

Companies Tribunal cases OCT 2022

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Companies Tribunal **2** Cases re:

1 Name disputes, **1** Exemptions, **0** Directorship disputes, **0** Reviews and **0** AGM, and **0** Others

- [Click on the 1st link for a short summary on the case](#)
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[CT01078ADJ2022](#)

The Courier Guy (Proprietary) Limited...

Name Disputes

Granted

13 Oct 2022

Summary: An application objecting against the registration and continued use of a company name – objection lodged in terms of sections 11(2)(a), 11(2)(b) and 11(2)(c) read with section 160 of the Companies Act, 2008 (Act No. 71 of 2008) – no answering affidavits filed by the respondents – applicant proceeded to file an application for a default order in terms of regulation 153 of the Companies Regulation, 2011 – default order can only be granted if the Companies Tribunal is satisfied that the application was adequately served on respondents – sheriff issued a return of service of the application on first and second respondents – application was served and received by a person in charge and control at the registered address of the first respondent and residential address of the second respondent – service on third respondent done electronically through email communication – the application was adequately served on the respondents – applicant did manage to show good cause for its application to be entertained by the Companies Tribunal – held: application for default order is granted – the name objection application is granted – first respondent’s company name is confusingly similar to the registered trade mark of the applicant – first respondent ordered to change its company name within sixty (60) days from date of the order .

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[CT01155ADJ2022](#)

WMA Africas (Pty) Ltd

Exemptions

Granted

6 Oct 2022

Summary: Applicant submits that, due to the limited nature and extent of its business, it is not reasonably necessary in the public interest for it to establish an SEC.

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[Background information:](#)

The Tribunal has jurisdiction to consider and hear matters relating to:

1. Company and defensive names reservation or registration disputes;
2. Amendments to memorandum of incorporation;
3. Review Compliance orders of the Companies and Intellectual Property Commission (CIPC);
4. Review Notices by the CIPC in respect of the appointment of a company secretary, auditor or audit committee;
5. Exemptions relating to the appointment of a social and ethics committee;
6. Exemptions from the applicable provision of the Act on the basis of related and inter-related persons, and control relationships;
7. Anti-avoidance exemptions and substantial compliance of the Act;
8. Extension of Annual General Meetings (AGM);
9. Application to hold AGM;
10. Removal of a director;

11. Company disputes arising from the Act may be referred to the Tribunal for mediation, conciliation and arbitration.

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