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IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA

Case no: CT02656/ADJ/2026

In the matter between:

AFRICAN RAINBOW MINERALS LIMITED

Applicant

And

MZANZI ANGLOVAAL GROUP (PTY) LIMITED

1st Respondent

(Registration No 2024/239128/07)

And

COMPANIES AND INTELLECTUAL PROPERTY

COMMISSION

2nd Respondent

Presiding Member of the Companies Tribunal: HLALELENI KATHLEEN DLEPU

Date of Decision: 15 MAY 2026

DECISION and REASONS

1. INTRODUCTION

- 1.1. The applicant is African Rainbow Minerals Limited, incorporated in terms of the company laws of the Republic of South Africa with, registration number 1933/004580/06 and having its registered address at 29 Impala Road, Chislehurst, Gauteng, 2196
- 1.2. The first respondent is Mzanzi Anglovaal Group (Pty) Limited a company duly incorporated in accordance with the company laws of the Republic of South Africa with registration number 2024/239128/07 and having its registered address being Ground, Building No 4, Quadrium Office Park, 50 Constantia Boulevard, Constantia Kloof Ext 28, Johannesburg, Gauteng (The details are as recorded in the CIPC records.).
- 1.3. The second respondent is the Companies and Intellectual Property Commission (CIPC) established by Section 185 of the Companies Act with its address at DTI Building, Block F, Meintjies Street, Sunnyside, Pretoria.

2. THE APPLICATION

- 2.1. The applicant brought this application brought in terms of Section 160 of the Companies Act for an order as follows:
- 2.1.1. Granting a default order in respect of the first respondent's company name, Mzanzi Anglovaal Group (Pty) Limited does not satisfy the requirements of Section 11(2)(oupa)(ii) ,11(2) (c) (b) and 11(2) (c)(i) as provided for in Section 160 and in particular 160(3)(b) ((ii) of the Companies Act thereof.
- 2.2. The applicant has an interest in the name of the first respondent within the meaning of Section 160(1) of the Act to file this application to the Companies Tribunal. The applicant's interest will appear from the facts which were initiated

and documented by the Applicant in its affidavit in particular, the Applicants trademark rights in and to the AngloVaal trademark.

3. THE BACKGROUND TO THE APPLICATION

- 3.1. In March 2025 the applicant instructed the Attorneys of record Adams & Adams to file an application in terms of Section 160 of the Act requesting the Companies Tribunal to grant an order that the company name Mzanzi Anglovaal Group (Pty) Limited (first respondents') be changed on the basis that it is contrary to Section 11(2) of the Companies Act. The application was supported by the founding affidavit of Lucas Joseph Zebilon Sebaibai Moalusi and a confirmatory affidavit in the name of Debra Louise Marriot.
- 3.2. The main application was served electronically on the sole director of the first applicant at the email listed on the CIPC records namely [a\[...\]@gmail.com](mailto:a[...]@gmail.com) as well as the alternative e mail address [c\[...\]@gmail.com](mailto:c[...]@gmail.com) which was apparently provided by the first respondent. A subsequent service was effected on the 19 March 2026 all the proofs of service was attached to the main application as annexures.
- 3.3. In terms of regulation 142(2) of the Companies Regulation, the main application must be served on the respondents within five (5) days from the date on which the it was filed with the Tribunal, the application was filed as indicated by the date stamped on CTR142, and the applicants complied with the deadline to serve the main application which deadline expired on the 26 March 2026. All the applications were also served on the second applicant as required by the Act.
- 3.4. Furthermore on the 24 March 2026 the sheriff served a copy of the main application on the first respondent's registered physical registered being ,Ground Floor ,Building No 4,Quadrium Office Park, 50 Constantia Boulevard, Constantia Kloof Ext 28, Johannesburg, Gauteng. The sheriff made two follow up services at the business address of the first respondent by affixing a copy of the main application on the door of the stated business address of the first respondent.

