



IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA
HELD AT PRETORIA

Case number: CT02424ADJ2025

VIACOM INTERNATIONAL INC.

APPLICANT

and

UNPLUGGED (PTY) LTD.

1ST RESPONDENT

(Registration number: 2024/153872/07)

COMPANIES AND INTELLECTUAL

2ND RESPONDENT

PROPERTY COMMISSION

Tribunal member: D Terblanche

Date of Decision: 2 February 2026

DECISION (REASONS AND ORDER)

THE PARTIES

1. The Applicant is VIACOM INTERNATIONAL INC., a Delaware corporation with its registered address at 1515 Broadway, New York, 10036-5794, United States of America.
2. The First Respondent, UNPLUGGED (PTY) LTD, is a company incorporated and registered in the Republic of South Africa with registration number 2024/153872/07,

and with a registered address recorded as being 31O Waterbury Court, Blenheim Road, Plumstead, Cape Town, Wester Cape.

3. The Second Respondent is the Commissioner of Companies and Intellectual Property Commission appointed in terms of Section 189 of the Companies Act, who is cited in his official capacity as the person responsible for the function of the Commission established in terms of the Companies Act. No order for costs is sought against the Second Respondent, save in the event that he should oppose this application.

THE APPLICATION AND PROCEDURAL BACKGROUND

4. This is an application in terms of Section 160 of the Companies Act 71 of 2008 ("the Companies Act") for a determination and an order that the name of the First Respondent, Unplugged (Pty) Ltd (registration number 2024/15372/07), does not satisfy the requirements of Sections 11 (2)(a)(iii), 11 (2)(b) and 11(2)(c)(i) of the Companies Act, and that the First Respondent should be directed to change its name, as provided for in Section 160 of the Companies Act, and in particular Section 160(3)(b)(ii) thereof.
5. The Applicant filed the application in terms of section 160 read with Regulation 142 by way of filing Form CTR142 on with the Tribunal on 7 October 2025.
6. The Applicant had to and according to the Applicant's submissions, indeed served the application and its supporting documentation on the Respondents within 5 days of filing the application with the Tribunal, namely, by 14 October 2025.
7. The Applicant electronically served the main application and supporting documents to the Respondents on 7 October 2025. Proof of the service email was attached to the Applicant's default order application. Additionally, an annexure included with the application shows that the Deputy Sheriff served the application and documents on the First Respondent by affixing them to the First Respondent's main gate.
8. In terms of Regulation 143 of the Company Regulations the Respondents had until 4 November 2025 to file and serve their respective answers to the main application. This

deadline have lapsed without the Respondents having filed answers to the main application.

THE APPLICANT AND ITS RIGHTS

9. The submissions regarding the Applicant and its rights appear from the founding affidavit the Applicant filed in support of its main application.
10. The Applicant owns the UNPLUGGED trademark in multiple countries, including South Africa. Notably, the Applicant holds registration no. 1994/14010 in class 09 for various scientific and electronic apparatus, and registration no. 1994/14011 in class 41 for education, entertainment, and related services. The Applicant attached extracts from CIPC's online records confirming the details of the Applicant's aforementioned trade mark registrations, which have both been timeously renewed over the years as required.
11. The statutory trade mark rights arising from registration of the UNPLUGGED trade mark are valid, enforceable, and predate the date of incorporation of the First Respondent (being 7 March 2024) by at least 30 years.
12. The Applicant's registration of the UNPLUGGED trade mark affords it statutory protection against third parties which may make use of or seek to acquire rights in an identical or confusingly similar name, or trade mark, in conflict with its rights.
13. In addition to its statutory trade mark rights acquired through registration, the Applicant has acquired rights at common law to protect its UNPLUGGED trade mark, through the substantial reputation and goodwill it has built up in it through use of its trade mark for many decades.
14. The Applicant is a global entertainment and mass media conglomerate. The Applicant provides a variety of entertainment content to its viewers worldwide through television, digital media, streaming services and motion pictures, and is one of the largest and best known entertainment media companies in the world.

