

COMPANIES REGULATIONS (NAME ADJUDICATION) RULES 2015

Date of Adoption: 12 April 2015

The Board of Directors of Abu Dhabi Global Market, in exercise of the powers conferred by section 59 of the Companies Regulations 2015, hereby makes the following Rules:-

1. **Citation, commencement and interpretation**

- (1) These Rules may be cited as the Companies Regulations (Names Adjudication) Rules 2015.
- (2) These Rules shall come into force on the date of their publication.
- (3) In these Rules, “the Regulations” means the Companies Regulations 2015.
- (4) Terms used in these Rules which are defined in the Regulations shall have the meanings given to them in the Regulations.
- (5) Unless the context otherwise requires-
 - (a) references to sections are to sections of the Companies Regulations,
 - (i) a reference to a “Rule” or “Rules” is a reference to these rules and a reference to a numbered rule, Part or Schedule is to the rule, Part or Schedule, and
 - (ii) words in the singular include the plural and vice versa and a reference to a gender includes a reference to all genders.

2. **Forms and fees**

- (1) The Registrar shall have the power to determine the form and content of any form required to be used by these Rules.
- (2) Where a form is required to be used by these Rules that form shall be accompanied by the fee, if any, specified in the Schedule in respect of that matter.

Proceedings before the Registrar

3. **Procedure for objecting to a company's registered name**

- (1) An application under section 58 shall—
 - (a) be made on the form prescribed by the Registrar from time to time,
 - (b) include a concise statement of the grounds on which the application is made,
 - (c) include an address for service in the Abu Dhabi Global Market, and

- (d) be filed with the Registrar.
- (2) The Registrar shall send a copy of the appropriate form to the primary respondent.
- (3) The Registrar shall specify a period within which the primary respondent must file its counter-statement.
- (4) The primary respondent, before the end of that period, shall file a counter-statement on the appropriate form, otherwise the Registrar may treat it as not opposing the application and may make an order under section 61.
- (5) In its counter-statement the primary respondent shall—
 - (a) include an address for service in the Abu Dhabi Global Market,
 - (b) include a concise statement of the grounds on which it relies,
 - (c) state which of the allegations in the statement of grounds of the applicant it admits and which it denies, and
 - (d) state which of the allegations it is unable to admit or deny, but which it requires the applicant to prove.
- (6) Any member or director of the primary respondent who is joined as a respondent to the application must be joined before the end of a period specified by the Registrar.
- (7) The Registrar shall send a copy of the appropriate form referred to in paragraph (4) to the applicant.

4. **Evidence rounds**

- (1) When the period specified under Rule 3(3) has expired, the Registrar shall specify the periods within which evidence may be filed by the parties.
- (2) All evidence must be—
 - (a) accompanied by the appropriate form, and
 - (b) copied to all other parties in the proceedings.

5. **Decision of Registrar and hearings**

- (1) Where the applicant files no evidence in support of its application the Registrar may treat it as having withdrawn its application.
- (2) The Registrar may strike out the application or any counter-statement in whole or in part if it is vexatious, has no reasonable prospect of success or is otherwise misconceived.
- (3) Any party may, by filing the appropriate form, request to be heard in person before a decision is made by the Registrar under the Companies Regulations or these Rules.

- (4) Following a request under Rule 5(3) the Registrar shall decide whether a decision can be made without an oral hearing in circumstances where—
 - (a) the primary respondent files no evidence, or
 - (b) the applicant files no evidence in reply to the respondent's evidence, or
 - (c) the decision will not terminate the proceedings.
- (5) Where the Registrar decides that a decision can be made without an oral hearing the Registrar will specify a period for the parties to submit written submissions before making a decision.
- (6) Where the Registrar decides that a hearing is necessary he shall require the parties or their legal representatives to attend a hearing and shall give the parties at least 14 days' notice of the hearing.
- (7) When the Registrar has made a decision on the application under section 58(2) he shall send to the parties written notice of it, stating the reasons for his decision.
- (8) The date on which the decision was sent to the parties shall be taken to be the date of the decision for the purposes of any appeal.

