

THE SCHEDULE

(See section 158)

AMENDMENTS

Year	Act No.	Short title	Amendment
1956	1	The Companies Act, 1956	<p>(1) In Section 20, for sub-section (2), the following sub-sections shall be substituted, namely:—</p> <p>“(2) Without prejudice to the generality of the foregoing power, a name which is identical with, or too nearly resembles,—</p> <p style="padding-left: 40px;">(i) the name by which a company in existence has been previously registered, or</p> <p style="padding-left: 40px;">(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,</p> <p>may be deemed to be undesirable by the Central Government within the meaning of sub-section (1).</p> <p>(3) The Central Government may, before deeming a name as undesirable under clause (ii) of sub-section (2), consult the Registrar of Trade Marks.”</p> <p>(II) In section 22, in sub-section (1),—</p> <p style="padding-left: 40px;">(i) for the portion beginning with “if, through” and ending with “the first-mentioned company—” the following shall be substituted, namely:—</p> <p>“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,—</p> <p style="padding-left: 40px;">(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</p> <p style="padding-left: 40px;">(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,—”;</p> <p style="padding-left: 40px;">(ii) the following proviso shall be added, namely:—</p> <p style="padding-left: 80px;">“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.”</p>