15. The Applicant's UNPLUGGED television series debuted on MTV in 1989, at a time when MTV was widely recognized for music programming. The show featured live acoustic performances from prominent artists such as Elton John, Aerosmith, Eric Clapton, Nirvana, Mariah Carey, Rod Stewart, and others, with over 101 episodes aired.
16. Many performers released their UNPLUGGED sessions as albums, including Eric Clapton, Mariah Carey, and Nirvana; these achieved major commercial success. For instance, Clapton's 'Unplugged' sold 26 million copies globally and became the best-selling live album ever.
17. The series earned three Emmy nominations for technical and artistic excellence and maintained popularity worldwide, reaching 387 million households in 2015—MTV was especially popular among young viewers in South Africa via DSTV. Evidence of MTV's reach can be found [here](#).
18. Episodes remain available on Paramount+. Due to longstanding, consistent use and licensed collaborations, the Applicant has developed substantial common law and registered rights in the UNPLUGGED trademark.
19. The Applicant therefore submitted that the trade mark UNPLUGGED has become closely and exclusively associated with the Applicant in this country, beyond any dictionary meaning of the word. It has, in fact, acquired a secondary meaning and become distinctive of the Applicant and its Licensees' goods and services.

GROUND OF OBJECTION

20. The Applicant has an interest in the name of the First Respondent for the purpose of The First Respondent was incorporated on 7 March 2024. The Applicant discovered the infringing name in June 2024 during a routine trawl of the CIPC records, as the Respondent had no online presence to facilitate earlier discovery. In an attempt to resolve the matter amicably, the Applicant's attorneys sent multiple letters of demand via email to the Respondent's director

on 2 July, 26 July, and 21 August 2024, calling for the company to change its name. The First Respondent has ignored all correspondence and has taken no steps to comply.

21. The continued registration of the offending name causes significant prejudice. It deceives the public by implying an association with the Applicant, thereby risking irreparable reputational harm if the Respondent provides poor quality goods or services. This unauthorised use unfairly dilutes the distinctive character and goodwill of the Applicant's well-known UNPLUGGED trademark and constitutes trademark infringement under the Trade Marks Act.
22. The Applicant filed the objection under Section 160(1) of the Companies Act which provides that:

"... any other person with an interest in the name of a company, may apply to the Companies Tribunal in the prescribed manner and form for a determination whether the name, or the reservation, registration or use of the name, or the transfer of any such reservation or registration of a name, satisfies the requirements of this Act."

23. Section 160 of the Companies Act, as the First Respondent's name wholly incorporates and is phonetically and conceptually identical to the Applicant's well-known and prior registered UNPLUGGED trade mark, in which the Applicant has a major and direct commercial interest.
24. Section 160(2)(b) provides that:

*"An application in terms of subsection (1) may be made:
(b) on good cause shown at any time after the date of the reservation or registration of the name that is the subject of the application, in any other case"*

25. Section 11(2)(a), (b) and (c) of the Companies Act provides that:

"The name of a company must –

(a) not be same as...

(iii) a registered trade mark belonging to a person other than the company, or a mark in respect of which an application has been filed in the Republic for registration as a trade mark or a well-known trade mark as contemplated in section 35 of the Trade Marks Act, 1993 (Act 194 of 1993), unless the registered owner of that mark has consented in writing to the use of the mark as the name of the company

(b) not be confusingly similar to a name, trade mark, mark, word or expression contemplated in paragraph (a) unless,

(i) in the case of names referred to in paragraph (a)(i), each company bearing any such similar name is a member of the same group of companies;

(ii) in the case of a company name similar to a defensive name or to a business name referred to in paragraph (a)(ii), the company, or a person who controls the company, is the registered owner of that defensive name or business name;

(iii) in the case of a name similar to a trade mark or mark referred to in paragraph (a)(iii), the company is the registered owner of the business name, trade mark, or mark, or is authorised by the registered owner to use it; or

(iv) in the case of a name similar to a mark, word or expression referred to in paragraph (a)(iv), the use of that mark, word or expression by the company is permitted by or in terms of the Merchandise Marks Act, 1941.

