

# ADVOCATES (NAMING OF LAW FIRMS) RULES 2017

(G.N.S 1 of 2017)

IN exercise of the powers conferred by section 17 of the Advocates Ordinance [Cap. 2], the Chief Judge with the concurrence of the State Attorney General Makes the following rules:

## Citation and commencement

1. (1) These rules may be cited as the Advocates (Naming of Law Firms) Rules 2017.

(2) These Rules come into operation on the date of its publication in the *Gazette*. [c.i.f. 26-01-2017]

## Interpretation

2. In these Rules, unless the context otherwise requires -

"acronym" means a word or name formed from the initial letters of the names of the proprietor or proprietors of the firm;

"effective date" means the date of publication of these Rules in the *Gazette*;

"firm" means a firm of advocates and includes a sole proprietorship and a partnership of two or more advocates;

"firm name" means the name or style under which the practice of a firm is being carried on;

"firm logo" means any symbol or design representing the firm or the firm name;

"practice" means practice as an advocate;

"proprietor" means an advocate who is or was either the sole proprietor or a partner in a firm, whether or not that advocate remains in the firm at the time an application for approval is made;

"Registrar" means the Registrar of the High Court stationed in Sabah and includes a Deputy Registrar.

### **Approval of firm name and firm logo**

3. (1) No advocate shall, on or after ninety days from the effective date, practise under a firm name or use a firm logo which has not been approved by the Registrar in writing. Such application shall be made substantially in the form set out in the First Schedule hereto.

(2) Any change to an approved firm name or firm logo must first be approved by the Registrar via a fresh application.

(3) Subject to subrule (5), nothing in these Rules shall affect, invalidate or otherwise render improper or unlawful any previous conduct by any person in relation to any firm, name or firm logo prior to the effective date.

(4) Notwithstanding subrule (3), from the effective date onwards no person shall be excused from compliance with these Rules by reason of any accrued rights, conduct or practice in relation to any firm name prior to the effective date or any other reason whatsoever.

(5) All existing firms shall make an application for approval of their firm names within sixty days after the effective date.

(6) An advocate whose firm or who practises in a firm which fails to comply with these Rules shall not be entitled to the issuance or renewal of his or her certificate of practise.

(7) The Registrar may, at his sole discretion, when making any decision or performing any of his functions under these Rules, seek the views of the State Attorney-General and/or the Sabah Law Association concerning the same. Such views, if provided,

shall not be binding on the Registrar, who shall in any event retain the absolute discretion to consider, adopt or disregard the same.

**Firm letterhead and stationery**

4. The letterhead and stationery of a firm shall not contain any word which are descriptive of the services provided by, or the areas of practice of, the firm, except designatory words such as "the Justice of Peace", "Commissioner for Oaths", "Notary Public", "Patents Agent" "Trademarks and Copyright Agents" or any other designatory word or words that may be approved by the Registrar from time to time.

**Contents of firm name and firm logo**

5. (1) A firm name must contain the name or part of the name of one or more of the proprietors of the firm, or an acronym thereof.

(2) The name or part of the name of any proprietor which constitutes the firm name shall:

(i) be in accordance with the name of such proprietor as appears in either his or her national registration identity card or practising certificate; or

(ii) subject to the Registrar being reasonably satisfied as to the truth thereof, be a name which the proprietor is generally known by.

(3) A firm name may also contain any of the words as contained in the Second Schedule hereto, the translation of the said words in the Bahasa Malaysia, Chinese or other languages indigenous to Sabah, or any other words as the Registrar may in his sole discretion approve.

(4) A firm name may not contain any word other than those authorised by subrules (1) and (3) above.

(5) Notwithstanding anything in these Rules, a firm name may not contain any words, letters or images which associate or identify or tend to associate or identify the firm with any other group, organisation or association apart from the firm itself.

(6) Notwithstanding anything in these Rules, a firm name may not incorporate or contain any prefix of academic, professional or honorific title even if the same has been incorporated into the proprietor's national registration identification card or practising certificate.

(7) This rule applies equally to firm logo as it does to firm name.

(8) This rule is expressly subject to rule 6.

**Firm name must benefit the dignity of legal profession**

6. Notwithstanding anything contained in these Rules, a firm name and a firm logo, whether alone or in combination with each other or any other words or images appearing in the stationery or other materials of the firm, shall not -

- (a) be unreasonable or ostentatious, in bad taste, misleading, deceptive, inaccurate, false, sensational, offensive, or in any other way unbecoming the dignity of the legal profession;
- (b) be so similar to that of an existing firm as to be likely to be confused with it; or
- (c) be inconsistent with any of the provisions of the Advocates (Practice and Etiquette) Rules 1988.

**Miscellaneous**

7. The Registrar shall not be liable to any person for any act performed or decision made in good faith pursuant to these Rules.

**Repeal**

8. (1) The Advocates (Naming of Law Firms) Rules 2015 is hereby repealed.

(2) Notwithstanding the repeal, the Registrar may in his absolute discretion treat any approval of a firm name and/or logo given pursuant to the Advocates (Naming of Law

Firms) Rules 2015 as approval under these Rules and shall if it deems fit give written notice of the said approval to the firm in question at least thirty days after the effective date.

FIRST SCHEDULE

ADVOCATES (NAMING OF LAW FIRMS) RULES 2017

[Subrule 3 (1)]

**APPLICATION FOR APPROVAL OF NAME OF LAW FIRM**

Registrar  
High Court  
Kota Kinabalu

I, \_\_\_\_\_ of \_\_\_\_\_  
NRIC/Passport No. \_\_\_\_\_ hereby apply for approval of any of the proposed  
law firm name(s) and/or logo(s) pursuant to subrule 3 (1) of the Advocates (Naming of Law Firms) Rules  
2017:

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

**Logo:**

**Relevant information to support the application is as follows:**

1. The initials in the proposed law firm name(s) stand for -  
\_\_\_\_\_
2. The law firm name consists of a name or part of the name of the intended proprietor or partner of the firm.
3. The intended law firm will be a \* Sole Proprietorship/Partnership.
4. The name(s) of the Sole Proprietor/Partner of the intended law firm are attached in Appendix A.

5. Intended date of commencement of Practice (only applicable to a new firm):

Name of Applicant: \_\_\_\_\_

*Signature*

Date:

(\*Please delete where applicable)

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**Appendix "A"**

No.	Name of Sole Proprietor/ Partner	Date of Admission	Advocate's Roll No.

SECOND SCHEDULE

(Subrule 5 (3))

&  
and  
A Law Firm  
Advocates  
Advocates & Solicitors  
Advocates and Solicitors  
Associates  
Chambers  
Co  
Company  
Law Firm  
Legal  
Legal Firm  
Native Lawyers  
Partners  
Solicitors  
Syariah Lawyers