

## CASE TRANSLATION: DENMARK

CASE CITATION:  
**U.2001.1980/1H**

NAME AND LEVEL OF COURT:  
**Højesteret (Supreme Court)**

DATE OF DECISION: **7 June 2001**

MEMBERS OF THE COURT: **Judges Hornslet, Torben Melchior and Per Sørensen**

LAWYER FOR THE CLAIMANT: **N.V. Falling Olsen, Copenhagen**

LAWYER FOR THE DEFENDANT: **Jesper Anhøj, Faaborg**

### *Request for dissolution; Bankruptcy Court; requirement for manuscript signature; sufficiency of electronic signature with name typed on document*

Supreme Court decision, 7 June 2001 in case 3/2001

The Danish Commerce and Companies Agency (the Legal Adviser to the Danish Government as represented by Lawyer N.V. Falling Olsen, Copenhagen)

vs.

NATURLIGVIS A.M.B.A in compulsory dissolution (Lawyer Jesper Anhøj, Faaborg)

The previous court, the Bankruptcy Court of Faaborg, rendered its decision on 4 October 2000 and the Eastern Division of the Danish High Court, 4th division, rendered its decision on 31 October 2000.

The decision of the High Court has been brought before the Supreme Court by the Danish Commerce and Companies Agency, claiming that the decision be revoked and that the case be remitted to the Bankruptcy Court in Faaborg for the hearing to be continued.

NATURLIGVIS A.M.B.A in compulsory dissolution has claimed affirmation.

The Eastern Division of the Danish High Court has relied on the decision.

In support of the claim, the Danish Commerce and Companies Agency has further stated that there can be no requirement that the request for dissolution to the Bankruptcy Court must be signed. The document in question does not create legal relations, such as a claim form. The technological development section 261(2) of the Danish Administration of Justice Act should be subject to renewed interpretation. Since 1995, the

Danish Commerce and Companies Agency has organised its administrative work to the effect that a request for dissolution to the Bankruptcy Court is printed automatically without a signature.

Three judges took part in the adjudication: Hornslet, Torben Melchior and Per Sørensen.

The Supreme Court finds.

Under section 261(2) of the Danish Administration of Justice Act, the courts must reject statements of case signed by people other than the party or a person authorised to appear before the court on behalf of the party. Thus, the Danish Administration of Justice Act requires that statements of case must be signed. The request of the Danish Commerce and Companies Agency to the Bankruptcy Court for the compulsory dissolution of the co-operative society is not signed, and the submission of the unsigned request was not under the authority of any other legislation. The Supreme Court therefore agrees that the request could be rejected by the Bankruptcy Court and thus affirms the decision of the High Court.

IT IS ORDERED THAT:

The decision of the High Court be upheld.

Translation © Kromann Reumert, 2009