6. General powers of Registrar in relation to proceedings before him

- (1) At any stage of proceedings before him, the Registrar may direct that the parties to the proceedings attend a case management conference or pre-hearing review.
- (2) The Registrar may give such directions as to the management of the proceedings as he thinks fit, and in particular he may—
 - (a) direct a document to be filed or to be copied to a party to proceedings within a specified period,
 - (b) allow for the electronic filing and sending of documents,
 - (c) direct how documents filed or sent electronically are to be authenticated,
 - (d) direct that a document shall not be available for public inspection,
 - (e) require a translation of any document,
 - (f) direct that a witness be cross-examined,
 - (g) consolidate proceedings,
 - (h) direct that proceedings are to be heard by more than one person,
 - (i) direct that part of any proceedings be dealt with as separate proceedings, or
 - (j) suspend or stay proceedings.

- (3) The Registrar may control the evidence by giving directions as to—
- (a) the issues on which he requires evidence,
 - (b) the nature of the evidence which he requires to decide those issues, and
 - (c) the way in which the evidence is to be placed before him,

and the Registrar may use his power under this paragraph to exclude evidence which would otherwise be admissible.

7. Requests for extensions of time

- (1) The Registrar may extend (or further extend) any period which has been specified under any provision of these Rules even if the period has expired.
- (2) Any party can request an extension of any time period specified under any provision of these Rules.
- (3) Any request for a retrospective extension must be filed before the end of the period of 2 months beginning with the date the time period in question expired.
- (4) Any request made under paragraph (2) shall be made on the appropriate form and shall include reasons why the extra time is required. A request for a retrospective extension shall also include reasons why the request is being made out of time.

8. Public proceedings

The Registrar may decide in his sole discretion whether proceedings relating to an application under section 58 of the Companies Regulations shall be held in public or in private.

9. Evidence in proceedings before the Registrar

- (1) Subject to Rule 6(3), evidence filed under these Rules may be given—
 - (a) by witness statement, or
 - (b) in any other form which would be admissible as evidence in proceedings before the court of the Abu Dhabi Global Market,and a witness statement may only be given in evidence if it includes a statement of truth.
- (2) For the purposes of these Rules, a statement of truth—
 - (a) means a statement that the person making the statement believes that the facts stated in a particular document are true, and
 - (b) shall be dated and signed by the maker of the statement.
- (3) In these Rules, a witness statement is a written statement signed by a person that contains the evidence which that person would be allowed to give orally.

10. Correction of irregularities of procedure

- (1) Any irregularity in procedure may be rectified on such terms as the Registrar may direct.
- (2) Where rectification includes the amendment of a document by the Registrar the parties will be given notice of this amendment.

*Costs or
expenses*

11. Costs or expenses of proceedings

The Registrar may, at any stage in any proceedings before him under these Rules, award to any party by order such costs as he considers reasonable, and direct how and by what parties they are to be paid.

12. Security for costs or expenses

An application for security for costs shall be made on the appropriate form. The Registrar may require a person to give security for costs if he is satisfied, having regard to all the circumstances of the case, that it is just to require such security or caution.

Address for service

13. Address for service

- (1) Where a person has provided an address for service in the Abu Dhabi Global Market under Rule 3 he may substitute a new address for service in the Abu Dhabi Global Market by notifying the Registrar on the appropriate form.
- (2) Where the primary respondent has a registered office in the Abu Dhabi Global Market the Registrar may treat this as the address for service in the Abu Dhabi Global Market unless and until an alternative address is provided.

Miscellaneous

14. Hours of business

- (1) For the transaction of relevant business by the public under the Companies Regulations the office of the Registrar shall be open on Sunday to Thursday between 9.00 am and 3.00 pm unless the day is an excluded day (see Rule 15).
- (2) For the transaction of all other business by the public under the Companies Regulations the Office shall be open on Sunday to Thursday between 9.00 am and 3.00 pm unless the day is an excluded day (see Rule 15).
- (3) In this Rule and in Rule 15 “relevant business” means the filing of any application or other document.

15. Excluded days

- (1) The following shall be excluded days for the transaction of any business by the public under the Companies Regulations—
 - (a) a Friday or Saturday, and
 - (b) public holidays in the Emirate of Abu Dhabi.
- (2) Any application or document received on an excluded day shall be treated as having been filed on the next day on which the Registrar is open for relevant business.
- (3) Where any period for filing any document ends on an excluded day that period shall be extended to the next day on which the Registrar is open for relevant business.

SCHEDULE

FEES

Form	Fee (US\$)
Form required by Rule 3(1)	600
Form required by Rule 3(4)	225
Form required by Rule 4(2)	225
Form required by Rule 5(3)	150
Form required by Rule 7(4)	150
Form required by Rule 12	225