## THE SCHEDULE

*(See section 158)*

### AMENDMENTS

<table>
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<th>Year</th>
<th>Act No.</th>
<th>Short title</th>
<th>Amendment</th>
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| 1956 | 1       | The Companies Act, 1956 | (1) In Section 20, for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) Without prejudice to the generality of the foregoing power, a name which is identical with, or too nearly resembles,—

(i) the name by which a company in existence has been previously registered, or

(ii) a registered trade mark, or a trade mark which is subject of an application for registration, of any other person under the Trade Marks Act, 1999, may be deemed to be undesirable by the Central Government within the meaning of sub-section (1).

(3) The Central Government may, before deeming a name as undesirable under clause (ii) of sub-section (2), consult the Registrar of Trade Marks.”.

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<th>(II) In section 22, in sub-section (1),—</th>
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|      |         |             | (i) for the portion beginning with “if, through” and ending with “the first-mentioned company—” the following shall be substituted, namely:—

“If, through inadvertence or otherwise, a company on its first registration or on its registration by a new name, is registered by a name which,—

(i) in the opinion of the Central Government, is identical with, or too nearly resembles, the name by which a company in existence has been previously registered, whether under this Act or any previous companies law, the first mentioned company, or

(ii) on an application by a registered proprietor of a trade mark, is in the opinion of the Central Government identical with, or too nearly resembles, a registered trade mark of such proprietor under the Trade Marks Act, 1999, such company,—”;

(ii) the following proviso shall be added, namely:—

“Provided that no application under clause (ii) made by a registered proprietor of a trade mark after five years of coming to notice of registration of the company shall be considered by the Central Government.”.