



IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA

Case no.: **CT02617ADJ2026**

In the matter between:

CB SECURITY RAPID RESPONSE (PTY) LTD

Applicant

and

CB PROTECTION NW (PTY) LTD

First Respondent

**COMPANIES AND INTELLECTUAL PROPERTY
COMMISSION**

Second Respondent

Presiding member: Richard Bradstreet

Date of decision: 5 May 2026

DECISION (Reasons and Order)

1. This application concerns a company name objection brought in terms of section 160 of the Companies Act 71 of 2008 ("**the Act**"), in which the Applicant seeks a determination that the First Respondent's name does not satisfy the requirements of section 11 of the Act. The Applicant further seeks a default order in terms of regulation 153 of the Companies Regulations 2011, the First Respondent having failed to file an answering affidavit in response to the application.

2. The Applicant trades as “CB Security” in the security services industry in the North West Province, with its head office in Potchefstroom and a footprint extending to Schweizer-Reneke, Vryburg, Vereeniging and other towns in that province. It has done so under its registered company name since its incorporation in 2018.
3. The First Respondent is a private company registered on 21 February 2023, also based in Potchefstroom, which trades under the names “CB Protection” and “Cross Border Protection”, and which provides security services in substantially the same geographical area. The Applicant contends that the First Respondent’s name is confusingly similar to its own and creates a misleading association between the two undertakings, and that the position has been aggravated by an actual instance of confusion arising from a firearm discharge incident reported in the press in September 2025.

DEFAULT RELIEF

4. The application was filed with the Companies Tribunal on 25 February 2026 and served on the First Respondent by electronic mail on 27 February 2026 to the email addresses recorded for its directors at the domain cbprotection.co.za. A read-receipt confirms that the application was opened on 27 February 2026 at 16h22. The First Respondent has not filed any answering affidavit, and the period prescribed for doing so has long expired. I am satisfied that there has been adequate service, and thus compliance with regulation 153(2)(b). It also appears that the Applicant passes the “good cause” test in that a reasonable explanation is given as to why the application should be heard by the Tribunal, and there has been no undue delay in bringing the application.

APPLICABLE LEGAL FRAMEWORK

5. Section 160(1) of the Act provides that any person with an interest in the name of a company may apply to the Companies Tribunal for a determination whether the name satisfies the requirements of section 11. Such an application may be made “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” (section 160(2)).
6. Section 11(2) of the Act provides, *inter alia*, that a company name must not:
 - (a) be the same as the name of another company, a registered trade mark belonging to another person, or a mark in respect of which an application has been filed for registration as a trade mark in the Republic;
 - (b) be confusingly similar to such a name, trade mark or mark; or
 - (c) 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 another person.

Confusing similarity

7. “Similar” in section 11(2)(b) means “having a marked resemblance or likeness” (*Bata Ltd v Face Fashions CC* 2001 (1) SA 844 (SCA), and the offending name should immediately bring to mind the well-known trade mark or other name.
8. Whether there is a confusing similarity involves a value judgment (*Cowbell AG v ICS Holdings* 2001 (3) SA 941 (SCA) para 10), and presupposes that the names are to be used together in a normal and fair manner, in the ordinary course of business (*SmithKline Beecham Consumer Brands (Pty) Ltd v Unilever plc* 1995 (2) SA 903 (A) at 912H).

9. 9. In particular, one must ask whether there is “a reasonable likelihood that ordinary members of the public, or a substantial section thereof, may be confused or deceived into believing” that the goods or services of one are those of the other or are connected therewith (*Adidas AG & another v Pepkor Retail Limited* (187/12) [2013] ZASCA 3 (28 February 2013) para 28; *Capital Estate and General Agencies (Pty) Ltd v Holiday Inns Inc* 1977 (2) SA 916 (A) at 929).
10. 10. The comparison must be made by reference to how the names will be perceived by the “ordinary reasonable careful man, i.e. not the very careful man nor the very careless man” (*Link Estates (Pty) Ltd v Rink Estates (Pty) Ltd* 1979 (2) SA 276 (E) at 280), bearing in mind that the comparison is not undertaken with the two names presented side by side, and that allowance must be made for the ordinary imperfections of human memory, sometimes referred to as the “doctrine of imperfect recollection” (*Ewing t/a The Buttercup Dairy Company v Buttercup Margarine Corporation Ltd* 1917 (34) RPC 225 at 232 and 238).
11. Regard must also be had to “the class of persons who are likely to be the purchasers of the goods in question” (*Reckitt & Colman SA (Pty) Ltd v SC Johnson & Son SA (Pty) Ltd* 1993 (2) SA 307 (A) at 315F–G), and the names “must be viewed as they would be encountered in the marketplace and against the background of relevant surrounding circumstances” (*Plascon-Evans Paints Ltd v Van Riebeeck Paints (Pty) Ltd* 1984 (3) SA 623 (A) at 640G–641E).

