

ORDER under the Companies Act 2006

In the matter of application

No. 1538 by N.M. Rothschild & Sons Limited

For a change of company name of registration

No. 10815341

DECISION

The company name ROTHSCCHILD INTERNATIONAL INVESTMENT LTD has been registered since 13 June 2017 under number 10815341.

By an application filed on 9 August 2017, N.M. Rothschild & Sons Limited 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 11 August 2017, 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 the same date, the Tribunal wrote to Inna Schulze to inform her that the applicant had requested that she be joined to the proceedings. No comments were received from Inna Schulze in relation to this specific request; however, in a letter dated 27 August 2017, Inna Schulze informed the Tribunal that the company should not cause any interference with the applicant, but the company would change its name if it was not allowed to keep the current name. The Tribunal responded to say that the letter did not constitute a defence and that if the primary respondent wished to defend the application, it should comply with the terms set out in the letter of 11 August 2017, the deadline being 11 September 2017.

On 18 September 2017, Inna Schulze was joined as a co-respondent. On the same date, 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, on 26 September 2017, Inna Shulze wrote to the Tribunal to inform it that a notice to change the company name had been sent to Companies House.

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. Despite the contents of the letter of 26 September 2017, the company name has not been changed and the filing history on the electronic register of companies does not indicate any change of name. Therefore, I can see no reason to exercise such discretion and, therefore, decline to do so.

In view of the above, the primary respondent is treated as not opposing the application. Therefore, in accordance with section 73(1) of the Act I make the following order:

- (a) ROTHSCCHILD INTERNATIONAL INVESTMENT LTD shall change its name **within one month** of the date of this order to one that is not an offending nameⁱ;
- (b) ROTHSCCHILD INTERNATIONAL INVESTMENT LTD and Inna Schulze each shall:
 - (i) take such steps as are within their 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.

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.

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; this includes the current company. *Non-compliance may result in an action being brought for contempt of court and may result in a custodial sentence.*

N.M. Rothschild & Sons Limited, having been successful, is entitled to a contribution towards its costs. I order ROTHSCCHILD INTERNATIONAL INVESTMENT LTD and Inna Schulze, being jointly and severally liable, to pay N.M. Rothschild & Sons Limited costs on the following basis:

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

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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 1st day of November 2017

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.