

**ORDER under the Companies Act 2006**

**In the matter of application No 84**

**by Danjaq LLC**

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

**No 06932614**

**DECISION**

The company name James Bond Limited (the primary respondent) has been registered since 12 June 2009 under company number 06932614.

On 25 June 2009 Danjaq LLC wrote to the primary respondent advising that unless an undertaking was made to change the name of the company a complaint to the Company Names Tribunal would be made.

By an application filed on 13 July 2009, Danjaq LLC applied for a change of name of the respondents company name 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 24 July 2009, in accordance with rule 3(2) of the Company Names Adjudicator Rules 2008.

The primary respondent did not file a defence within the 2 month period specified by the adjudicator under rule 3(3). Instead, the primary respondent returned to the Companies Names Tribunal the letter it had been sent which had enclosed a copy of the application. To this letter the following text had been added:

“SIRS, I have been abroad due to my illness. Please just tell me if you want me to sign to close this company. I cannot afford any lawyers. So dont want any legal problems.”

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. Given the primary respondent's response detailed above it clearly does not wish to oppose the

application. There is, therefore, no reason to exercise my discretion to treat the respondent as opposing the application.

As the primary respondent has not filed a defence, it is treated as not opposing the application. Although the primary respondent has now agreed to “close” the company “if you want me to”, this should not frustrate Danjaq LLC’s application for a change of company name from succeeding. Therefore, in accordance with section 73(1) of the Act I make the following order:

- (a) James Bond Limited 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) James Bond Limited 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.

Danjaq LLC having been successful is entitled to a contribution towards its costs. I order James Bond Limited to pay Danjaq LLC 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 27<sup>th</sup> day of October 2009

Oliver Morris  
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.