

## From the Editor's desk

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The Companies Tribunal (Tribunal) present this third quarter Bulletin to create awareness, inspire hope and confidence in its services. The Tribunal is excited to welcome its new members as appointed by the Minister of Trade, Industry and Competition, Ebrahim Patel. Judge Dennis Davies is appointed the Chairperson and Ms. Mina Tong-Mongalo as the Deputy Chairperson, as well as nine new members. During this quarter, the Tribunal participated in various stakeholder activities as means to take its services to the people, namely:

- 2nd Annual International Corporate Financial Markets Law Conference
- National Liquor Authority education awareness campaign in Mpumalanga and Limpopo
- Entrepreneur Day, Free State
- the **dtic** education and awareness in Xhariep District Municipality



This Third Quarter Bulletin features the following articles:

- Appointment of Tribunal Members
- Case highlights
- Stakeholder engagements

All stakeholders are encouraged to make suggestions and contributions; such inputs must be sent to Messrs. Simukele Khoza and Dumisani Mthlane at the following email addresses:

SKhoza@companiestribunal.org.za and DMthlane@companiestribunal.org.za

I hope the articles featured will take your knowledge of the Tribunal to the next level.

After a hectic year, we wish all our stakeholders a peaceful and blessed festive season.

**Mr S. Khoza**

**Manager: Communications and Marketing**

# Judge Dennis Davis appointed Chairperson of the Companies Tribunal

- By Bongani Lukhele

The Companies Tribunal (the Tribunal) thanks the outgoing members and is delighted by the appointment of Judge Dennis Davis as the new Chairperson and Ms. Mina Tong-Mongalo, his Deputy Chairperson. They were appointed by the Minister of Trade, Industry and Competition, Mr Ebrahim Patel, together with nine (9) Tribunal members. Section 194 of the Companies Act empowers the Minister of Trade, Industry and Competition to appoint Tribunal members with suitable qualifications and experience in economics, law, commerce, industry or public affairs.

Judge Davis previously served as head of the Competition Appeal Court and the Tax Appeal Court. Between 1991 and 1997 he was the Director of the Centre for Applied Legal Studies at the University of the Witwatersrand. He held joint appointments at Wits and UCT from 1995 - 1997. He was appointed a Judge of the High Court in 1998 and as President of the Competition Appeal Court in 2000. Since his appointment to the Bench, he has continued to teach constitutional law and tax law at UCT where he is an Honorary Professor of Law.

He is a member of the Commission of Enquiry into Tax Structure of South Africa and was a Technical Advisor to the Constitutional Assembly where negotiations for South Africa's interim and final constitutions were formulated and concluded. He hosted a television programme, Future Imperfect, which was an award-winning current affairs programme between 1993 and 1998.

He has been a visiting lecturer/professor at the Universities of Cambridge, Florida, Toronto and Harvard. He holds the following qualifications: B Com, LLB from the University of Cape Town and an MPhil from the University of Cambridge.

Ms Minah Tong-Mongalo the Deputy Chairperson is a Commercial Law specialist, specializing in contract law, corporate commercial law, and corporate governance. She is an admitted attorney of the High Court with 20 years of post-admission experience. Ms Tong-Mongalo is an experienced legal advisor and is pursuing her doctoral studies in the governance of state-owned enterprises. She holds an LLB and LLM (Commercial Law) qualification from the University of KwaZulu Natal.

The other members appointed are:

**Ms Hlaleleni Kathleen Dlepu** has been in the legal profession



*Tribunal's COO Ms 'Maletlatsa Monica Ledingwane (left) and Judge Dennis Davis (right) addressing staff*

for a number of years and is an admitted attorney, conveyancer, and notary public. She was appointed as the first chairperson of the Legal Practice Council in 2018. Her career highlights also include her tenure as Secretary General of the Black Lawyers Association, a council member of the Law Society of the Northern Provinces and co-chairperson of the Law Society of South Africa.

In 2022, Ms. Dlepu was named one of Courtroom Mail's Top 100 Most Influential Women in Law in Africa. She also received a Lifetime Achievement Award at the WOZA Women in Law Awards, and was recently given a special recognition award from the Black Lawyers Association for her commitment, leadership, and contribution to the transformation of the legal profession, judiciary and the organisation. She has a BProc and LLB Degrees from the University of the North.

**Ms Diane Terblanche** has extensive expertise in law and consumer advocacy and is an experienced managing attorney. A former Director of the Legal Aid Clinic at the University of the Western Cape, she is skilled in business planning, operations management, law enforcement, IT strategy, and policy analysis. She served previously as chair of the Consumer Tribunal. She has a BCom Law, LLB (University of South Africa) as well as an LLM Degree from the University of Pennsylvania.

