



## **GUIDELINES ON COMPANY NAMES**

**This guideline is issued pursuant to section 20C of the Companies Commission of Malaysia Act 2001.**

1. This guideline is applicable to all applications for registration of name for incorporation of a company or a registration of a foreign company and change of name of a company or a foreign company.

### **OBJECTIVE**

2. This guideline serves as a guidance to assist and facilitate applicants who wish to make a reservation name for the purpose of incorporation a company or changing its existing name.

### **GENERAL REQUIREMENTS OF A COMPANY NAME**

3. For the purposes of incorporating a company and changing a name of a company, a confirmation of availability of the proposed name from the Registrar must be obtained. In the case of incorporating a company, the confirmation of the availability of name can be done simultaneously during the incorporation process.
4. Generally, the availability of a company's name is subjected to section 26 of the Companies Act 2016. The name will be available if the name is—

- (a) not undesirable or unacceptable;
  - (b) not identical to an existing business entity's name under the registers kept pursuant to laws administered by the Companies Commission of Malaysia;
  - (c) not identical to a name that is being reserved under the Companies Act 2016; or
  - (d) not a name of a kind that the Minister has directed the Registrar not to accept for registration.
5. Upon being satisfied that the name is not one which may be refused on any ground referred to in subsection 26(1) of the Companies Act 2016 and upon payment of the prescribed fee, the Registrar may reserve the name for a period of thirty (30) days from the date of lodgement of the application or such longer period as the Registrar may allow.

#### **NAME OF FOREIGN COMPANY**

6. A foreign company shall be registered under the name as registered in its place of origin subject to the name being available under section 26 of the Companies Act 2016.
7. Any change name in the name of a foreign company shall not be registered if the name is not available under section 26 of the Companies Act 2016.

#### **GENERAL PRINCIPLES AND CHARACTERISTICS OF NAMES ACCEPTABLE FOR REGISTRATION**

8. The following principles should be observed when deciding on a name of a company:

- (a) Correct spelling and proper grammar must be used;
- (b) The use of mixture of Malay or English languages is allowed if the use is to describe the type of business and must follow proper grammar;

**Example:**

- BB Construction Sdn. Bhd. (√)  
Construction BB Sdn. Bhd. (x)
- Klinik Ria Hebat Sdn. Bhd. (√)  
Ria Hebat Klinik Sdn. Bhd. (x)

- (c) If a name contains words other than the Malay or English languages, the meaning of such words must be given;
- (d) Names which are not blasphemous or likely to be offensive to members of the public;
- (e) Names which do not resemble elements of religion;
- (f) Refrain from using words which are too general, for example, "Beautiful Sdn. Bhd.", "International Trading Sdn. Bhd.", "Ahmad Adam Sdn. Bhd." or "Puncak Alam Sdn. Bhd.";
- (g) Only names of directors who are specified at the application form for incorporation can be used as company names. Proof of relationship must be given if other individual names are proposed to be used. Similarly, consent letter must be obtained

from the group of companies whose individual names are proposed;

- (h) The usage of individual names refers to the name of the director or director's family members only as stated on the individual's identity card. Names associated with local or foreign historical figures, for example, Parameswara, Ibnu Sina, Abraham Lincoln are allowed;
- (i) The meaning of new created or coined words must be given;
- (j) When using new words that are designed without a known meaning, a letter of consent is not required from an existing company that carries the same created word. For example, 'Jellex' being a created word, other name applications containing 'Jellex' as part of the proposed name will be processed as below;

**Example:**

- New application Jellex Assets **Holding** Sdn. Bhd. must provide consent letter from existing company Jellex Assets Sdn. Bhd. (regards of registered holding company).
  - New application Jellex Trading Sdn. Bhd. is not required to provide a letter of consent from Jellex Assets Sdn. Bhd. (other existing company).
- (k) The usage of symbols in the name of a company is limited to the following five (5) symbols only and must be appropriate so that it forms part of the company's name:

(i) "&" (include "dan", "and" and "N")

Example : D&T Services Sdn. Bhd.

(ii) "." ("dot" symbol)

Example : Mr. John Trade Sdn. Bhd.

(iii) "-" ("hyphen" symbol).

Allowed only for double words or common words that use hyphen.

Example : Kupu-Kupu Design Sdn. Bhd.

Focus Re-Engineering Sdn. Bhd.

(iv) "( )" bracket symbol

Example : ZY Advertising (2017) Sdn. Bhd.

(v) "' " ("apostrophe" symbol)

Example : Mum's Recipe Sdn. Bhd.

Dato' Yusoff Yahaya Trading Sdn. Bhd.