3.5. The applicant was unable to obtain an alternative address of the first respondent. Despite the numerous efforts of the applicant to bring the main application to the attention of the first respondent, the respondent failed to respond as it was evident that the respondent would not of its volition change the offensive name which was confusingly and /similar to the applicants trademark ANGLOVAAL which trademark was registered in 1992 in terms of the Section 34(1) (c) of the Trade Marks Act No 194 Of 1993 long before the incorporation of the first respondent in 2024.

3.6. I am satisfied that the applicant has made out a case for the main application to be considered by default against the first respondent.

4. THE APPLICANTS CASE

4.1. The applicant seeks the following order:

- (a) That the First Respondent's name does not comply with Sections 11(2)(b) and 11(2)(c)(i) of the Act;
- (b) the First Respondent is directed to choose a name which does not consist of or incorporate the mark ANGLOVAAL or any other mark which is confusingly and/or deceptively similar to the Applicant's ANGLOVAAL trade mark and
- (c) That the Companies and Intellectual Property Commission, the Second Respondent in terms of Section 160(3)(b)(ii) read with Section 14(2) of the Act, be directed to change the name of the First Respondent to its registration number in the event of the First Respondent not complying with the order set out in paragraph 4.1(b) above within 60 days from the date of this order .
- (d) That the second respondent be directed in terms of Section 169(3)(ii) read with Section 14(2) of the Companies Act to record the first respondent's registration number followed by (Pty)Ltd as the first respondent's interim company name on the companies register; and
- (e) The applicant be granted further and/or alternative relief.

4.2. The Order is sought for the following reasons:

4.2.1. The applicant has an interest in the name of the first respondent within the meaning of Section 160 (1) of the Act and is the proprietor of amongst others, various South African registered trademark rights namely:

- (i) Trade Mark; **ANGLOVAAL** Registration no 1982 /00679 filed on 29 January 1982 Class 35

“covering amongst others “Advertisements, advertising publicity management, business consultants , general business information, printing and distribution of circulars, prospectus, reports and annual company reports, commercial printed matter, compilation, transmission and systematization of information and statistical data ,accounting auditing, secretarial services, analysing of prices stock exchange prices, tax assessments including all other services related to the above”

- (ii) Trade Mark: **ANGLOVAAL Registration** no 1982/00680 filed on 29 January 1982 class 36

“covering Investments, capital investments, investments trusts, financing financial guarantees, securities and transactions, bonds and other securities, depositing of securities and of stocks and shares ,banking insurance and assurance brokers, stockbrokers, underwriters, money exchange. monetary transactions; including all other services related to the above:

4.3. The above trademarks are still valid and enforceable; copies of the trademark register pages were attached to the applicant's affidavit”. The applicant's trademarks have been registered for several years prior to the incorporation of the first respondent.

4.4. The **ANGLOVAAL** trademark has been used extensively by the applicant globally and in South Africa and is well known globally and in South Africa.

4.5. The first respondent's Company name **MZANZI ANGLOVAAL** offends the provision of Section 11(2)(a)(iii) in that it is identical to or the same as the applicant's **ANGLOVAAL** trademark registration which incorporation of the first respondent's several years

5. APPLICABLE LAW

5.1. SECTION 160(1) OF THE COMPANIES ACT 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”.

5.2. Section 160(2)(b) of the Companies Act provides that:

“An application in terms of Subsection (1) may be made ... on good cause shown at anytime after the date of the reservation or registration of the name that is the subject of the application, in any other case”.

5.3. Sections 11(2) (a)(iii), 11 (2)(b)(iii); and 11(2)(c) (i) of the Companies Act, in as far as they are applicable, read as follows;

“(2) The name of a company must

(a) not be the same as –

(i) ...

(ii) ...

- (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 No. 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, trademark, mark, word, or expression contemplated in paragraph (a) unless-*
 - (i) ...
 - (ii) ...
 - (iii) *in the case of a name similar to a trademark or mark referred to in paragraph (a)(iii), the company is the registered owner of the business name, trademark, or is authorised by the registered owner or to use it; or ...*
- (c) *not falsely imply or suggest, or be such as would reasonably mislead a person to believe incorrectly, that the company – (i) is part of, or associated with, any other person or entity...”*

5.4. the question is whether the first respondent's name and the applicant's trademark are confusingly similar as envisaged in Section 11(2)(b) (iii) read with Section 11 (2)(a)(iii) of the Companies Act.

