

ORDER under the Companies Act 2006

In the matter of application

No. 788 by Auma Actuators Ltd

For a change of company name of registration

No. 09081457

DECISION

The company name Auma Automation Co., Limited has been registered since 11 June 2014 under number 09081457.

By an application filed on 8 October 2014, Auma Actuators Ltd applied for a change of name of this registration under the provisions of section 69(1) of the Companies Act 2006 (the Act).

A copy of this application was sent to the primary respondent's registered office on 15 October 2014, in accordance with rule 3(2) of the Company Names Adjudicator Rules 2008. The copy of the application was sent by Royal Mail special delivery. On 21 November 2014, the parties were advised that no defence had been received to the application and so the adjudicator may treat the application as not being opposed. The parties were granted a period of 14 days to request a hearing in relation to this matter, if they so wished. No request for a hearing was made. However, emails from Echo He, for the respondent, were sent to the Tribunal on 19 November 2014 and 24 November 2014. The first was not seen by the caseworker who issued the letter of 21 November 2014. It said that the respondent had only received the CNA1 on 19 November 2014 and asked for an extension to file a defence. The letter serving the CNA1 was addressed correctly to the address of the respondent which is held on the Companies House register. The second email was sent to enquire whether the Tribunal had seen the first email. There is a note on the official file which states that the caseworker received a telephone call (no date) from Echo He and that the caseworker informed Ms He that if she wished to seek an extension to the period for filing a defence, she would need to file a Form CNA5.

No further action was taken until 12 December 2014 in order to give Ms He time to file a CNA5. Nothing has been received by the Tribunal, and no request to be heard has been made.

The primary respondent did not file a defence within the one month period specified by the adjudicator under rule 3(3). Rule 3(4) states

“The primary respondent, before the end of that period, shall file a counter-statement on the appropriate form, otherwise the adjudicator

may treat it as not opposing the application and may make an order under section 73(1).”

Under the provisions of this rule, the adjudicator may exercise discretion so as to treat the respondent as opposing the application. In this case I can see no reason to exercise such discretion and, therefore, decline to do so.

As the primary respondent has not responded to the allegations made, it is treated as not opposing the application. Therefore, in accordance with section 73(1) of the Act I make the following order:

- (a) Auma Automation Co., Limited shall change its name **within one month** of the date of this order to one that is not an offending name¹;
- (b) Auma Automation Co., Limited shall:
 - (i) take such steps as are within its power to make, or facilitate the making, of that change;
 - (ii) not to cause or permit any steps to be taken calculated to result in another company being registered with a name that is an offending name.

If no such change is made within one month of the date of this order, I will determine a new company name as per section 73(4) of the Act and will give notice of that change under section 73(5) of the Act.

Auma Actuators Ltd, having been successful, is entitled to a contribution towards its costs. I order Auma Automation Co., Limited to pay Auma Actuators Ltd costs on the following basis:

Fee for application:	£400
Statement of case:	£400
 Total:	 £800

This sum is to be paid within seven days of the expiry of the appeal period or within seven days of the final determination of this case if any appeal against this decision is unsuccessful.

Any notice of appeal against this decision to order a change of name must be given within one month of the date of this order. Appeal is to the High Court in England, Wales and Northern Ireland and to the Court of Session in Scotland.

The company adjudicator must be advised if an appeal is lodged, so that implementation of the order is suspended.

Dated this 22nd day of December 2014

Judi Pike
Company Names Adjudicator

ⁱAn “offending name” means a name that, by reason of its similarity to the name associated with the applicant in which he claims goodwill, would be likely to be the subject of a direction under section 67 (power of Secretary of State to direct change of name), or to give rise to a further application under section 69.