



IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA

Case No: CT02663ADJ2026

In the matter between:

BRIDGESTONE CORPORATION
(a company incorporated in Japan)

APPLICANT

And

BS TYRES (PTY) LTD

**FIRST
RESPONDENT**

(Registration No. 2024/645950/07)

**COMMISSIONER OF THE COMPANIES AND
INTELLECTUAL PROPERTY COMMISSION**

**SECOND
RESPONDENT**

Presiding Member of the Companies Tribunal: DR MINAH TONG-MONGALO

Date of Decision: 28 August 2026

DECISION (Reasons and an Order)

A. INTRODUCTION AND BACKGROUND

1. This is an application by Bridgestone Corporation (the Applicant) in terms of section 160(1) of the Companies Act 71 of 2008 (the Act), read with regulations 142 and 153 of the Companies Regulations, 2011. The application concerns the registered name BS TYRES (PTY) LTD (the First Respondent).
2. The Applicant seeks a determination that the First Respondent's name does not satisfy sections 11(2)(a)(iii), 11(2)(b) and 11(2)(c)(i) of the Act. It asks that the First Respondent be directed to choose and register a compliant name and that consequential relief be granted if it fails to do so.

3. The Applicant relies on its BRIDGESTONE trade marks, including long-standing registrations in class 12 for tyres and related goods. It contends that the letters 'BS' are derived from the first letters of 'Bridge' and 'Stone' and that, when combined with the descriptive word 'TYRES', the First Respondent's name is confusingly similar to BRIDGESTONE and falsely suggests an association with the Applicant.
4. The application is unopposed. The absence of an answer does not, however, entitle an applicant to relief as a matter of course. Regulation 153(2) permits a default order only where the initiating application was adequately served and the order sought is justified by the allegations and evidence before the Tribunal.

B. THE PARTIES

5. The Applicant is Bridgestone Corporation, a company incorporated under the laws of Japan, with its principal place of business at 1-1 Kyobashi 3-Chome, Chuo-ku, Tokyo, Japan. It conducts a substantial international tyre and rubber-products business and is the proprietor of the BRIDGESTONE trade marks relied upon in these proceedings.
6. The First Respondent is BS Tyres (Pty) Ltd, a private company incorporated in South Africa on 15 October 2024 under registration number 2024/645950/07. Its registered address is 157 Reedbok Street, Leondale, Roodekop, Gauteng, 1401. The Companies and Intellectual Property Commission's disclosure certificate records Mr Bongani Simphiwe Mbuyisa as a director.
7. The Second Respondent is cited in its official capacity as the functionary responsible for the companies register. No substantive relief is required against the Second Respondent for purposes of the order made below.

C. JURISDICTION

8. The Tribunal derives its jurisdiction over company name disputes from sections 160 and 195 of the Act. A person with an interest in a company name

may apply for a determination whether that name satisfies the requirements of the Act.

9. The Tribunal's task in this matter is confined to the company-name requirements in section 11 and the remedies authorised by section 160. The papers also refer to trade mark infringement and passing off. Those causes of action are not determined in this decision.

D. SERVICE AND THE APPLICATION FOR DEFAULT ORDER

10. The CTR 142 application was signed on 20 March 2026 and stamped as received by the Tribunal on 23 March 2026 under case number CT02663/ADJ/2026.
11. The Sheriff's return records that the initiating application was served at the First Respondent's registered address on 26 March 2026 at 12:40 by delivery to Ms Noncedo Zulu. The return describes her as the wife of the owner, a person apparently over the age of 16, in control of and apparently employed at the premises. The address corresponds with the registered address in the Commission's disclosure certificate.
12. The contemporaneous email record shows that the stamped CTR 142 and founding affidavit were transmitted to the Second Respondent at corporatelegalservices@cipc.co.za on 25 March 2026. The reference to 25 May 2026 in the supporting affidavit is an evident typographical error when read with that email record.
13. The First Respondent did not deliver an answer within the 20 business days prescribed by regulation 143(1), or at any later time before the default application was made on 25 May 2026. I am satisfied that the initiating application was adequately served and that the procedural time period for seeking a default order had elapsed.
14. The CTR 145 form attached to the default application contains a different case number in its 'Concerning' field. The covering page, supporting affidavit,

parties, record and relief all identify this matter and the correct Tribunal case number. I treat the isolated mismatch as a patent clerical error. It causes no uncertainty about the application that is before the Tribunal.

