

ORDER for payment of costs under the Companies Act 2006

In the matter of application No 622

by International Business Machines Corporation

for a change of the company name of registration

No 08197166

The company name *IBM (Photography) Ltd* had been registered since 31 August 2012 under number 08197166. By an application filed on 28 August 2013, *International Business Machines Corporation* applied for a change of name of this registration under the provisions of section 69(1)(b) of the Companies Act 2006 (the Act).

A copy of this application was sent to the primary respondent's registered office on 12 September 2013 in accordance with rule 3(2) of the Company Names Adjudicator Rules 2008. On the same date, the Tribunal advised Ms Michelle Brown and Vickers Reynolds & Co that the applicant has requested that they are both joined in proceedings because of their position as Director and Secretary respectively. No comment was received and on 9 December 2013, the Tribunal wrote to Ms Michelle Brown and Vickers Reynolds & Co to inform them that they were to be joined as co-respondents.

On 13 November 2013, the Tribunal informed the parties that an application had been made to strike off the company 08197166 and that it was minded to suspend the application. The applicant agreed. No response was received from the respondents.

On 13 March 2014, the Tribunal informed the applicant that *IBM (Photography) Ltd* had been dissolved. In response, the applicant requested an award of costs to at least cover the fee of application and statement of case, a total of £700. By letter of 30 April 2014, the respondents were allowed until 14 May 2014 to submit any comments. No response was received

Rule 11 of The Company Names Adjudicator Rules 2008 states:

“11. The adjudicator may, at any stage in any proceedings before him under the Act, award to any party by order such costs (in Scotland, expenses) as he considers reasonable, and direct how and by what parties they are to be paid.”

The applicant has accrued costs in bringing this action. It also contacted the primary respondent on three occasions in the five months prior to commencing proceedings. Taking account of this, whilst the action is now without object, I consider it appropriate to compensate the applicant.

All respondents, including individual co-respondents, have a legal duty under Section 73(1)(b)(ii) of the Companies Act 2006 not to cause or permit any

steps to be taken calculated to result in another company being registered with an offending name. Non-compliance may result in an action being brought for contempt of court and may result in a custodial sentence.

The co-respondents are jointly and severally liable for the costs in these proceedings. I order *IBM (Photography) Ltd, Vickers Reynolds & Co and Ms Michelle Brown* to pay *International Business Machines Corporation* costs on the following basis:

Fee for application:	£400
Statement of case:	£300
Total:	£700

This sum should be paid within one month of the date of this order.

Dated this 4th day of June 2014

Mark Bryant
Company Names Adjudicator