

**ORDER under the Companies Act 2006**

**In the matter of application No 652**

**By Oracle International Corporation**

**for a change of company name of registration**

**No 08651090**

**DECISION**

The company name ORACLERDB LTD has been registered since 14 August 2013.

By an application filed on 24 October 2013, Oracle International Corporation 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 1 November 2013, 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.

In a letter received by the Tribunal on 20 November 2013, P Ghuman a Director of the respondent stated:

"This is to inform you that I did not receive adequate notice before the CNA1 form was filed, as I was out of the country and only returned when the CNA1 form was filed and had no opportunity to respond.

Since my return I have responded, although I do not wish to file for defence, Oraclerdb name was chosen as we own oraclerdb.domain and have been using oraclerdb email address for three decades, and there is no other reason but what is mentioned above. Please note that there is no business carried out on this name." (my emphasis).

On 10 December 2013, 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), and in its letter mentioned above, it has indicated that it does not wish to do so. 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).”

As the primary respondent has indicated that it does not wish to file a defence, it is treated as not opposing the application. Therefore, in accordance with section 73(1) of the Act I make the following order:

- (a) ORACLERDB LTD shall change its name **within one month** of the date of this order to one that is not an offending name<sup>i</sup>;
- (b) ORACLERDB 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.

I note the respondent’s comments regarding it not receiving adequate notice before the form CNA1 was filed. However, in its form CNA1 the applicant indicates that prior to filing its application, letters were sent to the respondent on 19 August, 17 September and 10 October 2013. As the application was not filed until 24 October 2013, this, in my view, constitutes sufficient notice and as a consequence Oracle International Corporation is entitled to a contribution towards its costs.

I order ORACLERDB LTD to pay Oracle International Corporation costs on the following basis:

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

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 23rd day of January 2014

Christopher Bowen  
Company Names Adjudicator

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<sup>i</sup>An “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.