



## IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA

**CASE NO:** CT02694ADJ2026

In the matter between:

**AMKA BRANDS PROPRIETARY LIMITED**

Applicant

and

**AMKA TRADING PROPRIETARY LIMITED**

1<sup>ST</sup> Respondent

(Registration Number 2025/822121/07)

**COMPANIES AND INTELLECTUAL PROPERTIES  
COMMISSION**

2<sup>nd</sup> Respondent

Date of Decision: 29<sup>th</sup> June 2026

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### DECISION

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#### INTRODUCTION

1. The Applicant is **AMKA BRANDS PROPRIETARY LIMITED**, a company duly incorporated and registered in terms of the laws of the Republic of South Africa with its registered address at 17 Ellman street, Sunderland Ridge, Centurion Gauteng. Applicant” and/or “ARM”).

2. The First Respondent is AMKA TRADING PROPRIETARY LIMITED (Reg. No. 2025/822121/07), with its registered address at B 1620 NHLOYILE ROAD SUNDUMBILI MANDENI KWA-ZULU NATAL 4491.
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 in Applicant, in its current form, was founded in the 1950's. It has a number of trade marks in the term AMKA. It also has a number of

subsidiary companies with the term AMKA. The Applicant has spent extensively on marketing.

8. The First Respondent was registered in 2025. 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 AMKA, which is visually, phonetically and conceptually identical to the Applicant's well known AMKA 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 AMKA or any mark which is identical or confusingly and/or deceptively similar to the Applicant's AMKA 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 AMKA 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 AMKA 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 directed to change its name to one which does not incorporate AMKA 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 2025/822121/07 as 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**