(l) The word "Malaysia" or a name of a state in Malaysia at the beginning of the name is not allowed unless there is an interest of the Federal / State Government in the company or with the consent of the relevant party;

(m) The words "Company", "Co" or "Syarikat" is prohibited from being used as part of a company name; and

(n) The words "Corporation", "Corp", "Perbadanan", "Incorporated", "Diperbadankan", "Incorporation", "Incorp", "Inc", "Pemerbadanan", is prohibited in their use unless there

is a government interest in the company and a letter of consent from the relevant Ministry must be given. However, the word is allowed if it is related to the registration of a foreign company or for a change of name of an existing company in which its existing name carries such words.

9. The name must not be an acronym that can be confused with names that are associated with the following:

- (a) Acronyms that stand for the institutions of higher learning

**Example:**

UiTM, UTM, UM, UKM, UPM, UUM, USM, UIA, UNIMAS, UMS, UIAM, UPSI, UMT, UMP, UTEM, UNIMAP, UTHM.

- (b) Acronyms that stand for Federal government agencies or State and Government Owned Companies (GLC)

**Example:**

SSM, CCM, JKR, JPA, JPM, BNM, KPDKKK, SEDC, PKEN, SIRIM, TNB, PNB, FELDA, FELCRA, PETRONAS, SKM, MYCC, MIDA, KWSP, LHDN, PERKESO, MARDI, RISDA.

## **UNDESIRABLE OR UNACCEPTABLE NAMES**

10. The Registrar has full discretion in determining whether a name is undesirable or unacceptable. In exercising that discretion, the Registrar may determine that a name is undesirable or unacceptable if—

- (a) it contains word(s) is obscene in nature;

- (b) it is contrary to public policy including names which are set out in paragraphs 4;
- (c) it may likely offend any particular section of a community or any particular religion; or
- (d) it is misleading as to the identity, nature, objects or purposes of the company or in any other manner.

## **IDENTICAL NAMES**

11. In determining whether a company name is identical to another, the following shall be disregarded:

- (a) "The", where it is the first word of the name;
- (b) "Sendirian", "Sdn", "Berhad", "Bhd", "PLT" and "Perkongsian Liabiliti Terhad";
- (c) The following words and expressions where they appear at the end of the name: "Company", "Co", "Syarikat", "Corporation", "Corp", "Perbadanan", "Incorporated", "Diperbadankan", "Incorporation", "Incorp", "Inc", "Pemerbadanan", "Holding", "Group", "Kumpulan", "Malaysia", "(M)", "Msia", "Consortium", "Konsortium", "Consolidated";

Three (3) types of factors in determining whether the above-mentioned words are taken into consideration:

### **Example 1:**

Zip Legacy Sdn. Bhd. (existing)

Zip Legacy Malaysia Sdn. Bhd. (new application)

The use of the words "Malaysia", "(M)", "MY", "Msia" (at the end of the company name) in the new application does not distinguish it from the existing company name. Therefore, a new application cannot be considered even if a letter of permission is attached.

**Example 2:**

Zip Legacy (M) PLT (existing)

Zip Legacy Consolidated Sdn. Bhd. (new application)

A new application can be considered if the letter of permission from the existing PLT is Zip Legacy (M) PLT. included.

The words "Holding", "Group", "Group", "Consortium", "Consortium", "Consolidated" can distinguish the newly applied name from the existing company name.

**Example 3:**

Zip Legacy (Sabah) Sdn. Bhd. (existing)

Zip Legacy Inc Sdn. Bhd. (new application)

New applications will be considered if a letter of permission from the relevant Federal Government/ State Government/ Government Agency. The words "Company", "Co", "Syarikat", "Corporation", "Corp", "Inc", "Incorp", "Incorporated", "Incorporation", "Perbadanan", "Diperbadanan", "Pemerbadanan" are prohibited its use unless there is a government interest in the company and a letter of permission from the relevant Federal Government/ State Government/ Government Agency must be attached.<sup>1</sup>

---

<sup>1</sup> Refer to subparagraph 8 (n).

- (d) Any word or expression which, in the opinion of the Registrar, is intended to represent any word or expression in subparagraph (c);
- (e) The plural version of the name;
- (f) Root words that carry the same meaning;

**Example:**

- (i) Consultancy, Consultants, Consults
  - (ii) Technology, Technologies, Tech
  - (iii) Trade, Trading, Trader
- (g) The type and case of letters, spacing between letters and punctuation marks;
  - (h) The symbol "&" is deemed to have the same meaning as the word "and" or "dan";
  - (i) The use of the same company name that has been dissolved through the act of striking off the company name and also court order/voluntary winding up under section 549 of the Companies Act 2016 (CA 2016) is ALLOWED (subject to availability of name):
    - After seven (7) years from the date of dissolution (through striking off the company name) under subsection 555 (1) CA 2016; and
    - After two (2) years from the date of dissolution (by court order/ voluntary winding up) under subsection 535(1) of the CA 2016.