15. Regulation 143(4) permits factual allegations that have not been denied to be treated as admitted. It does not convert a legal conclusion into a fact or relieve the Tribunal of the duty under regulation 153(2) to decide whether the evidence justifies the order sought.

E. STANDING AND GOOD CAUSE

16. As proprietor of the BRIDGESTONE trade marks and as a trader in the market to which the word 'TYRES' refers, the Applicant has a direct and substantial interest in the First Respondent's name. It accordingly has standing under section 160(1) of the Act.

17. The Applicant became aware of the First Respondent's registration in January 2025. Its attorneys sent a demand by email on 14 February 2025, a follow-up on 7 March 2025, and a further demand by courier on 22 April 2025. The Applicant states that it thereafter monitored the register before commencing these proceedings in March 2026. No response to the demands was received.

18. In *Highly Nutritious Food Company (Pty) Ltd v Companies Tribunal and Others*,¹ the High Court held that good cause under section 160(2)(b) is not assessed by delay alone; the Tribunal must consider the explanation and the merits. It must thus consider interests of justice as a whole.

19. The explanation for the period after April 2025 is terse. The delay is nevertheless not extreme; the Applicant objected soon after learning of the registration, maintained a consistent position, and the continued registration gives the dispute an ongoing character. Considering the matter as a whole, I am satisfied that good cause has been shown to entertain the application. That finding does not determine its merits.

¹ (91718/2016) [2017] ZAGPJHC 471 at paragraph 18.

F. APPLICABLE LAW

20. Section 11(2)(a)(iii) provides, subject to specified exceptions, that a company name must not be the same as a registered trade mark belonging to another person. Section 11(2)(b) provides that a company name must not be confusingly similar to a name or mark contemplated in section 11(2)(a), subject to the statutory exception for companies controlled by the same person.
21. Section 11(2)(c)(i) provides that a company name must not falsely imply or suggest, or be such as would reasonably mislead a person to believe incorrectly, that the company is part of, or associated with, another person or entity.
22. If the Tribunal determines that a name does not satisfy the Act, section 160(3)(b)(ii) permits it to direct the company to choose a new name and file a notice of amendment to its Memorandum of Incorporation within a period, and on conditions, that are just, equitable and expedient.

G. LEGAL PRINCIPLES

23. Whether names or marks are confusingly similar is a value judgment based on the likely reaction of the ordinary customer who encounters them in the normal course of business. The question is whether there is a reasonable probability, and not merely a possibility, of confusion. See *Cowbell AG v ICS Holdings Ltd.*²
24. The comparison is global. The marks must be considered as wholes, having regard to their visual, aural and conceptual impressions and to any dominant components. The court must place itself in the position of a customer with imperfect recollection and must avoid undue peering and dissection. See *Yuppiechef Holdings (Pty) Ltd v Yuppie Gadgets Holdings (Pty) Ltd* [2016]

² 2001 (3) SA 941 (SCA) at paragraph 10.

ZASCA 118 at paragraph 26; and *National Brands Ltd v Cape Cookies CC and Another* [2023] ZASCA 93 at paragraph 24.

25. The word 'similar' requires a marked resemblance or likeness that is recognisable on comparison. An overbroad approach can confer an unacceptable monopoly on features that are not themselves distinctive. See *Bata Ltd v Face Fashions CC* 2001 (1) SA 844 (SCA) at paragraphs 9 and 14; and *National Brands*, above, at paragraphs 26 and 27.

