

O-117-18

ORDER under the Companies Act 2006

In the matter of application

No. 1597 by COGNISCO HOLDINGS LIMITED and COGNISCO LIMITED

For a change of company name of registration

No. 06529067

DECISION

The company name COGNISCO GROUP LIMITED has been registered since 9 December 2013 under number 06529067. Prior to this, the company was called COGNISCO GROUP PLC. On 5 July 2017, the company entered into administration.

By an application filed on 6 November 2017, COGNISCO HOLDINGS LIMITED and COGNISCO 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 8 January 2018 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 17 January 2018, Mr Thomas Edward Guthrie, the Administrator acting for Cognisco Group Limited advised that the primary respondent had no objection to the application.

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 advised that they have no objection, it is treated as not opposing the application. Therefore, in accordance with section 73(1) of the Act I make the following order:

- (a) COGNISCO GROUP LIMITED shall change its name **within one month** of the date of this order to one that is not an offending nameⁱ;

O-117-18

(b) COGNISCO GROUP LIMITED 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.

Cognisco Holdings Limited and Cognisco Limited did not request its costs in its statement of case. As such, and in line with paragraph 10.4 of the Tribunal's Practice Direction, I make no award of costs in its favour.

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 21st day of February 2018

Oliver Morris
Company Names Adjudicator

¹An "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.