



COMPANIES TRIBUNAL OF THE REPUBLIC OF SOUTH AFRICA

CASE NO. CT02571/ADJ/2026

IN THE MATTER BETWEEN:

Securitas AB

APPLICANT

and

Landry Securitas (Pty) Limited

FIRST RESPONDENT

(Registration no. 2014/194852/07)

COMPANIES AND INTELLECTUAL

SECOND RESPONDENT

PROPERTY COMMISSION

Tribunal Member: D Terblanche

Date: 24 March 2026

DECISION AND REASONS

THE PARTIES

1. The Applicant is Securitas AB, a Swedish company, having its principal place of business at Lindhagensplan 70, 112 43 Stockholm, Sweden.

2. The First Respondent is Landry Securitas (Pty) Limited, a company incorporated in terms of the Companies Act 71 of 2008 ("the Companies Act" or "the Act"), with registration no. 2014/194852/07, having its registered address at 107 Darwin Street, Windsor Park, Kraaifontein, Western Cape, 7570.
3. The Second Respondent is the Companies and Intellectual Property Commission, an organ of state established in terms of Section 185 of the Companies Act, with its registered office at DTI Campus, Block F, 77 Meintjies Street, Sunnyside, Pretoria, Gauteng ("CIPC").

THE APPLICATION

4. This is an application for an order that the First Respondent's name, Landry Securitas (Pty) Limited, does not satisfy the requirements of Section 11 of the Companies Act and that the Respondent be directed to choose a new name, as provided for in Section 160(3)(b)(ii) of the Act; and alternative relief in the event that the Respondent fails to change its name within 2 months.
5. On 27 January 2026, Adams & Adams lodged an application on behalf of the Applicant for relief in terms of Section 160 of the Act, requesting the Companies Tribunal (the Tribunal) to grant an order directing Landry Securitas (Pty) Limited to change its name on the basis that it is contrary to Section 11(2) of the Act. The CTR142 form issued by the Companies Tribunal, is dated 27 January 2026.
6. The Applicant submitted that the application for relief has been served on the First Respondent and on the Second Respondent.
 - 6.1. On 28 January 2026, a copy of the application for relief, together with a supporting and confirmatory affidavits, was served electronically on the

First Respondent. Further, on 30 January 2026, the Sheriff of Kuilsriver North served a copy of the application for relief, together with the supporting and confirmatory affidavits, on the First Respondent at 107 Darwin Street, Windsor Park, Kraaifontein, Western Cape, 7570.

- 6.2. On 28 January 2026, a copy of the application for relief, together with supporting affidavit, and confirmatory affidavits was served electronically on the Second Respondent.
- 6.3. The Applicant attached proof of service on the Respondents to the affidavit in support of the default application.
- 6.4. In terms of Regulation 143 of the Companies Regulations, the Respondents had until 27 February 2026 to respond to the application by filing their respective answers, but failed to do so.
- 6.5. Neither the First Respondent nor anyone acting on its behalf has responded to the application.
- 6.6. In these circumstances, in terms of Regulation 153 of the Act, the Applicant seeks an order against the First Respondent as prayed for in the affidavit accompanying the CTR142 form: -
 - 6.6.1. the First Respondent is to change its name to one which does not incorporate the mark **SECURITAS** and which is not otherwise confusingly or deceptively similar to the Applicant's **SECURITAS** trade mark;
 - 6.6.2. the First Respondent is to pay the Applicant's costs of these proceedings, if it opposes the relief sought;

THE APPLICANT'S SUBMISSIONS

7. The submissions appear from the Applicant's affidavits in support of its main and default applications.

THE APPLICANT

8. The Applicant, Securitas AB, is a Swedish security services provider operating in 48 countries.
9. In South Africa, it is one of the largest professional security services providers, operating through three active local subsidiaries—Securitas Specialised Services (Pty) Limited, Securitas South Africa Holdings (Pty) Limited, and Securitas SA (Pty) Limited—along with two dormant companies.
10. The Applicant maintains a South African website and an established social media presence across LinkedIn, X (Twitter), Facebook, and Instagram.

THE APPLICANT'S TRADE MARKS

11. The Applicant is the proprietor of four South African trade mark registrations for the word mark **SECURITAS**, filed on 23 March 2006. These registrations cover Classes 35, 37, 39, and 45, encompassing a wide range of security-related services, including advertising, installation and maintenance of security apparatus, guarded transport, and security consultancy and monitoring.
12. The trade mark registrations are valid and enforceable and predate the incorporation of the First Respondent.

13. The Applicant attached copies of its valid and enforceable South African trade mark registrations for SECURITAS, which are attached as "FA3" to "FA6" to its founding affidavit.

