



IN THE COMPANIES TRIBUNAL OF THE REPUBLIC OF SOUTH AFRICA

Case number: CT02628ADJ2026

In the matter between;

ROBERT BOSCH GmbH

Applicant

And

**BOSCH B Consult (Pty) LIMITED
(Registration Number 2024/473934/07)**

First Respondent

COMMISSIONER FOR INTELLECTUAL

PROPERTY COMMISSION

Second Respondent

Presiding Member of the Tribunal:

NOMAGCISA CAWE

Date of Decision: 31 August 2026

DECISION (Reasons and Order)

Introduction

1. This is an application in terms of section 160 of the Companies Act 71 of 2008 (the Act). The basis of the application is that the First Respondent's name BOSCH B CONSULT (PTY) LIMITED is contrary to the provisions of Section 11(2) of the Act and should not be permitted to remain in its current form on the Companies register, as it

incorporates, and is confusingly similar to the Applicant's BOSCH trademarks which are registered in South Africa.

THE PARTIES

2. The Applicant is Robert Bosch GmbH, a German company, of Robert-Bosch-Platz 1, D-D-70839 Gerlingen, Germany.
3. The First Respondent is BOSCH B CONSULT (Pty) Limited, a Company duly incorporated in terms of the Companies Act 71 of 2008 (the Act) with registration number 2024/473934/07 and having its registered address at 14 Kinley Place Unit 4, Grayling, Westville, KwaZulu-Natal.
4. The Second Respondent is the Commissioner and Intellectual Property Commission (CIPC), an organ of state established in terms of Section 75 of the Companies Act, having its principal place of business at DTI CAMPUS, BLOCK F, 77 MEINJTIES STREET, SUNNYSIDE, PRETORIA, GAUTENG PROVINCE. The Second Respondent is cited in its official capacity only as the custodian of the companies register. No order of costs is sought against the Second Respondent, save in the event that it should oppose this application.

PRELIMINARY ISSUES

5. The Applicant instructed Adams and Adams, it's attorneys of record, to send a letter of demand to the First Respondent, calling it to cease using the name Bosch B Consult (Pty) Limited and to undertake to change its name to one which does not incorporate the words BOSCH. The letter was sent, by email, to Respondent on 21 October 2024.
6. One Ms. Bianca, purporting to act on behalf of the First Respondent, undertook to change First Respondent's name to one not incorporating the BOSCH trade mark. Bianca actually requested the Applicant's attorneys to assist her in reserving her company name as "BIANCA B CONSULT". This was done by the attorneys. Despite the reservation, the First Respondent's company name has not been changed to date.
7. On 4 March 2026 the Applicant's attorneys lodged an application for relief with the Tribunal, under Sections 11(2) and 160 of the Act, and a copy thereof together with attachments was served electronically on both the First and Second Respondents, to their respective registered email addresses. Further, the Sheriff of Westville served the application on First Respondent's representative, Ms. Bianca, at the First Respondent's business address on 10 March 2026.
8. The First Respondent had until 6 April 2026 to Respond to the application, but to date, has failed to do so. I am, consequently, satisfied that the Respondent's lack of participation in these proceedings is not due to lack of service and that this application is unopposed.
9. Details of the various **BOSCH** trade marks in various classes, which have been registered in the Republic of South Africa, are cited in Applicant's papers and copies

thereof are attached to the papers. I am, accordingly, satisfied that the trademarks are duly registered.

APPLICANT'S SUBMISSIONS

10. Dieter Alvermann (Alvermann), in his founding affidavit, submits that the Applicant has established and owns common law rights in the **BOSCH** trademarks and that it is in a position to enforce them in terms of the provisions of the Trade Marks Act 194/1993. He submits further, that the Applicant has acquired a substantial reputation and goodwill in its **BOSCH** trademarks, hence its interest in First Respondent's name.
11. Alvermann contends that the First Respondent's name **BOSCH B CONSULT** is confusingly similar to the **BOSCH** trademarks of the Applicant and that the dominant and memorable portion of the First Respondent's name is **BOSCH**. The remaining portion of the company's name, namely **B CONSULT PTY LTD**, is purely descriptive and, therefore, does not distinguish the First Respondent's company name from that of the Applicant's. As such there exists a reasonable likelihood of confusion and/or deception arising amongst members of the public between the two.
12. The Applicant requests the Companies Tribunal to make an order that the First Respondent be ordered to change its company name to one that does not consist of, or incorporate, and is not confusingly and /or deceptively similar to its **BOSCH** trademarks or any other mark which is confusingly and/or deceptively similar to the Applicant's name and trade mark.

