FAQs on The ICSI (Management and Development of Company Secretaries in Practice) Guidelines, 2023

THE INSTITUTE OF
Company Secretaries of India
भारतीय कम्पनी सचिव संस्थान
IN PURSUIT OF PROFESSIONAL EXCELLENCE
Statutory body under an Act of Parliament
(Under the jurisdiction of Ministry of Corporate Affairs)

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CHAPTER 6
BRANDING AND DEVELOPMENT OF THE PROFESSION

1. **Can a Company Secretary in Practice solicit clients or professional work by advertisement?**

   No, Clause 6 of Part I of the First Schedule to the Company Secretaries Act, 1980 prohibits a Company Secretary in Practice from soliciting clients or professional work, either directly or indirectly, by circular, advertisement, personal communication, or interview or by any other means.

2. **How to use/apply the CS Logo for members?**

   The members of the Institute have been allowed to use the CS logo for Members as a prefix to their name. The Company Secretaries in Practice can apply it on the website, letter heads, visiting cards, other office stationery, name boards, other branding materials, whether in print or in electronic mode.

3. **What are the parameters to be adhered to by members while using the CS Logo for Members on visiting cards?**

   The Council of the Institute has laid down certain parameters for using the logo which must be adhered to by the members of the Institute. The member shall apply the logo in adherence to the Graphic Standards Manual issued by the Institute which is available at the link: *https://www.icsi.edu/media/webmodules/ICSI_Graphic_Standard_Manual.pdf*

4. **Whether CS Logo for Members can be used/applied by a Firm of Company Secretary(ies) in Practice?**

   Yes, the CS Logo for members may be used by a firm of Company Secretary(ies) in Practice. It can be applied on the website, letter heads, visiting cards, other office stationery, name boards, other branding materials of the firm, whether in print or in electronic mode.

5. **Can Students use/apply the CS Logo for Members?**

   No, Students who are undergoing training and pursuing the course or dropped out of the course are not allowed to use the logo.

6. Who can use/apply the CS Logo for Members?

The logo can only be used by members of the Institute. Further, members are allowed to use the logo only during the currency of their membership of the Institute and if for any reason, the membership is cancelled or surrendered, steps should be taken to discontinue usage of logo within 30 days of such event with an intimation to the Institute.

7. What should be kept in mind while designing Firm Logo and/or Tagline for a Firm of Company Secretary(ies) in Practice?

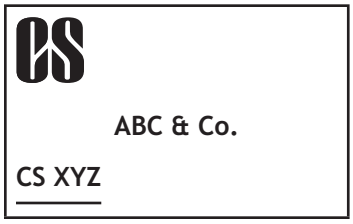
While designing the Firm Logo and/or the Tagline, member shall ensure that the same are:

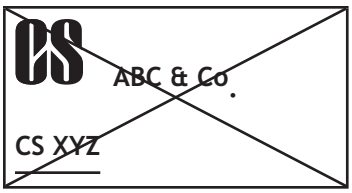
- befitting the ideals & standards of the Profession of Company Secretaries;
- in compliance with such other principles as may be prescribed from time to time;
- conforming to the highest levels of dignity, ethical behaviour;
- consistent with the core idea that makes up the Firm; and
- not in contravention of the provisions of the Company Secretaries Act, 1980, Trade Marks Act, 1999, Indian Copyright Act, 1957, Emblems and Names (Prevention of Improper Use) Act, 1950 and the rules and regulations made thereunder.

8. Is there any restriction on use of Firm Logo/Tagline designed by a Firm of Company Secretary(ies) in Practice?

The Logo/Tagline shall not be used with the CS Logo in continuation or be placed above the CS Logo for Member. Further, the Firm Logo should be designed in such a manner which does not give an impression of a single logo.

SAMPLE:





9. Can a Company Secretary in Practice or a Firm of Company Secretaries respond to tenders pertaining to professional work?

Clause 6 of Part I of the First Schedule of the Company Secretaries Act, 1980 provides that a Company Secretary in Practice is allowed to respond to tenders or enquiries issued by various users of professional services or organizations from time to time and secure professional work as a consequence.

