

ORDER under the Companies Act 2006

In the matter of application

No. 182 by Imperial College of Science, Technology and Medicine

For a change of company name of registration

No. 07168452

DECISION

The company name Imperial College of Business & Management Sciences has been registered since 24th February 2010 under number 07168452.

By an application filed on 12th April 2010, Imperial College of Science, Technology and Medicine 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 with an accompanying letter to the primary respondent's registered office on 22nd April 2010, in accordance with rule 3(2) of the Company Names Adjudicator Rules 2008. This was sent via Special Delivery and specified a date for reply, being 22nd May 2010. The Royal Mail® subsequently returned the letter marked "not called for". In accordance with established practice, the letter was resent using ordinary mail and it was returned again by the Royal Mail®. The date for reply to the letter had not changed. A further letter was sent out on 7th June 2010 advising that no form CNA2 (defence) had been filed within the time specified and advising the primary respondent of their right to be heard, failing which the application may be treated as unopposed. In response to this, the Office received a letter dated 17th June 2010 from DWF LLP, a firm of Solicitors appointed by the Solicitors Regulation Authority to act as Intervention Agents for Wolstenholmes LLP, who shared the same address as the primary respondent. DWF LLP had received the official letter of 7th June 2010 through a redirection of mail put in place following the intervention which had taken place on 24th and 28th December 2009. DWF LLP said however that they did not act for the primary respondent and were unable to forward the official correspondence to them. They did not offer any alternative address whereby the primary respondent could be contacted. In all the circumstances I am content that every effort has been made to contact the primary respondent and I am entitled to treat the application as unopposed.

The primary respondent has not filed a defence within the 1 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) Imperial College of Business & Management Sciences Ltd shall change its name **within one month** of the date of this order to one that is not an offending nameⁱ;
- (b) Imperial College of Business & Management Sciences Ltd shall:
 - (i) take such steps as are within its 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.

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.

Imperial College of Science, Technology and Medicine having been successful is entitled to a contribution towards its costs. I order Imperial College of Business & Management Sciences Ltd to pay Imperial College of Science, Technology and Medicine costs on the following basis:

Fee for application:	£400
Statement of case:	£200
Total:	£600

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 13 day of July 2010

Edward Smith
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.