THE APPLICANT'S GROUNDS OF OBJECTION

14. The Applicant has rights in the SECURITAS trade mark arising from its earlier trade mark registrations.
15. The Applicant objects to the First Respondent's name on the basis that it does not satisfy the requirements of Section 11(2)(b)(iii) and/or 11(2)(c)(i) of the Companies Act.
16. The dominant feature of the First Respondent's name, SECURITAS, is identical to the Applicant's registered trade mark. The word LANDRY is insufficient to distinguish the First Respondent's name from the Applicant's trade mark. LANDRY functions merely as a personal name or possessive qualifier, leaving SECURITAS as the element that identifies the commercial source of the services. The relevant public will perceive and rely upon SECURITAS as the distinctive trade mark component when identifying the origin of the security services offered.
17. The First Respondent's name is contrary to the provisions of Section 11(2)(b)(iii), in that it is confusingly similar to a trade mark belonging to the Applicant.
18. Further, the First Respondent's name is contrary to Section 11(2)(c)(i) of the Companies Act in that it is likely to mislead a person to believe, incorrectly, that the company is part of, or associated with, the Applicant.

19. The Applicant has attempted to resolve this matter without resorting to litigation but has not received the First Respondent's co-operation. Therefore, the Applicant has no option but to proceed with this formal objection.
20. DALE TIMOTHY HEALY (Healy) an attorney and a partner at the Applicant's attorneys am the attorney responsible for this application filed on behalf of the Applicant, Securitas AB filed a confirmatory affidavit to the Applicant/s founding affidavit deposed to by Frida Rosenholm, Senior Vice President General Counsel, Securitas AB and furthermore set out the authorities the Applicant relies on in this application, summarised format below,

THE LEGAL AUTHORITIES THE APPLICANT RELIES ON

21. Relying on **Comair Limited v Kulula South Africa (Pty) Ltd & Others (High Court of South Africa, Gauteng Division under case no. 65895/2019)**, the Applicant submits that the Tribunal is empowered to make an administrative order directing CIPC to change a company's name to its registration number where the company fails to comply with a Tribunal order.
22. Although the Companies Act of 1973 and Close Corporations Act of 1984 have been repealed, court decisions dealing with "undesirability" and names "calculated to cause damage" remain applicable under section 160 read with section 11 of the current Companies Act.
23. In **Hollywood Curl (Pty) Limited v Twins Products (Pty) Limited** 1989 (1) SA 255 (A), **Deutsche Babcock SA (Pty) Limited v Babcock Africa (Pty) Limited** 1995(4) SA 1016 TPD, and **Capital Estates and General Agencies (Pty) Ltd and**

Others v Holiday Inns Inc & Others 1977 (2) 916 (A), the Applicant submits that the offending name is confusingly similar to the Applicant's, creating a reasonable likelihood that the public will believe the two businesses are associated. Importantly, a common field of activity is not a requirement — the key question is simply whether confusion is likely.

24. Relying on **Deutsche Babcock** above and **Polaris Capital (Pty) Ltd v The Registrar of Companies and Polaris Capital Management Inc** (unreported judgment, Case No. 11607/2005, Cape of Good Hope Provincial division), the Applicant submits that the name is undesirable because it damages the Applicant's legally protectable commercial interests and undermines the Registrar's role in promoting good corporate governance in the public interest.
25. Because the Applicant has no control over the quality or reputation of the other entity, any confusion directly exposes the Applicant to reputational harm it cannot manage or prevent.

ANALYSIS AND FINDINGS

26. Regarding service and notice, the Applicant has provided sufficient proof that the application was properly served on both Respondents. Service on the First Respondent was effected electronically on 28 January 2026, and was further confirmed by service effected by the Sheriff of Kuilsriver North on 30 January 2026.
27. In terms of jurisdiction, the Companies Tribunal is vested with the authority to hear this matter in accordance with Section 160 of the Companies Act, which empowers the Tribunal to make determinations regarding company names that may contravene the provisions of Section 11.

28. With respect to the default status of the proceedings, the First Respondent was required, in terms of Regulation 143 of the Companies Regulations, to file a responding affidavit by 27 February 2026. The First Respondent failed to do so, and no correspondence or notice to oppose was received from either Respondent. Consequently, the Applicant was entitled to seek a default order against the Respondents in terms of Regulation 153 of the Companies Regulations, as the Respondents have not engaged with the application or demonstrated any intention to defend the matter.
29. The Applicant objects to the name "Landry Securitas (Pty) Limited" on two statutory grounds.
- 29.1. The first ground for objection arises under Section 11(2)(b)(iii) of the Companies Act, which prohibits a company name that is confusingly similar to a trade mark registered in the Republic belonging to a person other than the company.
- 29.1.1. In applying this provision to the facts, the dominant and distinctive feature of the First Respondent's name is the word SECURITAS.
- 29.1.2. The prefix "Landry" functions merely as a personal or possessive qualifier and does not sufficiently distinguish the First Respondent from the Applicant.
- 29.1.3. The Applicant's SECURITAS mark is inherently distinctive, particularly within the security services sector where the Applicant has operated for many years.
- 29.1.4. Accordingly, the name "Landry Securitas (Pty) Limited" is confusingly similar to the Applicant's registered trade mark SECURITAS, and the public is likely to be confused into believing

that the First Respondent's services originate from, or are connected with, the Applicant.

