



IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA

CASE NO: CT02797ADJ2026

In the matter between:

DC COMICS

Applicant

and

**SUPERMAN FUNNY (PTY) LIMITED
(2025/586555/07)**

First Respondent

COMPANIES AND INTELLECTUAL PROPERTY

Second Respondent

Date of Decision: 30th July 2026

DECISION

INTRODUCTION

1. The Applicant is **DC COMICS** a general partnership organized under laws of the State of New York having its registered office at 400 Warner Boulevard Burbank CA 91522 USA.

2. The First Respondent is **SUPERMAN FUNNY (PTY) LIMITED** a South African company incorporated in terms of the Companies Act 71 of 2008, with registration no. **(2025/586555/07)**.

3. The Second Respondent is the Companies and Intellectual Property Commission, an organ of state established in terms of Section 185 of the Companies Act, having its principal place of business at DTI Campus, Block F, 77 Meintjies Street, Sunnyside, Pretoria, Gauteng ("CIPC").

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 has various trade marks in the name superman. The Superman comic was first published in 1938. It also appeared in various newspapers, radio shows, television programs and movies. There also various toys clothes and collectibles. Superman is well known globally and on social media

6. The first respondent has deliberately adopted and persisted in using a name that is confusingly and deceptively similar to that of the applicant..

7. The issue to be determined by this Tribunal is whether the first respondent's name contravenes Section 11(2) of the Companies Act and

whether, in those circumstances, the first respondent should be ordered to *inter alia* change its name.

8. The First Respondent's name is contrary to the provisions of Sections 11 (2)(a)(iii) and 11(2)(c)(i) of the Companies Act in that it is confusingly similar to a trademark belonging to the Applicant and will reasonably mislead a person to believe incorrectly that the First Respondent is part of or associated with the Applicant.

9. The Applicant has attempted to resolve this matter without resorting to litigation but has not received the First Respondent's co-operation. Therefore, the Applicant has no option but to proceed with this formal objection.

APPLICABLE LAW

10. 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

(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

11. Section 11 (2) of the Companies Act requires me to determine whether the name of the respondent is confusingly similar to that of the Applicants. The Respondents name has Superman which is a well known trademark belonging to the Applicant. When members of the public see the Respondents name they will think of the Applicant. This may give members of the public the impression that it is owned by the Applicant with the potential to cause reputational damage. Since the names are similar members of the public may use the Respondents business thinking it is the Applicants business causing financial harm and reputational damage to the Applicant.

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 trademark.

I

13. thus find in favour of the Applicant.

ORDER

- a. I find in favour of the Applicant
- b. The Respondent is directed to change its name to one which does not incorporate and is not confusingly and or deceptively similar to Applicant's. It should not include the word Superman in any form.
- c. The 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.
- d. In the event that the 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 respondent's name to is registered company number being 2025/586555/07 as the Respondent's interim company name on the Companies register.
- e. The Respondent is hereby exempted from the requirement to pay the prescribed fee for filing the notice of amendment contemplated in this paragraph.
- f. This Determination must be served on the Respondent and the Registrar of Companies and Intellectual Property Commission.

MOHAMED ALLI CHICKTAY
MEMBER OF THE COMPANIES TRIBUNAL