ANALYSIS

12. The Applicant relies in the first instance on its registered company name “CB Security Rapid Response (Pty) Ltd” (registered on 27 March 2018), under which it has traded for approximately seven years prior to the registration of the First

Respondent's name. The Applicant also asserts common law rights acquired through that period of use, and refers to two pending trade mark applications (numbers 2024/11507 and 2024/11508 in classes 37 and 45 respectively) for a logo incorporating the letters "CB". Those applications appear, on the papers, to be held in the name of a related entity and are not registrations. For purposes of section 11 of the Act, and the present application, the comparison most squarely before the Tribunal is that between the company name of the Applicant and that of the First Respondent – both of which fall within the protection contemplated by section 11(2)(b) read with section 11(2)(a)(i).

13. The Applicant's name commences with "CB Security"; the First Respondent's name commences with "CB Protection". The dominant and memorable element in each is, respectively, "CB Security" and "CB Protection", and the only material difference between the two is the substitution of the word "Protection" for "Security". Each is followed by a further descriptor: "Rapid Response" in the case of the Applicant, and "NW" in the case of the First Respondent. These add little distinctiveness in either case, the former describing a recognised category of security service and the latter a geographical reference.
14. The letters "CB" in the present matter do not appear merely as a combination of two letters, deployed as a free-standing element. They form part of the overall impression created by the respective names, and that impression must be assessed by reference to the names as a whole and in their commercial context.
15. The letters are coupled with a word denoting a service in the security industry, and it is the combined expression "CB Security" or "CB Protection" that does the work of identifying each undertaking. The words "security" and "protection" are, in the context of services rendered by private security companies, near

synonyms: the conceptual content of each name is thus the same: a security services provider trading under the “CB” prefix. The words “Rapid Response” appearing in the Applicant’s name does not serve to diminish the comparison, since rapid response is itself a recognised service category within the security industry, and a member of the public encountering “CB Protection NW” would have no reason to think that it was not be a related undertaking within the same “CB” group of security businesses.

16. It is so that the First Respondent also trades as “Cross Border Protection”, which may, on one view, anchor the letters “CB” to the words “Cross Border” and so dispel the impression of a shared prefix with the Applicant. The expression “Cross Border”, however, appears only in the alternative trading name and on the logo; the registered company name reads “CB Protection NW (Pty) Ltd”. A member of the public encountering the company name without sight of the logo or alternative trading name has nothing to anchor “CB” to “Cross Border”, and is left with the dominant impression of a security business operating under the “CB” prefix in Potchefstroom – the same prefix and the same locality under which the Applicant has traded since 2018.
17. That observation is reinforced by the contextual factors mandated by *Reckitt & Colman* and *Plascon-Evans* (supra). Both undertakings operate in the same general geographical area, and offer substantially the same services to likely the same customer base. The notional ordinary reasonable customer in this market would be a resident or business in or around Potchefstroom seeking armed response, guarding or related security services. Such a person, encountering the names “CB Security” and “CB Protection” in the ordinary course, is not engaged in a careful side-by-side analysis but is operating with

imperfect recollection of the specific details of, and surrounding, the company names. The risk that such a person will assume some connection between the two undertakings is real and substantial.

18. The Applicant has placed before the Tribunal evidence of an actual instance of such confusion. On 30 August 2025 an employee of the First Respondent accidentally discharged a firearm at the Potch Geesfees outside Potchefstroom, injuring an employee of the Applicant. The incident was reported in the press the following week, and the Applicant was constrained publicly to explain that “CB Security” and “Cross Border Protection” are not the same company. Although the published article ultimately distinguished between the two undertakings, the very fact that such a clarification was needed – and that the Applicant had to deliver it through the press – corroborates the conclusion that the names are sufficiently alike to give rise to confusion in the minds of ordinary members of the public. Actual confusion is not a precondition to relief under section 11(2)(b), but where it has been shown to have occurred, it lends significant weight to the prospective inquiry into the likelihood of confusion.
19. Taking these considerations together, and applying the value judgment required by *Cowbell* supra, I am satisfied that the First Respondent’s name is confusingly similar to the Applicant’s company name, contrary to section 11(2)(b) of the Act.
20. It follows, therefore, that section 11(2)(c)(i) is also contravened. A member of the public confronted with the name “CB Protection NW (Pty) Ltd” in the same town in which “CB Security Rapid Response (Pty) Ltd” has operated for some seven years, and in the same line of business, is reasonably likely to draw the inference that the First Respondent is a part of, an extension of, or otherwise associated with, the Applicant. That inference would be incorrect. The First

Respondent's name is therefore such as would reasonably mislead a person into believing incorrectly that it is associated with the Applicant.

ORDER

21. In the result, I make the following order:

- (a) The application for default relief is granted.
- (b) The First Respondent is directed to:
 - (i) change its name to one which neither incorporates "CB Security" or "CB Protection", nor is otherwise confusingly similar to the Applicant's company name, and which does not otherwise imply an association with the Applicant; and
 - (ii) file a notice of amendment to its Memorandum of Incorporation within 3 (three) months of the date of this order.
- (c) In the event that the First Respondent fails to comply with paragraph (b) above, the Second Respondent is directed to substitute the First Respondent's registration number as its interim company name.

Richard Bradstreet

Member of the Companies Tribunal

5 May 2026