APPLICABLE LAW

13. Section 11 (2) of the Act

This section is primarily about protection against infringement of a registered company name or trademark, and reads as follows:

" Section 11 (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) a name registered for the use of a person as a business name in terms of the Business Names Act, 1960 (Act No. 27 of 1960);*
- (ii) *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); or*

(b) *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;*

- (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;"*

14. The Applicant seeks remedies in terms of **Section 160 of the Act**

Section 160 states that:-

- (1) *a person to whom a notice is delivered in terms of section 12(3) or section 14(3) or any other person with an interest in the name of a company, may apply to the Companies Tribunal in the prescribed manner and form for a determination whether the name satisfies the requirements of section 11.*
- (2) *An application in terms of subsection (1) may be made—*
within three months after the date of a notice contemplated in subsection (1), if the applicant received such a notice; or
 (a) *on good cause shown at any time after the date of the reservation or registration of the name that is the subject of the application, in any other case.*
- (3) *After considering an application made in terms of subsection (1), and any submissions by the applicant and any other person with an interest in the name or proposed name that is the subject of the application, the Companies Tribunal—*
- (a) *must make a determination whether that name satisfies the requirements of section 11; and*
- (b) *may make an administrative order directing—*
 (i) *the Commission to—*
 (aa) *reserve a contested name for the applicant in terms of section 12; (bb) register the contested name, or*
amended name as the name of a company; or
 (cc) *cancel a reservation granted in terms of section 12, if the reserved name has not been used by the person entitled to it; or*
- (ii) ***a company to choose a new name, and to file a notice of an amendment to its Memorandum of Incorporation, within a period and on any conditions that the Tribunal considers just, equitable and expedient in the circumstances, including a condition exempting the company from the requirement to pay the prescribed fee for filing the notice of amendment contemplated in this Section.*** (emphasis added).

15. In 1948 ¹ the courts considered it appropriate to state that *"the court must not only consider the marks when placed side-by-side but must have regard to the position of a person who might at one time see or hear one of the marks and later, possibly with an imperfect recollection of the mark, come across the other mark"*.
16. In more recent times, in an unreported judgement ² the court said: *" If one compares the name Kentron which the applicant has used and is still using with the name Kentronics which the first respondent is using, its is clear that there is a visual and phonetic difference. It is, however, also obvious that there are similarities. The name Kentronics incorporates the whole of the applicants trading style Kentron."*
17. In 2001 the court said: ³ *"the decision involves a value judgment and that the ultimate test is whether, on a comparison of the two marks it can properly be said that there is a reasonable likelihood of confusion if both marks are to be used together in a normal and fair manner, in the ordinary course of business"*.

EVALUATION

18. The dominant word in the Applicant's name is **BOSCH** and the dominant part of the First Respondent's name is **BOSCH**. The dominant words are the same, and if members of the public merely look at the names of the two different entities, there is a real likelihood that they will be misled by the similarity of the names.
19. Members of the public may be confused or deceived into believing that the business of the Applicant is linked to, or associated with, that of the First Respondent and are "horses from the same stable".

FINDINGS

20. It is my view that the First Respondent falsely implies or suggests, and reasonably misleads a person to believe incorrectly, that the Respondent is part of, or associated with the Applicant's well-known trademarks, as contemplated in section 35 of the Trade Marks Act.
21. When the name of the First Respondent, and the trademark word **BOSCH** are placed side-by-side and with regard to the position of a person who might at one time see or hear one of the marks and later possibly with an imperfect recollection of that mark, come across the other mark, I have no doubt that the name and the mark would not

¹ AMERICAN CHEWING PRODUCTS CORPORATION v AMERICAN CHICLE COMPANY 1948 (2) SA 736 (A)

² DENEL (PTY) LTD AND KENTRONICS (PTY) LTD AND THE REGISTRAR OF COMPANIES TDP CASE NO 213527/2000 (unreported)

³ COWBELL AG V ICS HOLDINGS 2001 (3) SA 941 (SCA)

only be confusingly similar, but identical. That person would mistake the one for the other.

22. The word **BOSCH** in the First Respondent's name, incorporates the whole of the Applicant's **BOSCH** trademark and I am certain that the Applicant will be prejudiced if I do not make an order that the First Respondent change its name to one that does not incorporate and/or is not confusingly and or deceptively similar to the Applicant's trademarks. I am convinced that if the two names are compared, it can properly be said that there is a reasonable likelihood of confusion if both names are to be used together in a normal and fair manner in the ordinary course of business. It is my view that the dominant word **BOSCH** in the name of the First Respondent, is not only the same and confusingly similar to the dominant word **BOSCH** in the name of the Applicant but is identical and could falsely imply or suggest that the Applicant is associated with the First Respondent. This would reasonably mislead a person to believe incorrectly that the applicant is associated with the First Respondent.

23. I proceed to make a default order in the following terms

ORDER

24. The First Respondent is directed to change its name to one which does not incorporate and/or is not confusingly and/or deceptively similar to the Applicant's **BOSCH** trademarks.

25. The CIPC is authorised to change the name of the First Respondent, in the event of the First Respondent not complying with paragraph 27 above within 60 days from receipt of this order, to its registration number (2024/473934/07) followed by (Pty) Ltd as the First Respondent's interim name on the companies register.

26. The First Respondent must file a notice of amendment of its Memorandum of Incorporation, within 60 days of receipt of this order.

27. The instant Order must be served on the First Respondent by the Tribunal's Recording Officer.

28. As the First Respondent has not wasted costs in opposing the matter, I do not make a costs order against it.

Nomagcisa Cawe

MEMBER OF COMPANIES TRIBUNAL OF SOUTH AFRICA)