

ORDER under the Companies Act 2006

In the matter of application

No. 732 by The Proctor & Gamble Company

For a change of company name of registration

No. 08913877

DECISION

The company name PROCTOR&GAMBLE LTD has been registered since 26 February 2014 under number 08913877.

By an application filed on 21 May 2014, The Proctor & Gamble Company 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 29 May 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 05 August 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.

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) PROCTOR&GAMBLE LTD shall change its name **within one month** of the date of this order to one that is not an offending name,

- (b) PROCTOR&GAMBLE LTD shall:
- (i) take such steps as are within its power to make, or facilitate the making, of that change;
 - (ii) not 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.

Costs

The applicant has been successful as the application has not been defended. Accordingly, I have considered whether it is appropriate to award costs to the applicant. However, it appears that no notice was provided by the applicant to the respondent before filing the application. The following question is asked at box 7 of the statutory application form(CNA1):

“Did you contact the company/limited liability partnership in relation to this matter prior to filing the application? If so, when did you do so and what did you say to the company/limited liability partnership?”

The applicant gave the following answer to this question:

“No. Investigations into the company indicated that the sole director of the company was not registered on the UK electoral role and the address of Proctor&Gamble Ltd is owned by Farheam Council. No other contact details were provided.”

I fail to understand why the factors referred to by the applicant would have prevented it from being able to send a letter of notice to the recorded address of PROCTOR&GAMBLE LTD. In the circumstances, no costs will be awarded to the applicant.

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 8th day of September 2014

Beverley Hedley
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.