Referring to the above and to maintain high standards of quality service delivery, the Guidelines further provide that a Company Secretary in Practice shall not respond to any tender issued by any organization or user of professional services, which are exclusive areas of Practice for the Company Secretaries where minimum fee for the professional service is not prescribed in the tender document itself.

10. One of the leading Public Sector Company has opened tender for appointment of Secretarial Auditor. Can I as a Peer Reviewed Company Secretary apply for the same?

The Guidelines in furtherance to the provisions of the Company Secretaries Act, 1980 clearly provide that where the tender has been issued for exclusive areas of Practice and where minimum fees for professional service is not prescribed in the tender document, the Company Secretary shall not respond to the same.

11. Whether a Company Secretary in Practice is permitted to associate with Aggregators in the form of online platforms which provide services/assignments requiring certification and attestation?

No, a Company Secretary in Practice shall not come in any association with Aggregators in the form of online platforms which provide services/assignments requiring certification and attestation that may or may not be exclusive domain of Company Secretary in Practice or of similar category.

12. If a member is a Partner in more than one Firm, is it permissible to print the names of all the Firms on visiting cards?

Yes, there is no prohibition on printing the names of all the Firms by

a Company Secretary in Practice if he is a Partner in more than one Firm. The Company Secretary in Practice can mention the names of all such Firms on visiting card or separate cards may be printed for all such Firms.

13. Whether a member in practice is permitted to display any information on visiting card, in case a member has passed any Post Membership Qualification of the Institute?

Yes, if a Member in Practice has qualified any Post Membership Qualification of the Institute, the same may be placed on visiting card, as per the ICSI (Specialised and Advanced Courses and Examination) Guidelines, 2020.

14. Can a Company Secretary in Practice display any of its present or past designation at the Central Council or Regional Council or Chapter Management Committee or any of the Committees constituted at any such level on the visiting card?

Para 6.5(iii)(e) provides that the visiting card of Company Secretary in Practice may include Highest of designations held at the Institute viz. Present and Past membership of the Council including former President, former Vice-President, office bearer-ship of Chapters and Regional Councils.

15. Can CS logo be changed or modified in any form from its original design?

No, The CS Logo cannot be modified, manipulated or changed in any way from its original design including its colour, nor can it be used as a feature or design element to any other logo.

16. Can Company Secretaries in Practice list themselves or their Firms on application-based service provider aggregators, such as Sulekha/Quikr etc.?

No, a Company Secretary in Practice or a Firm of Company Secretaries is not allowed to list his/her/their service(s) on any aggregator website such as Yellow Pages, Sulekha, Olx, Just Dial, Quikr or any other aggregator of similar category.

17. What should be the dress code to be adhered by the Company Secretaries in Practice while appearing before a quasi- judicial body?

The dress code to be adhered to by the Company Secretaries Practice is as under:

I. For Male Members:

a. Navy Blue Suit (Coat & Trouser, plain/solid coloured) or Navy Blue Blazer over a sober plain/solid coloured Trouser, preferably light grey. The fabric of the coat/ blazer may be as per the weather

b. Navy Blue Neck Tie preferably with CS Logo or any other tie with CS Logo

c. Buttoned up Coat

d. White full sleeve collared Shirt

e. Formal Shoes

f. The socks may be of any plain/solid colour preferably matching with the colour of Trousers.

II. For Female Members:

a. Navy Blue Suit (Coat & Trouser, plain/solid coloured) with White full sleeve collared Shirt

b. Saree/Suit of sober colour with Navy Blue Blazer

c. Formal footwear

d. Scarf with CS Logo is recommended to be worn.

18. In case of persons having multiple professional qualifications, can a single advertisement be issued with regard to the services offered under each qualification?

A Company Secretary in Practice can only practice the profession of Company Secretaries and not as a member of any other professional body. There is no question of advertising services which cannot be rendered by a Company Secretary in Practice.

19. Is a member in practice permitted to display any information on the website pertaining to Chairmanship/Membership of any Task Force of any Professional body?

No, a member in practice is not permitted to display any information on the website pertaining to Chairmanship/Membership of a Task Force/Board/Committee/Group constituted by HQ or Regional Office/Chapter Office of the Institute or any other Professional body.

