



IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA

Case no. **CT02505ADJ2025**

In the matter between:

ANBIN GOVENDER

Applicant

and

COMPANIES AND INTELLECTUAL PROPERTY COMMISSION

Respondent

Presiding member: Nomagcisa Cawe

Date of decision: 22 February 2026

DECISION (Reasons and Order)

1. This is an application in terms of section 12(3)(b), read with section 160 of the Companies Act 71 of 2008 ("**the Act**") for relief following the refusal by the Companies and Intellectual Property Commission ("**Commission**") to reserve the name "AUXILIUM TECHNOLOGIES PTY" as a defensive name. The Companies Tribunal ("the Tribunal") is required to determine whether the refusal reflected in the Commission's notice was justified on the grounds stated therein.
2. On 27 November 2025, the Commission issued a COR 95 notice (reference number 9448493963) refusing to reserve the Applicant's proposed name

“AUXILIUM TECHNOLOGIES PTY”, as it incorporates the suffix “Pty”. The present application was subsequently filed on 03 December 2025. As the Commission has not delivered any notice of opposition, the matter proceeds as an unopposed application in terms of Regulation 153 of the Companies Regulations.

3. The CTR142 initiating document correctly indicates that Mr. Govender brings the application in his personal capacity as the promoter of the proposed company and the person seeking the reservation of a defensive name in anticipation of its incorporation.

BACKGROUND TO THE APPLICATION

4. Applicant applied for the reservation of four names: AUXILIUM TECHNOLOGIES PTY, JAN TECHNOLOGIES, OHANA TECHNOLOGIES and IT MATTERS. Only IT MATTERS was rejected outright as it was similar to another registered name or mark, while the other three were indicated as clear or acceptable in principle, subject to compliance with applicable provisions of the Companies Act and the CIPC name-reservation guidelines. AUXILIUM TECHNOLOGIES PTY was rejected for incorporating the suffix “Pty”, which is not permitted at the name-reservation stage.
5. Applicant request the Tribunal to set aside the CIPC’s decision not to register AUXILIUM TECHNOLOGIES, and order that the CIPC reserve the name without the suffix “Pty”

RELEVANT LAW

6. Section 12(1) of the Act, dealing specifically with the reservation of company names, and defensive names, provides that:

“A person may reserve one or more names to be used at a later time, either for a newly incorporated company, or as an amendment to the name of an existing company, by filing an application together with the prescribed fee.”

7. Section 12(2) then provides that the Commission must reserve “each name as applied for” in the name of the applicant, unless certain specific circumstances exist – namely: (a) the applicant is prohibited from using the name because it does not meet the requirements of section 11(2)(a); or (b) the name as applied for is already reserved defensively (in terms of section 12 of the Act).
8. Section 160(1) of the Act provides for a person to whom a notice is delivered in terms of this Act with respect to an application for reservation of a name or defensive name to apply to the Tribunal for a determination whether the name, or the reservation of the name satisfies the requirements of the Act.
9. Such application to the Tribunal may be brought either within three months of receiving a notice of name reservation or registration, or where no such notice was received, at any time thereafter, on good cause shown. Upon considering such an application, together with any submissions from the applicant or any interested party, the Tribunal is required to determine whether the name in question, or its reservation, registration, use, or transfer, complies with the requirements of the Act. The central inquiry is thus whether the name satisfies the substantive provisions of the Act.
10. The above sections do not apply to the instant matter as it has nothing to do with similar names or the request for the Tribunal to change the name of the Company to one that is not confusingly similar to it. The instant application deals with non-compliance with the CIPC’s registration guidelines.

ANALYSIS

11. The CIPC refused the reservation of the name AUXILIUM TECHNOLOGIES PTY as this was in conflict with Section 11(3) in that it incorporates the suffix Pty. The CoR 9.5 sent to the Applicant by the CIPC states that: *“We regret to inform you that no name has been reserved for your use for the following reason(s): Suffix (Pty), Ltd, Inc, Incorporated, RF, Limited, CC, Bk, Co, NPC, Co-op, co-operative company etc are not allowed during the name-reservation in terms of section 11(3) of the Act”*.

12. On 22 April 2025 the CIPC placed a moratorium on the inclusion of suffixes at the name-reservation stage, as stated in its CoR 95 to the Applicant. This means any application, as in the present case, that flouts this guideline is flawed and stands to be refused.
13. I am convinced that the Respondent was well within its rights to refuse the AUXILIUM TECHNOLOGIES PTY name-reservation as it did not comply with the Respondent's guidelines. In light of the foregoing I find that Respondent did not err in refusing the Applicant's name-reservation as it contained the suffix "Pty".
14. There is no provision in the Act, as prayed for by the Applicant that allows the Tribunal to order the CIPC to register a name reservation that is flawed. In View of this the application stands to fail.

ORDER

15. I, therefore, make the following order:

13.1 The application is dismissed

13.2 The Applicant is advised, should he so wish, to apply directly to the CIPC following the guidelines on name-reservation.

16. No order is made as to costs as the matter was unopposed.

Nomagcisa Cawe

Member of the Companies Tribunal