

CASE TRANSLATION: DENMARKCASE CITATION:
U.2001.1980/1HNAME 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, theDanish 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.

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