COMPANIES TRIBUNAL OF SOUTH AFRICA

CASE NO: CT02755/ADJ/2026

In the matter between:

DC COMICS (a New York general partnership)	**APPLICANT**
And	
JUSTICE LEAGUE (PTY) LIMITED	**FIRST RESPONDENT**
(Registration No.: 2025/543060/07)	
And	
COMPANIES AND INTELLECTUAL PROPERTY COMMISSION	**SECOND RESPONDENT**

Tribunal member: D Terblanche

Date of decision: 5 August 2026

DECISION AND REASONS

1. INTRODUCTION

1.1. This is an application for a default order in terms of Section 160 of the Companies Act, 2008 (Act 71 of 2008) (hereinafter "the Act"), read with Regulation 153 of the Companies Regulations, 2011.

1.2. The Applicant, DC Comics, seeks an order that the First Respondent's company name, "JUSTICE LEAGUE (PTY) LIMITED," does not satisfy the requirements of Section 11 of the Act, and that the First Respondent be directed to change its name to one that does not incorporate the Applicant's trade mark.

1.3. The application is unopposed, as the First Respondent failed to file an answering affidavit within the prescribed timeframe, despite proper service.

2. THE PARTIES

2.1. The Applicant is DC Comics, a general partnership organised under the laws of the State of New York, USA. The Applicant is a world-renowned comic book publisher and the proprietor of various intellectual property rights, including the trade mark **JUSTICE LEAGUE**.

2.2. The First Respondent is "JUSTICE LEAGUE (PTY) LIMITED," a private company incorporated in South Africa on 8 July 2025 with registration number 2025/543060/07. Its registered address is 13649 Magogoe Tar, Mahikeng, North West.

2.3. The Second Respondent is the Companies and Intellectual Property Commission (CIPC), the custodian of the companies register and an organ of state established in terms of Section 185 of the Act. No costs are sought against the Second Respondent unless it opposes the application.

3. THE APPLICATION

3.1. The Applicant lodged an objection to the First Respondent's company name on 21 May 2026 by filing a Form CTR 142: Application for Relief. The application is based on the grounds that the First Respondent's name is identical to and confusingly similar to the Applicant's well-known **JUSTICE LEAGUE** trade mark, in contravention of Sections 11(2)(a)(iii), 11(2)(b), and 11(2)(c)(i) of the Act.

4. BACKGROUND AND PROCEDURAL HISTORY

4.1. On 23 March 2026, the Applicant's attorneys, Adams & Adams, sent a letter of demand to the First Respondent, calling on it to cease using the name **JUSTICE LEAGUE** and to undertake to change its name. The First Respondent was given until 8 April 2026 to comply.

4.2. On 15 April 2026, the Applicant's attorneys followed up with the First Respondent via email. The First Respondent responded, requesting that the Applicant's attorneys "stop harassing" it and to direct their demands to the CIPC. This response was dismissive and demonstrated no intention to comply with the Applicant's demands.

4.3. On 21 May 2026, the Applicant filed the application for relief with the Companies Tribunal under Case No. CT02755/ADJ/2026.

4.4. On 21 May 2026, the application for relief, together with supporting affidavits, was served electronically on the First Respondent. Furthermore, on 25 May 2026, the Sheriff of Mahikeng served a copy of the application by affixing it to the main entrance door of the First Respondent's registered address, as the premises were locked and no other service was possible. This constitutes good and valid service in terms of the Act.

4.5. The First Respondent had until 22 June 2026 to file an answering affidavit. To date, the First Respondent has failed to do so. No request for an extension of time was made.

4.6. On 28 July 2026, the Applicant filed the present application for default judgment, seeking the same relief as set out in the initial application.

5. LEGAL FRAMEWORK

5.1. Section 160 of the Act empowers the Companies Tribunal to make a determination regarding whether a company name satisfies the requirements of the Act.

5.2. Section 11 of the Act prescribes the criteria that a company name must meet. In particular:

> *"(2) The name of a company must—*
>
> *(a) not be the same as—*
>
> *(i) the name of another company, domesticated company, registered external company, close corporation or co-operative;*
>
> *(ii) a name registered for the use of a person, other than the company itself or a person controlling the company as a defensive name in terms of the Business Names Act, 1960 (Act No. 27 of 1960);*
>
> *(iii) (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; or

(iv) a mark, word or expression the use of which is restricted or protected in terms of the Merchandise Marks Act, 1941 (Act No. 17 of 1941), except to the extent permitted by or in terms of that Act;

(b) not be confusingly similar to a name, trade mark, mark, word or expression contemplated in paragraph (a), unless—

(i) in the case of names referred to in paragraph (a)(i), each company bearing any such similar name is a member of the same group of companies;