5.5. The applicant operates a vast variety of services which it offers throughout South Africa and globally which can be found at <https://www.news24.com/business/anglo.dumps-its-avmin-interests-20030502> , **ANGLOVAAL** registered trademark and name are of exclusive use by the applicants and also protected under the common law , and although the nature of the first respondent's Company is not known or clear, the use of

the applicant's name by the first respondent is confusingly similar to the applicant's name and trademarks. This elevates the risk of confusion between the applicant's trademark and the first respondent's name, products, and services in the marketplace.

5.6. I further contend and agree that the confusion and/or deception, can lead to injury to the applicant's business. This is particularly so when it is taken into account that the applicant has absolutely no control whatsoever on the quality and type of goods sold and services rendered by the company.

5.7. This protection is illustrated succinctly In **Plascon-Evans Paints (TVL) Ltd. V Van Riebeeck Paints (Pty) Ltd. (Plascon-Evans, CORBETT JA quoted MARGO J, delivering the judgment in International Power Marketing (Pty) Ltd v Searles Industrials (Pty) Ltd. 1983(4) SA 163 (T), as follows on the meaning of the words "as to be likely to deceive or cause confusion".**

"the main legal principles relevant to the decision of the instant case may be briefly summarised as follows:-

*In an infringement action the onus is on the plaintiff to show the probability or likelihood of deception or confusion.... it is enough for the plaintiff to show that a substantial number of persons will probably be confused as to the origin of the goods or the existence or non-existence of such a connection ... **the comparison must be made with reference to the sense, sound and appearance of the marks.** The marks must be viewed as they would be encountered in the marketplace and against the background of relevant surrounding circumstances. **The marks must not only be considered side by side, but also separately. It must be borne in mind that the ordinary purchaser may encounter goods, bearing the defendant's mark, with an imperfect recollection of the registered mark and due allowance must be made for this. If each of the marks contains a main or dominant feature or idea the likely impact***

made by this on the mind of the customer must be taken into account. As it has been put, marks are remembered rather by general impressions or by some significant or striking feature than by a photographic recollection of the whole. And finally, consideration must be given to the manner in which the marks are likely to be employed as for example, the use of name marks in conjunction with a generic description of the goods”.

5.8. CORBETT JA: stated further at paragraph 47 in Plascon Evans “...in my view, a purely verbal comparison is not enough. As I have said, in cases such as this the Court must transport itself to the marketplace and try to visualize how customers of the goods, in relation to which the marks are used, would react “.

6. FINDINGS

6.1. I find that the applicant has shown good cause to bring this application under Section 160 of the Companies Act.

6.2. I further find that the first respondent’s name is so confusingly similar to the applicant’s trademark that it falsely implies or suggests that, or reasonably mislead a person to believe incorrectly, that the Company is part of, or associated with, the applicant in contravention of Section 11(2)(c) of the Companies Act.

6.3. Considering the conspectus of the case cited above and the guidance from the above case, I conclude that the first respondent’s name runs foul of the provisions of sections 11(2)(b)(iii) read with section 11(2)(a)(iii) and Section 11(2)(c) (i) of the Companies Act.

7. ORDER

I hereby grant the following relief by default judgement.

- 7.1. The first respondent is ordered to change its name to one which does not consist of, or incorporate, the mark **ANGLOVAAL** or any other mark which is confusingly and/or deceptively similar to the applicant's **ANGLOVAAL** trademark
- 7.2. The second respondent is directed to change the name of the first respondent to its registration number, in the event of the first respondent not complying with point 7.1 above within 3 months from the date of this order; and
- 7.3. The second respondent notify the first respondent within 14 days of this order.
- 7.4. No order as to costs.

H K Dlepu Member or the Tribunal