The reuse of a dissolved Limited Liability Partnership name is allowed either through revocation or winding up after two (2) years of dissolution under section 52, Limited Liability Partnership Act 2012 (APLT 2012).;

(j) The reuse of a company or Limited Liability Partnership's previously used name is permitted subject to:

(i) If the previous name is no longer in use and the period has exceeded twelve (12) months, the name can be used without a letter of consent;

(ii) If the period for the non-usage of the previous name is still within twelve (12) months, a letter of consent must be included; and

(k) The reuse of expired or terminated business names:

(i) if permitted after twelve (12) months from the expiration date of the business; and

(ii) if permitted if the business has terminated when the relevant notification has been lodged with the Registrar .

## **NAMES WHICH ARE PROHIBITED UNDER THE DIRECTION OF THE MINISTER**

12. The Minister has directed the Registrar not to accept the following names for registration:

(a) Names suggesting connection with the members of the Royal family or Royal patronage including names containing such

words as "Royal", "King", "Queen", "Prince", "Princess", "Crown", "Regent" or "Imperial";

The Registrar may consider the applications for the use of the names stated in paragraph 12(a) above unless due to the following criteria:

- (i) The word refers to the name of a location such as "Putra Nilai" or "Taman Mahkota";
  - (ii) The word indicates the size of the product such as "king-sized roof" or a brand such as "Musang King";
  - (iii) The word refers to the name of the individual or the name of the director only such as "Sultan Ali" or "John King" refers to the identity document of the individual; and
  - (iv) At the discretion of the Registrar, the reasons given by the applicant do not indicate any connection with a member of the Royal Family or Royal patronage.
- (b) Names suggesting connection with a State or Federal government department, statutory body, authority or government agency or any municipality or other local authority, including names containing such words as "Federal", "State" or "National";
- (c) Names suggesting connection with any ASEAN, Commonwealth or foreign government or with the United Nations or with any other international organization or cartel including names containing such words as "ASEAN", "UNESCO", "NATO", "EEC", or "OPEC";
- (d) Names suggesting connection with any political party, society, trade union, co-operative society or building society;

(e) Names including the following words or any words of like import:

“Bank”, “Banker”, “Banking”, “Bumiputra”, “Bureau”, “Chamber of Commerce and Industry”, “Chamber of Manufacturers”, “Chartered”, “College”, “Consumer”, “Council”, “Credit”, “Exchange”, “Executor”, “Fair Price”, “Finance”, “Foundation”, “Fund”, “Guarantee”, “Institute”, “Insurance”, “Investment”, “Leasing”, “Made in Malaysia”, “Prime”, “Registry”, “Treasury”, “Trust”, “Unit Trust”, or “University”.

13. If the applicant or promoter of the company has justification for using the name or words contained in the Directive, the applicant or promoter may make an appeal through a formal [\*letter of appeal\*](#) to the Minister under subsection 27(3) of the Companies Act 2016 through the Registrar stating the reason or justification for using the said name or word as part of the name proposed by the company, together with the payment of an appeal application fee of RM300.
14. For words that are controlled by a Referral Authorities , a letter of permission is needed when applying for the said name. Refer to **Lampiran 1**.

#### **DIRECTION AS TO THE CHANGE OF A COMPANY NAME**

15. Under section 29(1) of the Companies Act 2016, the Registrar has the power to direct a company to change its name if he believes on reasonable ground that a name under which the company was registered should not have been registered.
16. Upon receipt of the Notice of Instruction to Change Name, the company is given a period of sixty (60) days or a further period

permitted by the Registrar, to comply with the instruction. If the company fails to comply with the instructions, the Registrar has the power under section 29(2) of the Companies Act 2016 to change the company name to the company registration number or any expression given by the Registrar.

### **APPEAL AGAINST THE DECISION OF THE REGISTRAR**

17. Under subsection 27(3) of the Companies Act 2016, if an applicant or promoter of a company is aggrieved with the decision of the Registrar in confirming the availability of a name, he may within thirty (30) days from the date of the decision of the Registrar, appeal to the Minister whose decision shall be final.
  
18. Appeal to the Minister must state the grounds and justification for the use of name, together with an application fee of RM300.

**REGISTRAR**

**COMPANIES COMMISSION OF MALAYSIA**

**25 JUNE 2024**