

ORDER under the Companies Act 2006

In the matter of application No. 853

By Sportsdirect.com Retail Limited

for a change of company name of registration

No. 09029709

DECISION

The company name JS SPORTS DIRECT LTD has been registered since 8 May 2014.

By an application filed on 9 January 2015, Sportsdirect.com Retail Limited applied for a change of name of this registration under the provisions of section 69(1) of the Companies Act 2006 (the Act). In its application, it indicates that it wrote to the primary respondent on 19 May and 4 and 18 June 2014 asking it to change its name but received no response to those letters.

A copy of this application was sent to the primary respondent's registered office on 20 January 2015, 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 9 February 2015, the Tribunal received a telephone call from a Mr Mohammed Nazir in which he explained that he had no knowledge of the primary respondent. In an e-mail to the Tribunal dated 10 February 2015, Mr Nazir stated:

“Further to conversation like to confirm that js sports direct ltd has nothing to do with me I have no idea where and how this came about as I run my business JS SPORTS as a sole trade for the past 12 years.”

On 10 February 2015, the Tribunal wrote to Mr Nazir and stated:

“As you will see from the attached print, JS Sports Direct Ltd is registered to the above address [i.e. 22 Neville Road, Luton, Bedfordshire, LU3 2JQ], therefore the Tribunal is obliged to continue to correspond with that address.

Companies House in Cardiff will be able to provide you with details of the company directors should you wish to contact them.”

On 27 February 2015, the primary respondent and applicant 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. Although no request for a hearing was received from either of the parties, on 5 March 2015, the Tribunal's letter to the primary respondent was

returned to the Tribunal marked "Return to sender Company does not exist here." Whilst I note that Mr Nazir contacted the Tribunal on the basis indicated above, in the absence of a change to the primary respondent's Registered Office, the Tribunal had no option but to continue corresponding with the address held on the records of Companies House. In addition, the above chronology makes it clear that the official letter of 27 February 2015 indicating that the application may be treated as not being opposed was received at the primary respondent's Registered Office. In the circumstances described above, the Tribunal has, in my view, done all that can be reasonably expected of it.

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) JS SPORTS DIRECT LTD shall change its name **within one month** of the date of this order to one that is not an offending nameⁱ;
- (b) JS SPORTS DIRECT 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.

In accordance with s.73(3) of the Act, this order may be enforced in the same way as an order of the High Court or, in Scotland, the Court of Session

In any event, 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.

Sportsdirect.com Retail Limited having been successful is entitled to a contribution towards its costs. I order JS SPORTS DIRECT LTD, to pay Sportsdirect.com Retail Limited 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 26TH day of March 2015

Christopher Bowen
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.