

Content

Title :	Regulations Governing Review of Applications for Reservation of Business Names and Scopes <b>Ch</b>
Date :	2019.10.24
Legislative :	1.Promulgated on March 23, 2009 2.Amendments to Article 12 and 15, Promulgated on July 01, 2009 3.Amended on December 10, 2015 4.Amendments to Article 6, 8, 10, 11, 12 and 13, Promulgated on October 24, 2019
Content :	<p><b>Article 1</b> These Regulations are enacted pursuant to the provisions set forth in Paragraph 3, Article 28 of the Business Registration Act (hereinafter referred to as the "Act").</p> <p><b>Article 2</b> Prior to establishing a business or applying for an amendment to the business registration of an existing business that reflects a (new) business name and/or scope, the applicant shall submit an application to reserve a business name and business scope (hereinafter referred to as the "Reservation Application") to the competent authority of the special municipality or the county (city) where the business is located. A Reservation Application may be filed through network transmission. A Reservation Application may be filed by any of the following applicants: 1.Establishment Registration: The applicant shall be one of the business responsible person of the proposed sole proprietorship or a partner of the proposed partnership. 2.Business Change Registration: The applicant shall be the registered business responsible person at the time of filing. A Reservation Application is not required to be filed in the case of narrowing the registered business scope as long as the circumstance described in Paragraph 2, Article 8 of these Regulations does not exist. A Reservation Application shall be typed in the format prescribed by the MOEA and shall contain no more than five proposed business names.</p> <p><b>Article 3</b> The reservation shall be valid for two months from the date of the approval of the Reservation Application; said term can be extended once for one month if an application for extension is filed prior to the expiration of the initial term. If a business registration application is not filed during the term of reservation set forth in the preceding paragraph, the approval of the Reservation Application shall become null and void.</p> <p><b>Article 4</b> The applicant of any approved Reservation Application is not permitted to be replaced during the term of reservation, unless otherwise justifiable have been submitted to and approved by the competent authority.</p> <p><b>Article 5</b> Business names shall be in Chinese characters that can be found in the "Chinese Dictionary" compiled and published by the Ministry of Education of the Republic of China, the "Chinese Thesaurus", the "Collective Dictionary of Chinese Characters", the "Kang Xi Chinese Dictionary", or other generally accepted Chinese dictionaries.</p> <p><b>Article 6</b> If both business names' specific parts are not the same, they shall be considered different. Where two business names contain the same specific parts, but also contain any characters that may distinguish different categories of business or any other identifying characters, such names shall be considered different from each other.</p>

The distinguishing characters contained in a business name as referred to in the preceding paragraph shall not be any of the following characters:

- 1.Characters before the specific parts that identify the district or are descriptive, such as new, good, old, big/large, small, true, genuine, original, pure, real, authentic, and orthodox;
- 2.Characters such as hall, mark, trading, firm, association, shop, house, store, factory, workshop, studio, or other characters which are sufficient to indicate a business name;
- 3.If two business names contain the same specific parts and indicate the same business type, the characters added thereafter that indicated the organization or nature of the business, such as enterprise, business, business development, business promotion, industrial field, industry, commerce, and business entity.

#### Article 7

Where the name of a district is reflected in a business name, the district name shall be placed before the specific part of a business name and shall be limited to the name of the special municipality, the county (city), country (township, city, district) where the business is located.

#### Article 8

Where the business type is reflected in a business name, the business type shall be placed after the specific part of a business name and shall be limited to two types.

Where a business name contains characters indicating a business that requires special permission as set forth in Paragraph 1, Article 6 of the Act, the said specially permitted business shall be registered

and listed in the business scope. If the said specially permitted business has yet been registered or listed in the business scope, or such special permission is revoked or its registration is nullified, an application to change the business name shall be filed.

#### Article 9

A business shall indicate characters such as hall, mark, trading, firm, association, shop, house, store, factory, workshop, studio, or other characters that are sufficient to indicate a business name within its business name at the end of it, except for a business name that already indicates the business type,

name of product, distinguishing characters, or characters indicating the organization or nature of the business, such as enterprise, business, business development, business promotion, industrial field, industry, commerce, or business entity.

#### Article 10

A business name shall not contain the following characters:

- 1.Committee, bureau, department, administration, party, team, center, county (city) government, farmers' association, fishermen's association, trade association, industrial union, institution, joint society, welfare society, cooperative, educational association, symposium, seminar, production or sales class, research institute, public office, social association, social club, mutual assistance association, service station, university, college, cultural relics gallery, community, temple, fund, association, charity, devotee, volunteer judicial person of corporation or foundation, or any other name that may mislead the public to associate it with government agencies and powers thereof or public welfare organizations;
- 2.Characters having implications of offending against public order or good customs;
- 3.Company, trading company, incorporation, or any other characters similar to corporate organization;
- 4.Limited partnership or any other characters that are sufficient to indicate a limited partnership;
- 5.Characters that would be mistakenly thought to be relevant to the professional service scope of specialized technicians;
- 6.Characters that would be mistakenly thought to be a business not operated by a profit-seeking enterprise;
- 7.Affiliate, business relations, relationship, group, alliance, franchise, or any other characters indicating joint business operation;
- 8.Any other characters deemed inappropriate by the competent authority in charge of the end-enterprise concerned.
- 9.Any other inappropriate characters.

#### Article 11

The specific part in a business name shall not contain:

- 1.Only one character;
- 2.The name of the Republic of China or foreign country;

3. Business type;
4. Characters indicating the organization or nature of the business, such as enterprise, business, business development, business promotion, industrial field, industry, commerce, or business entity.

#### Article 12

The business scopes of a business shall be stated using the codes and business types set forth in the MOEA's List of Codes of Business Activities of Companies, Firms, and Limited Partnerships, but a statement in code and business type that only indicates that "All business activities that are not prohibited or restricted by law, except those that are subject to special approval" is not allowed.

#### Article 13

A Reservation Application shall be denied if the business scope of the business has any of the following circumstances:

1. Can only be operated by the government pursuant to the laws;
2. Subject to provisions otherwise prescribed by laws and regulations.

#### Article 14

In regard to a Reservation Application, an approval or denial decision shall be rendered. The proposed business names shall be examined and approved in the order in which they are listed in the Reservation Application, and only one of the proposed business names shall be approved. An order requiring a correction or modification shall be issued in the event of any typographic error or unclear description in the business scope.

#### Article 15

These Regulations shall take effect as of the date of promulgation.