29.2. The second ground for objection is found in Section 11(2)(c)(i) of the Companies Act, which prohibits a name that would be likely to mislead a person to believe incorrectly that the company is part of, or associated with, any other person or entity.

29.2.1. Given the global reputation of Securitas AB in the security industry and its established footprint in South Africa through its local subsidiaries, the inclusion of SECURITAS in the First Respondent's name creates a real likelihood of misleading the public.

29.2.2. Potential clients may incorrectly believe that Landry Securitas is a subsidiary, franchisee, or authorized dealer of the Applicant.

29.2.3. Critically, the Applicant has no control over the First Respondent's business operations, quality of service, or conduct in the market, which exposes the Applicant to potential reputational damage for actions it cannot oversee.

29.2.4. For these reasons, the name is likely to mislead the public into believing there is an association between the First Respondent and the Applicant, which constitutes a contravention of Section 11(2)(c)(i).

30. The Applicant correctly relies on established legal principles to support its case. In *Comair Ltd (above)*, the Tribunal's power to make administrative orders directing the Companies and Intellectual Property Commission to change a company's name where it fails to comply with an order was affirmed. This authority is directly relevant to the relief sought in the present application, as the Applicant seeks a directive that the Second Respondent effect the name change should the First Respondent fail to do so voluntarily.

31. With regard to the test for confusing similarity, the Applicant draws on the principle established in *Hollywood Curl (Pty) Ltd v Twins Products (Pty) Ltd (above)*, which holds that the determining factor is whether a reasonable person with average intelligence and imperfect recollection is likely to be confused. Applying this test, the inclusion of the distinctive SECURITAS mark in the First Respondent's name creates precisely the kind of imperfect recollection confusion that the law seeks to prevent, as the public may not recall with precision whether the First Respondent is affiliated with the well-known Applicant.
32. Further support is found in *Deutsche Babcock (Pty) Ltd v CIPC (above)*, which confirms that a name is considered "undesirable" if it damages another's protectable commercial interests. Importantly, this authority establishes that a common field of activity is not a prerequisite for a finding of confusion. In this instance, both the Applicant and the First Respondent operate within the broader security services sector, but even if their fields did not directly overlap, the principle confirms that confusion may still arise where a company name incorporates a well-known registered trade mark belonging to another entity. The damage to the Applicant's protectable commercial interests is evident, as the unauthorised use of SECURITAS in the First Respondent's name risks diluting the distinctiveness of the Applicant's mark and exposing the Applicant to reputational harm arising from conduct it cannot control.

FINDINGS

33. Neither Respondent filed an answering affidavit or any notice to oppose within the prescribed time frames. The First Respondent's failure to engage with these proceedings or to defend its chosen name justifies the granting of a default order in favour of the Applicant.

34. The Applicant has discharged its onus. The name "Landry Securitas (Pty) Limited" is confusingly similar to the Applicant's registered trade mark SECURITAS and is likely to mislead the public into believing that the First Respondent is associated with or forms part of the Applicant, in contravention of section 11 of the Act.
35. The evidence further establishes that the Applicant holds valid and enforceable trade mark registrations predating the First Respondent's incorporation, and that it enjoys a well-established commercial presence and reputation in the South African security services sector.
36. In the circumstances, the relief sought is appropriate and falls squarely within the powers conferred on the Tribunal by section 160(3)(b)(ii) of the Act. The proposed orders are consistent with the Tribunal's established practice in matters where a company name is found to be confusingly similar to a registered trade mark, or likely to mislead the public into believing there is an association with another entity.

ORDER

37. Having considered the application and the supporting affidavits, and having noted that the Respondents have failed to file any answering papers or notices to oppose within the prescribed time frames, the Companies Tribunal hereby makes the following order:

37.1. It is declared that the First Respondent's name, Landry Securitas (Pty) Limited (registration number 2014/194852/07), does not satisfy the requirements of Section 11 of the Companies Act 71 of 2008.

37.2. In terms of Section 160(3)(b)(ii) of the Companies Act, the First Respondent is directed to change its name to one that does not incorporate the word SECURITAS and is not otherwise confusingly or deceptively similar to the Applicant's registered SECURITAS trade marks.

37.3. The First Respondent shall file a notice of a new name with the Companies and Intellectual Property Commission within two (2) months of the date of this order.

37.4. Should the First Respondent fail to comply with paragraph 37.3 above, the Companies and Intellectual Property Commission (the Second Respondent) is hereby directed and authorised to change the First Respondent's name to its registration number, namely 2014/194852/07, in accordance with Section 160(3)(b)(ii) read with Section 14(2)(a)(ii) of the Companies Act.

37.5. There is no order as to costs, the application having been unopposed.

DATED AT JOHANNESBURG ON THE 24th DAY OF MARCH 2026.

Signed

D Terblanche

Member: Companies Tribunal