26. Reputation and the field in which the parties trade are relevant surrounding circumstances, but they do not replace the threshold comparison. Nor may a claimed meaning or abbreviation be assumed where the evidence does not establish that consumers would understand the expression in that way. The reasoning in *National Brands*, above, at paragraphs 28 and 29 is instructive in this regard.

H. EVALUATION

27. The BRIDGESTONE word mark and the registered company name BS TYRES are not the same. The First Respondent's name does not reproduce the mark, and the differences are substantive rather than minute. Section 11(2)(a)(iii) is therefore not contravened.

28. Visually, BRIDGESTONE is a single eleven-letter word. BS TYRES is a two-letter initialism followed by a separate, ordinary descriptive word. Apart from the letters B and S, which occur at different positions in BRIDGESTONE, the expressions have no shared sequence, structure or overall appearance.

29. Aurally, BRIDGESTONE is ordinarily pronounced as two joined words or syllabic components. BS TYRES is naturally spoken as the two separate letters 'B' and 'S' followed by 'tyres'. The sounds, cadence and length are materially different.

30. Conceptually, BRIDGESTONE is a distinctive composite expression and the Applicant's trade mark. BS TYRES, viewed without the Applicant's

explanatory exercise, conveys a business identified by two initials and the goods or services with which it deals. The link asserted by the Applicant is not apparent on first impression.

31. The central difficulty is the proposition that 'BS' will be understood as an abbreviation of BRIDGESTONE because B is taken from 'Bridge' and S from 'Stone'. That proposition requires the BRIDGESTONE mark first to be divided into two components and then reduced to their initial letters. It is the kind of analytical dissection that the authorities caution against.
32. The evidence establishes extensive use and reputation in BRIDGESTONE, including substantial international operations and trade in South Africa. It does not establish that the Applicant trades under BS, owns a BS trade mark relied upon in this application, or that customers, dealers, the media or the tyre industry commonly use BS to identify the Applicant. The Applicant's own examples and trade mark schedule consistently present the full BRIDGESTONE mark.
33. Two letters are capable of being the initials of a great many names. Without evidence of acquired recognition, the mere ability to construct BS from parts of BRIDGESTONE is insufficient to create a marked resemblance between the expressions as a whole.
34. The word TYRES accurately describes the commercial field in which the Applicant has a formidable reputation. That common field is relevant to the confusion enquiry, but TYRES is descriptive and does not resemble BRIDGESTONE. A shared field of activity may intensify confusion where a sufficient similarity already exists; it cannot create similarity between otherwise dissimilar names.
35. I accept for purposes of this unopposed application that BRIDGESTONE is well known in relation to tyres. The strength of that reputation does not extend the statutory protection to every unexplained use of the letters B and S in a

tyre-related company name. Such a conclusion would grant a monopoly wider than the mark and wider than the evidence supports.

36. Taking the expressions as a whole and allowing for imperfect recollection, there is no reasonable probability that a substantial number of persons would believe that BS TYRES is BRIDGESTONE or another manifestation of the BRIDGESTONE mark. The claim under section 11(2)(b) has therefore not been established.

37. For substantially the same reasons, the name BS TYRES does not, by itself, objectively imply an association with Bridgestone Corporation. There is no evidence of get-up, representations, conduct, common branding or public usage capable of supplying the missing link. The requirements of section 11(2)(c)(i) have not been met.

38. The Applicant's factual evidence is largely uncontested, but the conclusion that BS is an abbreviation recognised as referring to BRIDGESTONE is neither a proved fact nor an inevitable inference from the admitted material. Regulation 143(4) does not require the Tribunal to accept it as a legal conclusion.

39. It follows that, although the application was adequately served and the Applicant has shown good cause for it to be entertained, the order sought is not justified by the allegations and evidence as required by regulation 153(2).

I. ORDER

40. The application for a default order is dismissed.

41. There is no order as to costs.

DR MINAH TONG-MONGALO
MEMBER OF THE COMPANIES TRIBUNAL