20. Is a member in practice permitted to disclose the fees charged from the clients on the website?

No, a member in practice is not permitted to disclose the fees

charged from the clients on the website except if it is required by any government agency or regulator, whether or not constituted under a statute, in India or outside India. It is to be noted that such disclosure is only to the extent of requirement of the regulator, and where such disclosure of names of clients and/or fees charged is made on the website, the member/firm shall ensure that it is mentioned on the website [in italics] below such disclosure itself, that '*This disclosure is in terms of the requirement of [name of the regulator] having jurisdiction in [name of the country/area where such regulator has jurisdiction] vide [Rule/Directive and such like under which the disclosure is required by the Regulator]*'.

21. Whether running a channel on social media whereby the member in practice gives professional lectures, will be treated as violation of the Guidelines?

No, creating an individual/firm account/webpage/website on any of the social media platforms like Facebook, Instagram, LinkedIn, Twitter, YouTube, WeChat, Telegram and WhatsApp or and other media platforms of similar nature, falls under permitted means of display/publicity of services, under the Guidelines. Hence, the member can have a channel on social media for this purpose.

22. Whether advertising in the Souvenir of the Institute at any event amounts to violation of the Guidelines?

No. Sponsoring any event (cultural, professional or otherwise) or helping with community programmes or doing voluntary work for charitable organizations as a professional falls under permitted means of display/publicity of services under the Guidelines.

23. Can a Company Secretary in Practice advertise his professional attainments or services, or can he use any designation or expression other than Company Secretary on professional documents, visiting cards, letter heads or sign boards, etc.?

In accordance with Clause 7 of the First Schedule of the Company Secretaries Act, 1980, a Company Secretary in Practice shall be deemed to be guilty of professional misconduct if he advertises his professional attainments or services, or uses any designation or expressions other than Company Secretary on professional documents, visiting cards, letter heads or sign boards, unless it be a degree of a University established by law in India or recognized by the Central Government or a title indicating membership of the Institute of Company Secretaries of India or of any other institution

that has been recognized by the Central Government or may be recognized by the Council.

However, the member in practice may advertise through a write-up setting out the services provided by him or his firm and particulars of his Firm subject to such Guidelines as may be issued by the Council. Details of write-up are given in the Guidelines.

24. What is "Write up"?

The term Write up for the purpose of these Guidelines means the writing of particulars of firm circulated or published by Company Secretary in Practice by way of print or electronic mode or otherwise such as in newspapers, journals, magazines, website in accordance with the Guidelines, thereby setting out:

i. services rendered by the Company Secretary in Practice or by Firm(s); and

ii. the particulars of the Company Secretary in Practice or of Firm(s).

25. Whether website of any Company Secretary can provide a link to the website of ICSI, its Regional Councils, Chapters and Branches and websites of Govt./Govt. Departments/Regulatory authorities?

Yes, the website may provide a link to the website of the Institute, its Regional Councils, Chapters and Branches and also the website of Government bodies, Departments, Regulatory authorities, other Professional Bodies, Tribunals such as Ministry of Corporate Affairs, Goods & Services Tax Council, the Income Tax Department, SEBI, RBI, NCLT, etc.

26. Can a Company Secretary in Practice display on the visiting card, if he has qualified as Insolvency Professional or Registered Valuer or any other qualification?

Yes, if a Company Secretary in Practice has qualified as Insolvency Professional, Registered Valuer, Social Impact Assessor, Trade Marks Agent or any other qualification approved by the Council, the same may be displayed on the visiting card.

27. Whether a member can appear on Television/Radio or give lectures at forums?

Appearing on local radio or television, falls under permitted means of display/publicity of services of the Guidelines. Further,

delivering speeches/lectures at any platform including podcasts, webinars, seminars, conferences, training programmes, workshops, conventions and the like so organised by any forum falls under the permitted means of display/publicity of services of the Guidelines.

28. Is a member in Practice allowed to participate in promotional activities for any product, services, brand or otherwise?

No, member in Practice is strictly disallowed to involve himself in any direct or indirect promotional activity for any product, services, brand or otherwise. Any such involvement shall be treated as violation of Clause 1 of Part I of Second Schedule to the Company Secretaries Act, 1980 and the member would be held guilty of professional misconduct.