



IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA

CASE NO: CT02804ADJ2026

TANDISWA CHERLIEYEND HOPA

APPLICANT

CIPC

RESPONDENT

Presiding Member: Dr. M A Chicktay

Date of Decision: 30th August 2026

DECISION

INTRODUCTION

- 1 The Applicant is Tandsiwa Cherlieyend Hopa an adult male South African with ID Number:XXXXXXXXXX088.
- 2 The application is brought in terms of Section 160(1) of the Companies Act, 2008. requesting the Tribunal to review and set aside the CIPC's refusal to reserve the name SAOSO.

APPLICANT'S SUBMISSIONS

- 3** On 15 April 2026, CIPC issued a COR9.5 Notice Refusing Name Reservation (Reference: 9456681267). The refusal states that the proposed names are "confusingly similar" to existing names, including "SAOSO Foundation".
- 4** SAOSO is a long-standing, recognised sector name. The name SAOSO stands for South African Organic Sector Organisation. It has been used for many years in the organic agriculture sector as a recognised coordinating body. The name is widely known among farmers, NGOS, government stakeholders, and sector partners.
- 5** The Applicant seeks to formalise this long-standing identity through proper registration.
- 6** The entity cited by CIPC SAOSO does not operate in the same capacity. The Applicant's organisation is the sector body, not a foundation. and the public is unlikely to confuse a national coordinating body with a foundation, as their purposes, activities, and branding differ significantly.
- 7** The organic sector in South Africa benefits from clarity, coordination, and a unified national body. Approving the name SAOSO strengthens governance, transparency, and accountability in the sector.
- 8** Refusing the name undermines continuity and creates confusion in the sector. The name is distinctive and not misleading The acronym SAOSO is unique and directly linked to the Applicant's long-standing

identity. The name does not mislead the public or imply association with any other entity.

- 9** The Applicant is willing, if required, to include the full name "South African Organic Sector Organisation" to further distinguish it.
- 10** The Applicant respectfully requests that the Tribunal set aside the COR9.5 refusal; Order CIPC to reserve the name "SAOSO" (or "South African Organic Sector Organisation").

RESPONDENTS SUBMISSIONS

- 11** The Respondent did not reply to the application.

APPLICABLE LAW

- 12** Reservation of names is governed by section 12 of the Companies Act. Section 12 reads in the material part as follows:

"(2) The Commission must reserve each name as applied for in the name of the applicant, unless —

- (a) the applicant is prohibited, in terms of section 11(2)(a), from using the name as applied for; or
- (b) the name as applied for is already reserved in terms of this section.

(3) If, upon reserving a name in terms of subsection (2), there are reasonable grounds for considering that the name may be inconsistent with the requirements of-

- (a) section 11(2)(b) or (c)-

- (i) the Commission, by written notice, may require the applicant to serve a copy of the application and name reservation on any particular

person, or class of persons, named in the notice, on the grounds that the person or persons may have an interest in the use of the name that has been reserved for the applicant; and

(ii) any person to whom a notice is required to be given in terms of subparagraph (i) may apply to the Companies Tribunal for a determination and order in terms of section 160."

13 Section 11 (2) of the Companies Act reads in the material part: "(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 section 12(9), or as a business name in terms of the Business Names Act, 1960 (Act No. 27 of 1960), unless the registered user of that defensive name or business name has executed the necessary documents to transfer the registration in favour of the company . . .

(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 ...”

EVALUATION

6 The Respondent applied sections of the Act incorrectly when refusing to register the Applicants proposed name.

7 The name that the applicant is requesting is not the same as that stated by the Respondent. Nor has the name proposed similar. Therefore section 12(2)(a) does not apply and the respondent must reserve the name.

- 8 The Applicant has used the name for many years in the organic agriculture sector and is widely known among farmers, NGOS, government stakeholders, and sector partners. The Applicant's organisation is the sector body, not a foundation. and the public is unlikely to confuse a national coordinating body with a foundation, as their purposes, activities, and branding differ significantly.
- 9 Since the Respondent is indicating that the name is “confusingly similar it must apply section 12(3), by written notice, requiring the applicant whose name was reserved, to serve a copy of the application and name reservation on any particular person, or class of persons, named in the notice, on the grounds that the person or persons may have an interest in the use of the name that has been reserved for by the applicant. Only after the notification process is complete, will section 160 and the powers of the Tribunal apply. No application as referred to above is before the Tribunal in this matter.
- 10 Whether the respondent wants to apply the process in section 12(3) is within its discretion but it cannot circumvent that process by deciding that section 11(2)(b) and/or (c) has not been complied with. That is reserved for the Tribunal in terms of section 160 of the Act.

ORDER

- 11 The respondent is required to register the name applied for by the applicant.
- 12 The registrar of the Tribunal is instructed to bring this ruling to the attention of Companies and Intellectual Property Commission.

Dr. MOHAMED ALLI CHICKTAY
MEMBER OF THE COMPANIES TRIBUNAL