(ii) in the case of a company name similar to a defensive name or to a business name referred to in paragraph (a)(ii), the company, or a person who controls the company, is the registered owner of that defensive name or business name; or

(iii) in the case of a name similar to a trade mark or mark referred to in paragraph (a)(iii), the company is the registered owner of the business name, trade mark or mark, or is authorised by the registered owner to use it; or

(iv) in the case of a name similar to a mark, word or expression referred to in paragraph (a)(iv), the use of that mark, word or expression by the company is permitted by or in terms of the Merchandise Marks Act, 1941; and

(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;

(ii is an organ of state or a court, or is operated, sponsored, supported or endorsed by the State or by any organ of state or a court;

(iii) is owned, managed or conducted by a person or persons having any particular educational designation or who is a regulated person or entity;

(iv) is owned, operated, sponsored, supported or endorsed by, or enjoys the patronage of, any—

(aa) foreign state, head of state, head of government, government or administration or any department of such a government or administration; or

(bb) international organisation; and

(d) not include any word, expression or symbol that, in isolation or in context within the rest of the name, may reasonably be considered to constitute—

(i) propaganda for war;

(ii) incitement of imminent violence; or

(iii) advocacy of hatred based on race, ethnicity, gender or religion, or incitement to cause harm."

5.3. Section 160(1) provides in relevant part:

"... , or any other 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 this Act."

5.4. Regulation 153 of the Companies Regulations, 2011, provides for the procedure for default judgments. It allows the Tribunal to grant a default order if a respondent fails to file a response within the prescribed time, and the applicant seeks such an order.

5.5. In considering a default application, the Tribunal is required to assess whether the applicant has made out a *prima facie* case on the merits.

6. ANALYSIS AND ASSESSMENT OF THE MERITS

The Tribunal has carefully considered the application, the affidavits filed in support thereof, and the annexures thereto. The strength of this application is exceptionally high for the reasons set out below.

6.1. Undisputed Factual Matrix

6.1.1. The core facts of this matter are simple and unchallenged. The Applicant owns an identical registered trade mark, and the First Respondent is using that exact mark as its company name. There is no ambiguity in the factual position.

6.1.2. The Applicant's trade mark registrations (Annexures "CJ3.1" – "CJ3.16") predate the incorporation of the First Respondent (8 July 2025), giving the Applicant clear prior rights. The First Respondent has not disputed these facts, nor has it provided any explanation for its adoption of the name.

6.2. Clear Statutory Violation

6.2.1. The violation of Section 11(2)(a)(iii) is direct and undeniable. The First Respondent's name, "JUSTICE LEAGUE (PTY) LIMITED," is, for all intents and purposes, a direct copy of the Applicant's registered trade mark, **JUSTICE LEAGUE**.

6.2.2. The additions of "(PTY) LIMITED" are merely corporate designations and do not serve to distinguish the name from the trade mark. The dominant and memorable element of the First Respondent's name remains **JUSTICE LEAGUE**, which is identical to the Applicant's mark. This Tribunal has consistently held that the addition of corporate indicators such as "(Pty) Ltd" does not negate the confusing similarity or identity with a registered trade mark.

6.3. Well-Known Mark

6.3.1. The Applicant has provided ample evidence to establish the **JUSTICE LEAGUE** mark as well-known. The founding affidavit of Chris Jackson sets out extensive worldwide use, the fame of the comic book series and films, and the significant licensing and merchandising operations. This qualifies the mark for protection as a well-known trade mark under Section 35 of the Trade Marks Act, 1993.

6.3.2. This is a significant factor under Section 11(2)(b) and (c)(i). The public is far more likely to be misled by a name that is famous and associated with a major corporation like DC Comics. This elevates the case beyond a simple comparison of words; it highlights the substantial risk of public deception and dilution of a valuable brand.

6.3.3. The Tribunal accepts that the **JUSTICE LEAGUE** trade mark is a household name globally and in South Africa. Given this renown, the use of the identical name is highly likely to mislead the public into believing that the First Respondent is part of, or associated with, the Applicant. This is particularly concerning because the Applicant has no control over the First Respondent's business activities, goods, or services. The association could lead to reputational damage for the Applicant, as articulated in the *Buttercup* case cited in the supporting affidavit.

6.4. Strong Supporting Evidence

6.4.1. The application is supported by a wealth of evidence that reinforces the Applicant's case:

6.4.1.1. Trade Mark Registrations: The Applicant has filed 16 separate registrations (Annexures "CJ3.1" – "CJ3.16"), demonstrating a massive investment in protecting the mark in South Africa across a vast spectrum of goods and services, including classes 3, 5, 9, 14, 16, 18, 20, 21, 24, 25, 28, 29, 30, 32, 33, and 41. This extensive portfolio evidences the Applicant's serious commercial interests in the mark.

