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Mr Peter Huntsman
President
Australian Federation of Intellectual Property Attorneys
1 Nicholson Street
Melbourne VIC 3000

Dear Mr Huntsman

Re: ABN Business Names Registration Project

I am writing to you as head of the lead agency steering an ABN Business Names Registration project.

The Council of Australian Governments (COAG) has agreed that the Small Business Ministerial Council (SBMC) develop a model that delivers a seamless, online registration system for both Australian Business Numbers (ABNs) and business names, including related trademark searching. SBMC will report back to COAG with its recommendations by December 2006.

SBMC has already commenced work on this project. The Department of Industry, Tourism and Resources, the Australian Taxation Office, IPAustralia, Australian Securities and Investments Commission and the Treasury are working together with state and territory agencies at developing the ABN and business names model. The attached document outlines in broad terms what we are trying to achieve.

Your feedback and input will help us to advance this important project, and especially for the development of the business case. The Project Director representing the Department of Industry Tourism and Resources, Ms Ann Bray (contact details: phone 02 6276 1179 and email Ann.Bray@industry.gov.au) will be in contact shortly to discuss an appropriate time to meet with you.

I thank you for your anticipated cooperation and look forward to hearing of your views regarding this initiative.

Ms Sue Weston
Head of Division
Office of Small Business

19 September 2006

22 August 2006

ABN Business Names Registration Project

The project aim is to develop a model for the seamless, online registrations of both Australian Business Numbers (ABNs) and state and territory business names, including related trademark searching, utilizing the Australian Business Register.

The model, business case and cost/benefit analysis will then be considered by the Small Business Ministerial Council and Council of Australian Governments in December 2006.

The model is being developed with the involvement of relevant Australian Government agencies and the state and territory governments.

The Challenge

One of the first activities that a business undertakes in dealing with compliance and regulation is the registration of various business licenses including registering a business name and applying for an Australian Business Number (ABN).

There are approximately 600,000 ABNs registered each year and the vast majority are done on line. In addition there are 250,000 business names registered each year. The majority of states and territories require application forms to be completed manually, with only one State offering on-line registration. The two registrations require similar information from the applicant. The challenge is to reduce the red tape burden on small businesses.

In applying for a business name businesses should check IP Australia's trademark database to ensure the business name does not conflict with a registered trademark - however many do not, despite the fact that most states/territories would advise clients to do so. Also, despite the best of intentions, there remains a great deal of confusion over the rights and protection that a registered business name offers to a business compared to a trademark. Domain names may also be important for a business operator to consider when choosing a business name.

What small businesses can expect?

On the reverse side is a diagram of how the new model might work for businesses. We are aiming to provide an online service that will:

- Register business names
- Continue the current registrations of ABNs, GST and other tax registrations
- Search for any conflicting trademarks
- Search for available business names against a names database e.g. National Names Index
- Provide information about the above registrations
- Refer to other websites for other licensing and information e.g. AuDA; and
- Save time for the business

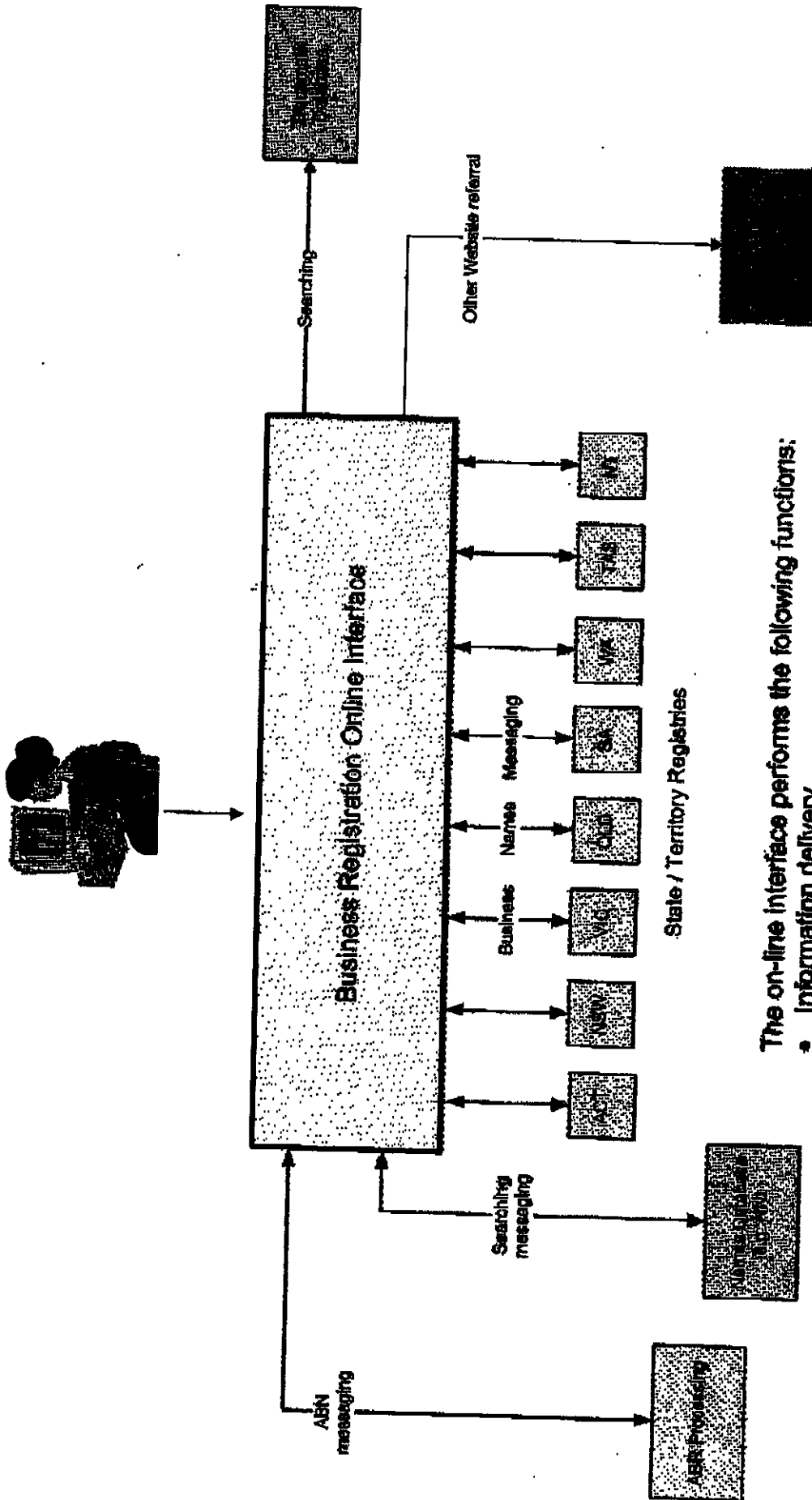
Your feedback is important!

A COAG Regulatory Impact Statement will be released for public comment soon, but in the interim we would like your feedback on the perceived benefits to the business community and any issues you may have with the service outlined.

Where can I find out more?

You can contact the Project Director in the Office of Small Business, Department of Industry, Resources and Tourism, on 02 62761170 or send an email to Ann.Brav@industry.gov.au. In addition, you may wish to speak to a state or territory government official. These names can be provided

Proposed system (not a flow chart)



The on-line interface performs the following functions:

- Information delivery
- Registrations
- Searching