



## IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA

**CASE NO:** CT02344ADJ2025

In the matter between:

**MONDI SOUTH AFRICA (PTY) LTD**  
(Registration Number 1967/013038/07)

Applicant

and

**MONDI WORKPLACE SERVICES (PTY)**  
(Registration Number 2023/267643/07)

1<sup>ST</sup> Respondent

**COMPANIES AND INTELLECTUAL PROPERTIES  
COMMISSION**

2<sup>nd</sup> Respondent

Date of Decision: 11<sup>th</sup> June 2026

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### DECISION

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#### INTRODUCTION

1. The Applicant is **Mondi South Africa (Pty) Ltd**, a company duly incorporated and registered in terms of the laws of the Republic of South Africa with registration number 1967/013038/07.

2. The First Respondent is **Mondi Workplace Services (Pty)** a company duly incorporated and registered in terms of the laws of the Republic of South Africa with registration number No. 2023/267643/07.

3. The Second Respondent is the Companies and Intellectual Properties Commission resident at DTI Campus 77 Meintjies Street

4. The Applicant applies to the Companies Tribunal in terms of Section 11(2) of the Companies Act 71 of 2008 ("the Companies Act"), a name of a company must not be the same as the name of another company, domesticated company, registered external company, close corporation or co-operative and must not be confusingly similar.

#### **APPLICANT'S SUBMISSIONS**

5. The Applicant filed its company name objection with the Companies Tribunal and the Applicant served the company name objection on the respondent through the Sherriff. Despite being informed of the application the first respondent does not oppose it.

6. The Applicant submits that it the Respondents name is confusingly similar to its name.

7. The Applicant has a number of trade marks in the term Mondi. It also has a number of subsidiary companies with the term MONDI. The Applicant has spent extensively on marketing.

8. The First Respondent was registered in 2023. The Applicant is concerned that the public would confuse the first Respondent with itself causing reputational damage.

9. The first, and therefore dominant, element of the First Respondent's company name is MONDI, which is visually, phonetically and conceptually identical to the Applicant's well known MONDI trade mark. Members of the public encountering the First Respondent's name are likely to assume that the name refers to another entity within the Applicant's own group of companies.

10. The Applicant requests that the Tribunal grant the following relief: (a) ordering the First Respondent to change its name to one which does not incorporate the mark MONDI or any mark which is identical or confusingly and/or deceptively similar to the Applicant's MONDI trade mark; (b) ordering the First Respondent to pay the Applicant's costs of these proceedings; (c) in the event that the First Respondent fails to comply with the order set out in paragraph (a) above within three (3) months, that the Second Respondent, the Commissioner of Companies is directed, in terms of section 160(3)(b)(ii) read with section 14(2)(b)(i) of the 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 (d) grant the Applicant further and/or alternative relief.

## **NAME DISPUTES**

### **APPLICABLE LAW**

11. Section 11 of the Companies Act provides the criteria for names of companies.

Subsection (2) is most relevant and states as follows:

*“(2) the name of a company must –*

*(a) not be the same as, or confusingly similar to –*

*(i) the name of another company, registered external company, close corporation or co-operative unless the company forms part of a group of companies using similar names;*

*(ii) ... Not relevant*

*(iii) a registered trademark 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 trademark or a well-known trademark as contemplated in section 35 of the trademarks act; or*

*(iv) ... Not relevant*

*2 (b) 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;*

## **EVALUATION AND FINDINGS**

12. The purpose of section 11 of the Companies Act is to protect names from being passed off by new companies registering similar names at the expense of the original name holder of the company or trade mark. In the case before me the First Respondents' name is similar to several trade marks held by the Applicant. The First Respondents Name is similar to the Applicants. Both Have the term MONDI in them. This may give members of the public the impression that the Respondent is associated with the Applicant. This may effect the Applicants reputation and financially.

13. The First Respondent is thus ordered to change its name to one that does not include MONDI in it.

14. By having the same name as the Applicant members of the public are misled to believe that the Respondent is associated with the Applicant.

## **ORDER**

15. I find in favour of the Applicant

- a. The First Respondent is ordered to change its name to one which does not incorporate MONDI and is not confusingly and or deceptively similar to Applicant's.
- b. The First Respondent is to file a notice of an amendment of its Memorandum of Incorporation, within 60 days of receipt of this order in order to change its name as per above.

- c. In the event that the First Respondent fails to comply with the order as aforementioned, within 3 months, from the date of the order, that Companies and Intellectual Property Commission (CIPC) be directed, in terms of Section 160(3) (b) (ii) read with section 14(2) of the Act, to change the First respondent's name to is registered company number being 2023/267643/07as the First Respondent's interim company name on the Companies register.
- d. The First Respondent is hereby exempted from the requirement to pay the prescribed fee for filing the notice of amendment contemplated in this paragraph.
- e. The Second Respondent is required to register the name applied for by the applicant once the Respondents name is removed from the registrar by the First Respondent or by CIPC within three months of the First Respondent failing to do so.
- f. The registrar of the Tribunal is instructed to bring this ruling to the attention of CIPC.

**MOHAMED ALLI CHICKTAY**  
**MEMBER OF THE COMPANIES TRIBUNAL**