(c) not falsely imply or suggest, or be such as would reasonably mislead a person to believe incorrectly, that the company- is part of, or associated with, any other person or entity...";

26. The rights in and to the well-known UNPLUGGED trade mark are also infringed by the unauthorised use of a trade mark or name that is identical or similar to a prior registered

well-known trade mark, for any goods or services - notwithstanding any possible absence of confusion or deception.

27. The First Respondent's company name, comprising only the word UNPLUGGED, is visually, phonetically and conceptually identical to the Applicant's well known and prior registered UNPLUGGED trade mark. There are no additional distinguishing factors included in the First Respondent's company name to even attempt to distinguish the First Respondent from the well-known UNPLUGGED series of the Applicant.
28. The First Respondent's name is likely to be understood to refer the Applicant's series, and/or be associated with the Applicant or the companies within the Paramount Group, or one of its licensees.
29. The First Respondent is not in any way connected to the Applicant, and it is not authorised by the Applicant to use the UNPLUGGED trade mark.
30. The First Respondent's company name is deceptively and/or confusingly similar to the Applicant's registered and well- known UNPLUGGED trade mark, if not identical to it. The name directly offends against the provisions of Sections 112(a)(iii) and 11(2)(b) of the Companies Act.
31. In addition, given the reputation in and to the well-known UNPLUGGED trade mark, the First Respondent's name *"falsely implies, suggests, or would reasonably mislead consumers"* that the company is part of the same group of companies as the Applicant, associated with it, or licensed by the Applicant, when it is not, because of its confusingly and/or deceptively similar (in fact, identical) name. I respectfully submit that the First Respondent's name therefore offends against the provisions of Section 11(2)(c)(i) of the Companies Act too.
32. Furthermore, all use by the First Respondent of its name amounts to trade mark infringement in terms of Section 34 of the Trade Marks Act 194 of 1993, on the same basis, and the Applicant is entitled to seek interdictory relief, a change of name order, and other relief from the High Court in respect of that use.

THE RELIEF THE APPLICANT SEEKS

33. The Applicant therefore requests an order from the Tribunal:

- 33.1. directing the First Respondent to change its name to one that does not contain the trade mark UNPLUGGED or any other word or phrase which is confusingly and/or deceptively similar to the UNPLUGGED trade marks;
- 33.2. in the event that the First Respondent fails to comply with the order set out in paragraph (a) above within 2 weeks from the date of the order, that the Second Respondent be directed, in terms of Section 160(3)(b)(ii) read with Section 14(2) of the Companies Act, to change the First Respondent's name to its company registration number being "2024/ 15 3872/07", as the First Respondent's new company name on the companies register;
- 33.3. costs in the Applicant's favour in the event that the First Respondent opposes this application; and
- 33.4. granting the Applicant further and/or alternative relief.

ANALYSIS AND EVALUATION

34. The Applicant, Viacom International Inc., seeks a default order under Section 160 of the Companies Act, 2008, for the First Respondent, Unplugged (Pty) Ltd, to change its name. The application is founded on the contention that the name contravenes Sections 11(2)(a)(iii), 11(2)(b), and 11(2)(c)(i) of the Act.
35. The application is procedurally sound. It was filed on 7 October 2025 and properly served on both Respondents within the prescribed period—electronically and via affixing to the First Respondent's registered address by the Deputy Sheriff. The Respondents' deadline to answer (4 November 2025) has lapsed without any response. The Tribunal has jurisdiction under Section 160, and the Respondents are in default, entitling the Applicant to a default

order under Regulation 153. The Applicant has a direct interest in the name under Section 160(1), as its registered trademark is wholly incorporated.

