



Virtuoso Legal

Intellectual Property Specialists

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“Intellectual Property lies at the centre of the modern company's economic success or failure”

Lester Thurow : Economist

Trade marks & Brands

Patents & Inventions

Copyright

Designs

Database rights

Data Protection

Licensing and Franchising

Intellectual Property agreements

New Media Agreements such as directors and authors rights

Transactional Intellectual Property

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New Regime for Defending Company Names

by Kim Henry
06/10/08

Sections 69 – 74 of the Companies Act 2006 were introduced on 1 October 2008 and cover objection to a company's registered name.

Companies and individuals may object to company names by sending an application to the Company Names Tribunal. The Tribunal has been established to specifically deal with company name objections under s69 of the Companies Act 2006 and is based at the UK Intellectual Property Office in Newport.

An objector may make an application on the grounds that the name of the registered company is the same as one in which the objector has goodwill, or is so similar to the objector's business that it is likely to mislead the public.

Company names adjudicators will only deal with disputes where there is evidence of bad faith and opportunism. Examples of such disputes include where someone else has registered a company name with a view to obtaining money from the objector, or to prevent the objector from registering the name. In all other disputes a brand owner will still have to rely on existing trade mark procedures and remedies.

The adjudicator can order a company to change its name. If a respondent company does not comply, the adjudicator may choose a new name for the company and order that the change is made.

This is a significant development in the law as until now a company could only be forced to change its name through trade mark infringement and passing off proceedings.

Virtuoso Legal can assist clients with disputes over company names, trade marks, domain names and passing off. If you would like to discuss any of these issues please contact Liz Ward on 0844 800 8871.