, Plc); and
- It must not include certain characters, punctuation or symbols.

When deciding if a name is considered to be the 'same as' an existing name, Companies House will disregard any punctuation in either name; the status of the company (e.g. ltd, plc); usage of the word 'the'; and any words or symbols that connote the same meaning (e.g. '&' / 'and').

The 'same as' rule will not be applied if:

- The proposed company will be part of the same group as the existing company of the same name; or
- The existing company consents to the registration of the proposed name.

Company Name Disclosure – Stationery and Company Documents

Every company is required to disclose its registered name on certain company documentation. The registered company name must be present on all of the following:

- Business letters, notices and other official publications;
- Bills of exchange, promissory notes, endorsements and order forms;
- Cheques and orders for money, goods or services signed by or on behalf of the company;
- Bills of parcels, invoices and other demands for payment, receipts and letters of credit;
- Applications for licenses to carry on a trade or activity;
- All other forms of business correspondence and documentation; and
- Any company websites (note that although it is not necessary to put the registered name on every page of the website, it should be placed where it can be easily read).

The company's registered number will also need to be included on a number of these documents, and it is often good practice to include this, as it is the only unique identifier of the company that will never change.

Trading Names

A trading name is the name (or names) used by a person, partnership or company for carrying out business which is not the same as their own name or official registered name. A business may use as many trading names as it requires, but these cannot be registered as official names of the company. They are often used for marketing purposes to distinguish one division of the company from another.

Whilst unregistered, trading names are still subject to certain legal restrictions and must comply with many of the provisions required, and listed above, for company names. However, the following differences should be observed:

- when a business name would be so misleading in regard to the nature of the business' activities as to cause harm to the public, it will be prohibited.
- the rules on 'same as' and similar names do not apply, however it is still important to make relevant checks to ensure that another business does not make claims for misrepresentation, trade mark infringement or passing off.

Company Names v Trade marks

Registering a company name is not the same as having a registered trade mark.

A trade mark is a badge of origin, it gives exclusive rights to the use of that name and the ability to prevent others from adopting an identical or confusingly similar mark in the same field.

Under UK trade mark law a registered trade mark can be infringed by use of that trade mark as a company name or trade name. Further, under the Companies Act 2006 you can object to a company's registered name if it is the same as a registered trade mark, whether that trade mark was registered before or after the company was incorporated.

Therefore, when registering a company name it is imperative that you first check the UK Intellectual Property Office (UKIPO) trade mark list. To do this, you can search UK trade marks by clicking on this [link](#).

As a result of the above, after registering your company name, it is worth considering:

1. To register a trade mark at the UKIPO;
2. Checking Companies House regularly for similar names by clicking on this [link](#); and
3. Setting up a trade mark watch at the UKIPO by clicking on this [link](#)

This will help protect your brand and prevent the adoption of identical, confusing or misleading names.

To learn more information about trade marks please click on this [link](#) to see our dedicated Quick Guide.

If you are considering setting up a company, Oury Clark can assist you with this process, including choosing a valid company name and checking the relevant trade mark registries, so please do contact us and we can advise you further.

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