

An Update from Stanley Davis Group

Issue no. 17



European Trade Marks as popular as ever

The European Community Trade Mark (CTM) continues to be as popular as ever. Over 9000 applications were made in April 2009. Although registration can take up to two years, the advantage of a single application for all EU countries at a relatively low price makes the CTM a very attractive proposition for anyone wanted to protect their goods or services.

Warning: unsolicited mail

We are aware that other businesses are writing to applicants of UK trade marks offering (for a fee) to file a Community Trade Mark application based on the data present in the UK trade mark application. If you decide to consider such an offer you should check:

- a) Whether the person is offering to represent you before OHIM in the event of any problems with, or objections to, your application (as not everyone can) and;
- b) Whether the fee quoted by the UK service provider includes the official fees for making a Community Trade Mark application and, if not, how these further fees will be paid.

If you receive such a letter or invoice as any of those described above, check carefully to see exactly what services you are being offered and whether it comes from an official source such as those listed above. If you are in any doubt, please contact us. York Place is on the list of professional representatives authorised to act on behalf of others on CTM matters

Companies Act 2006 – October 2009 Implementations

Change of Company Name:

Under the new provisions coming into effect of 1 October 2009, a company can change its name by 4 methods:

- resolution,
- conditional resolution,
- resolution from directors,
- means provided in the company's articles.

Companies must notify the Registrar by completing a notice available for each method. This notice must be accompanied by the fee.

Change of name is a part file process. The change of name is only effective when the Registrar has processed *all* the documentation required. Names cannot be reserved so we strongly recommend you send the documents together.

Since October 2008 a name can also be changed by the Company Names Tribunal as a result of a successful complaint for opportunistic registration.

Similar and Same Names

The rules on 'same as' will be stricter. For example, Companies House will disregard a number of matters if they appear at the end of the name and they are preceded by a full stop including "GB", "services", and "com".

You may register a name that is the "same as" another in the registrar's index if the company belongs or is to belong to the same group as the company already on the register and a written consent from the latter is filed at Companies House.

For company directors, if a middle name is missing Companies House has already started to automatically enter the middle name on official records to show their complete name, by matching dates of birth. This is not true for company secretaries, whose date of birth is not submitted officially.

Directors' Service Addresses

From 1st October 2009 every director must provide Companies House with both their usual residential address, and for each directorship they hold, a service address. The service address will be on the public record and will be public information but the residential address will be protected information. A director can choose any address as the service address including the registered office address of the company. The address must be where documents can be delivered and an acknowledgement or receipt can be provided if required. The address can not be a PO Box or a DX number. If the director chooses to use his residential address as the service address the fact that the two addresses are the same would not be apparent from the public record.

The residential address will only be available to prescribed regulatory authorities such as the police and HMRC, and it may also be made available to Credit Reference Agencies.

Stanley Davis will of course be able to provide service addresses for our clients, details of which will be published in our future updates.

Have Your Say!

We welcome your feedback. Please spare some time to complete a brief online survey at

http://www.surveymonkey.com/MySurvey_EditorPage.aspx?sm=xEvpvbnJtcxki3ckBeE6yq3wQq9HBxfLo7lbbjEDEeI%3d

It should take no more than two minutes and your input will help us to improve our service.

Stanley Davis has specialised in company and property services for over 40 years. Details of our full range of services can be viewed at www.stanleydavis.co.uk or email info@stanleydavis.co.uk. Past issues of these updates can be found at <http://www.stanleydavis.co.uk/incorporation-newsletter.asp>

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