



Media relations
P.O. Box, 9023 St. Gallen

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Press Release

regarding judgment B-2228/2021 of 5 December 2023

Two companies with the same business name

The two companies "TX Group AG" were entered in the cantonal commercial registries of St. Gallen and Zurich one day apart. After more than a year, this can no longer be objected to at the Federal Commercial Registry Office.

In December 2019, the Federal Commercial Registry Office (FCRO) approved the registration of the business name "TX Group AG" for two different companies – one from Rapperswil (SG) and the other from Zurich. The entries were published in the Swiss Official Gazette of Commerce (SOGC) at the end of December 2019. The company from Rapperswil was entered in the cantonal commercial registry one day before the company from Zurich. In February 2021, it requested the FCRO to change the business name of the other company in the commercial registry. The FCRO rejected the application. The Rapperswil company appealed to the Federal Administrative Court.

The appeal was filed too late

According to the decision of the Federal Administrative Court, the publication of the entry of the Zurich company in the SOGC is a contestable general ruling. The Rapperswil company first approached the FCRO in February 2021. At that point, more than one year had already lapsed since the publication in the SOGC. General rulings may no longer be challenged after such a long period. Given the time periods to be observed for filing appeals, after one year it was also too late to take the appeal as a request for reconsideration. The Court therefore dismisses the appeal of the Rapperswil company.

This judgment may be appealed to the Federal Supreme Court.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 351 employees (296.1 FTE) and its 73 judges (65 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 6,500 judgments every year.