36. The uncontested evidence establishes a compelling case that the Respondent's name contravenes the Act.
37. The Applicant holds valid South African trademark registrations for UNPLUGGED in Classes 9 and 41 dating to 1994. These statutory rights are enforceable and predate the First Respondent's incorporation (7 March 2024) by 30 years. Beyond registration, the Applicant has established the mark as well-known through its globally renowned MTV Unplugged television series, first aired in 1989 and broadcast for decades in South Africa to a substantial viewership. The series' critical acclaim, commercial success (including multi-platinum albums), and cultural impact have imbued "UNPLUGGED" with a secondary meaning and significant goodwill, establishing it as a well-known trademark and granting the Applicant common law rights.
38. The First Respondent's name, "Unplugged (Pty) Ltd," is identical to the Applicant's registered and well-known trademark. There are no distinguishing words. This direct identity constitutes a contravention of Section 11(2)(a)(iii) and, at minimum, establishes confusing similarity under Section 11(2)(b).
39. The use of an identical name to a famous entertainment trademark falsely implies or suggests a commercial association, endorsement, or licensing relationship with the Applicant or its corporate group. This is reasonably likely to mislead the public into believing the Respondent is connected to the Applicant, contravening Section 11(2)(c)(i). Such confusion exposes the Applicant to reputational harm from activities outside its control.

40. The Applicant confirms it has no connection with and has not authorised the Respondent. The Respondent's conduct in ignoring pre-litigation demands reinforces its lack of legitimate interest. The registration deceives the public, dilutes the distinctive character of the well-known mark, and likely constitutes trademark infringement under the Trade Marks Act.
41. The Applicant has presented a thorough, well-documented, and wholly uncontested case. The Respondent has abandoned its right to defend the application. The procedural requirements for a default order are met, and the substantive legal tests under Section 11(2) are decisively satisfied on the unchallenged facts.

FINDINGS

42. The Tribunal finds that:

- 42.1. The Tribunal has jurisdiction. The application complies with prescribed formalities. The First Respondent is in default as contemplated by Regulation 153 of the Companies Regulations, 2011.
- 42.2. The Applicant has a direct and substantial interest in the name of the First Respondent for the purpose of Section 160 of the Companies Act,.
- 42.3. The company name "Unplugged (Pty) Ltd" (Registration Number: 2024/153872/07) contravenes Sections 11(2)(a)(iii), 11(2)(b), and 11(2)(c)(i) of the Companies Act. It is identical or confusingly similar to the Applicant's prior registered and well-known trademark and falsely implies an association with the Applicant.
- 42.4. The Applicant is entitled to the default order sought.

ORDER

43. The Tribunal makes the following order:

43.1. The application for a default order in terms of Regulation 153 is GRANTED.

43.2. It is hereby determined that the company name "Unplugged (Pty) Ltd" (Registration Number: 2024/153872/07) does not satisfy the requirements of Section 11(2) of the Companies Act, 2008.

43.3. The First Respondent is directed, in terms of Section 160(3)(b)(ii), to change its name to one which does not incorporate the trademark "UNPLUGGED" and is not confusingly or deceptively similar to it.

43.4. The First Respondent is ordered to file the necessary notice of amendment with the Companies and Intellectual Property Commission (CIPC) to effect this change within 60 (sixty) calendar days from the date of this order.

43.5. Should the First Respondent fail to comply with paragraph 4 of this order within the stipulated 60-day period, the Second Respondent (the Companies and Intellectual Property Commission) is hereby directed, in terms of Section 160(3)(b)(ii) of the Companies Act read with Regulation 153(5), to:

43.5.1. Change the First Respondent's name on the companies register to its registration number, "2024/153872/07 (Pty) Ltd", as its interim corporate name.

43.5.2. Issue a corrected certificate of incorporation reflecting the interim name.

43.6. There is no order as to costs.

Dated at Johannesburg on the 2nd day of February 2026.

D Terblanche
Tribunal Member