

Board Policy on Approval of Business Names

Legislative background

Part 2 of the *Architects Act 1991* is the relevant part of the Act regarding controlled words.

The Act protects the words "architect", "architectural services", "architectural design" and "architectural design services". (Sections 7(1)(a), 8(1)).

Acts other than the *Architects Act 1991* are also relevant. Consumer and Business Affairs Victoria automatically refers applicants for business names that contain words controlled by legislation to the relevant authority for its permission before they will approve a name.

The Building Practitioners Board, which forms part of the Building Control Commission, and which is governed by the *Building Act*, has different categories of registration, including the category 'Draftsperson (architectural)'.

The Board's Policy

The Board will grant permission for use of the prescribed words in the following circumstances:

1. Business names proposed by registered architects;
2. Proposed business names containing the combination 'architectural drafting/draftsperson/draftswoman/draftsman' with no other words separating these words. (E.g. 'Bloggs Architectural Drafting Services' will be approved, whereas 'Bloggs Architectural Design and Drafting' will not be approved.)
3. Use of the prescribed words in a context that is clearly not related to architectural practice or the design of buildings or their parts, and where use of the words is unlikely to mislead or confuse (e.g. 'Website Architectural Design', 'Architects Insurance Services').

The Board will not grant permission for use of the prescribed words in circumstances where the proposed use appears to confuse or contravene the meaning of the Act.

Applications for permission that clearly fall within the three categories described above can be handled administratively by the Board's office.

Applications for permission that do not clearly fall within the three categories described above are referred to the Board for a decision.