6.4.1.2. **Worldwide Portfolio (Annexure "CJ4"):** The schedule of international registrations underscores the global fame of the mark and the Applicant's serious interest in its protection across numerous jurisdictions. This international presence reinforces the well-known status of the mark.

6.4.1.3. **Social Media Presence (Annexure "CJ5"):** The screenshots of the Applicant's social media pages for the **JUSTICE LEAGUE** franchise on Facebook and Instagram demonstrate active and modern use of the mark. This proves the mark is not an abandoned or obsolete brand but remains a vibrant and commercially valuable asset.

6.4.1.4. **Comair Order (Annexure "DTH3"):** The Tribunal has considered the High Court order in *Comair Limited v Kulula South Africa (Pty) Ltd & Others* (Case no. 65895/2019). This case law is directly on point and confirms the Tribunal's power to order the CIPC to change a name to a registration number in the event of non-compliance. This provides a clear mechanism for enforcing the Tribunal's order, effectively removing the risk of the First Respondent simply ignoring the order.

6.5. Hostile First Respondent

6.5.1. The First Respondent's initial response to the letter of demand, which was to simply tell the Applicant's attorneys to stop "harassing" them and to take the matter up with the CIPC, is not just uncooperative; it is indicative of a party that has knowingly adopted a famous name and is attempting to brazen it out.

6.5.2. This attitude leaves the Tribunal with little room for leniency and reinforces the need for a robust order. The First Respondent has demonstrated a disregard for the Applicant's rights and for the legal process itself.

6.6. Uncontested Application

6.6.1. The failure to file any answering affidavit means the Applicant's version of events is the only one before the Tribunal. There is no opposing argument, no evidence of good faith, and no plausible defence.

6.6.2. The application for default judgment is merely a formality to formally convert the *prima facie* case into a final order. The First Respondent has been afforded ample opportunity to respond to the allegations but has failed to do so.

6.7. Judicial Precedent

6.7.1. The principles set out in cases such as *Hollywood Curl (Pty) Limited v Twins Products (Pty) Limited* 1989 (1) SA 255 (A) and *Deutsche Babcock SA (Pty) Limited v Babcock Africa (Pty) Limited* 1995 (4) SA 1016 TPD are highly applicable. They affirm that where a company name is identical or confusingly similar to a trademark with a reputation, it is undesirable and likely to cause damage to the trademark owner.

6.7.2. The Tribunal adopts the reasoning in these cases and finds that the First Respondent's name is calculated to cause damage to the Applicant's business and goodwill.

7. FINDINGS

7.1. The Applicant's case is legally sound, factually robust, and procedurally in order.

7.2. The Tribunal finds that the Applicant has established a strong *prima facie* case for the relief sought.

7.3. The First Respondent's name, "JUSTICE LEAGUE (PTY) LIMITED," is identical to the Applicant's well-known, registered trade mark **JUSTICE LEAGUE** and is consequently in violation of Section 11(2)(a)(iii) of the Act.

7.4. Furthermore, the use of such an identical name in the course of trade is likely to mislead the public and cause confusion, thereby violating Section 11(2)(b) and Section 11(2)(c)(i) of the Act.

7.5. The First Respondent has been afforded ample opportunity to respond to the allegations but has failed to do so. It has also failed to engage with the Applicant's legitimate concerns pre-litigation, indicating no intention to resolve the matter amicably.

7.6. The relief sought by the Applicant is just and equitable in the circumstances.

8. ORDER

The Companies Tribunal hereby makes the following order:

8.1 It is declared that the First Respondent's name, **JUSTICE LEAGUE (PTY) LIMITED**, does not satisfy the requirements of Section 11 of the Companies Act, 2008.

8.2 The First Respondent is directed to change its name to one which does not incorporate the mark **JUSTICE LEAGUE** or any name which is confusingly or deceptively similar to the Applicant's **JUSTICE LEAGUE** trade mark, within **60 (sixty) days** of the date of this order.

8.3 In the event that the First Respondent fails to comply with paragraph 2 of this order within the stipulated 60 days, the Second Respondent (the Companies and Intellectual Property Commission) is hereby directed, in terms of Section 160(3)(b)(ii) read with Section 14(2) of the Companies Act, to change the First Respondent's name on the companies register to its registration number followed by "(Pty) Ltd", being **"2025/543060/07 (PTY) LTD"**.

8.4 There is no order as to costs as the application was unopposed.

SIGNED at PRETORIA on this ______ day of _________________, 2026.

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D Terblanche

MEMBER OF THE COMPANIES TRIBUNAL