

Appendix A

CHANGE OF NAME – BY-LAW

Legislative Authorities

- Sections 217 and 802 of the [Bank Act](#)
- Section 222 of the [Trust and Loan Companies Act](#)
- Sections 238, 544.1 and 851 of the [Insurance Companies Act](#)
- Section 221 of the [Cooperative Credit Associations Act](#)

Information Requirements

The applicant is generally expected to provide:

1. a certified copy of the by-law or amendment to the by-law and special resolution approving the by-law or amendment;
2. a name search report confirming that the name is available for use in Canada (if the applicant intends to use an English and French form, a name search report should be provided for both forms of that name); and
3. an analysis leading to the applicant's conclusion that the name meets the requirements of the relevant financial institution statute.

Administrative Guidance

1. When assessing an application pursuant to the legislative authorities, OSFI will generally take into account the factors set out in the [Regulatory and Legislative Advisory, Corporate Names, Registered Names and Trade Names, No. 2002-01](#).
2. Where the applicant proposes to use substantially the same name as that of an affiliate, the applicant must also obtain the approval of the Superintendent to use that name. The applicant should refer to [Transaction Instruction A No. 21 – Use of Substantially the Same Name as That of an Affiliate](#).
3. With respect to the name search report, OSFI will accept a Newly Upgraded Automated Name Search (NUANS) report, which includes a list of business names and trademarks that sound similar to the name being proposed. These searches may be self-conducted and ordered for a fee online or from a registered NUANS search house, which will provide professional assistance and recommendations. Further information can be found on the Industry Canada Web site at http://www.nuans.com/nuansinfo_en/index_en.htm. If the applicant is conducting, or intends to conduct, business in the province of Quebec, which does not currently provide data to NUANS, a search of the Quebec corporations database at [CIDREQ](#) is required.

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4. Prior to, or at the time of, making an application for a change of name, an applicant may reserve the name with OSFI for 90 days. The applicant should refer to [Transaction Instruction A No. 20 – Name Reservation](#).
5. The approval of a change of name by OSFI does not in itself confer any rights to the name vis-à-vis corporate names or trade-names that may have existed at the time of approval but that did not appear on the NUANS (or CIDREQ) report or that OSFI did not, at the time of approval, consider likely to cause confusion. Similarly, the approval of a name may not protect the applicant from earlier or subsequent trademarks of other parties. Further information on protecting a name can be found on the Industry Canada Web site at <http://www.strategis.ic.gc.ca/epic/internet/incd-dgc.nsf/en/cs02060e.html>.
6. As an alternative to changing a name through a by-law, the applicant may change its name by letters patent. The applicant should refer to [Transaction Instruction A No. 5 - Change of Name – Letters Patent](#).
7. This approval is subject to a user pay fee as set out in the [Charges for Services Provided by the Office of the Superintendent of Financial Institutions Regulations 2002](#).

The information requirements and administrative guidance are intended to satisfy typical applications. They have been derived from OSFI's experience in assessing applications. Applicants who provide all information and material requested can generally expect a more timely assessment of their applications. As appropriate to the circumstances, OSFI may request additional information, take into account other matters, impose terms and conditions, or require undertakings.