**Professor Clement Marumoagae** is an Associate Professor at the University of the Witwatersrand. He is also a practising attorney specialising in pension law and family law. He lectures pension, insolvency, land, and procedural law

courses at post and undergraduate levels. He is a former councillor of the Legal Practice Council and the inaugural chair of its education committee. He is currently an academic member of the Judicial Service Commission. Professor Marumoagae has focused on the development of candidate legal practitioners and conducts research that is aimed at eradicating artificial barriers meant to restrict entry to the legal profession. He holds the following qualifications: an LLB, LLM (Wits) and LLM (NWU) and PhD (UCT), and also holds three postgraduate diploma certificates: AIPSA Diploma in Insolvency Law and Practice (UP), Postgraduate Diploma in International Economic Law and Postgraduate Diploma in Corporate law (Wits).

**Mr Joshua Sasha Kadish** is an admitted attorney of the High Court with expertise in corporate law and finance. He is a published author in various renowned legal journals. He practiced as a Senior Associate in the Corporate Commercial Department of a large well-known legal firm before co-founding a fin-tech company which he currently manages. He holds the following qualifications: a BCom, BCom Law and LLM from Wits University.

**Mr Richard Bradstreet** is a Legal academic and an Advocate of the High Court of South Africa. He is a senior lecturer in the Department of Commercial Law at the University of Cape Town, and a member of the Cape Bar. He is a contributor to Juta's Commentary on the Companies Act 2008, and has published several articles in peer-reviewed academic journals on a range of commercial law topics, including company law, which he also teaches. He holds the following qualifications: a BA, LLB, LLM (Commercial Law), a PG Dip (Dispute Resolution), and a PG Dip (Intellectual Property Law) from the University of Cape Town.

**Mr Fulfuhedzani Shane Mudzunga** is a director of a law firm. He has focused on commercial contracts, mediation, and negotiation. He holds the following qualifications: a BA, LLB

from the University of Venda and a certificate in Corporate Law and Mediation.

**Ms Nomagcisa Cawe** previously lectured in law at the Universities of Transkei and North-West and has extensive experience in dispute resolution. She has been an Acting Judge of the Labour Court and is the Chairperson of the Special Pensions Appeals Board. She holds the following qualifications: a BA Humanities and an LLB Degree.

**Mr Brian Jennings** is a director of a well-known law firm and has extensive practical experience in mergers and acquisitions and private equity transactions. He holds an LLB and LLM (with distinction) and was a recipient of the Adrian Paul Nathan Memorial Prize from the University of the Witwatersrand for achieving the best results in the corporate law LLM programme.

**Dr Alli Chicktay** is a Senior Lecturer, School of Law, Wits University, and was the previous Chair of the Companies Tribunal. Dr Chicktay is also currently a Commissioner with the Broadcast Complaints Commission of South Africa (BCCSA) and the Community Schemes Ombud Service (CSOS). Dr Chicktay also trains prospective CCMA Commissioners for the Mandela Institute. Dr Chicktay holds four legal degrees: BProc, LLB, LLM, and PhD from Wits University.

More than half of the Companies Tribunal members are under 45 with the youngest being 32 years old. The average age of the Tribunal members is 48 years.

“The Companies Tribunal is made up of persons with a broad mix of skills and experience. As part of building a strong and capable state, we have sought to draw on the widest South African talent pool. The calibre of candidates will provide the public and business with confidence that we have a Tribunal that will be of significant benefit to our society and I wish them well in their work,” says Minister Ebrahim Patel.



*Judge Davies addressing staff during the meet and greet session*



# Case Highlights

- By Simukele Khoza

## Social and Ethics Committee

### WMA AFRICAS (Pty) Ltd (Applicant)

The Applicant is a company duly incorporated in accordance with the company laws of South Africa, having its registered address at Suite 108-109 Mount Quray Street, Midlands Office, Midlands Estate, Gauteng, 1692. The Applicant applied to the Companies Tribunal for an exemption from appointing a Social and Ethics Committee (“SEC”) in terms of section 72 (5) of the Companies Act 71 of 2008 (“the Act”) read with Regulation 43 of the Companies Regulations<sup>1</sup> (“the Regulations”).



Mr Kobus Keulder deposed the founding affidavit in the CTR142 form, one of Applicant's two Directors, duly authorised. The Applicant's core business is to source and export ore and metals for its sole shareholder: World Metals & Alloys FZC, which is based in Dubai. Applicant employs five people and operates out of a small, rented office. The public interest score (“PIS”) of the Applicant exceeded 500 points in the past two financial years, which, according to Mr Keulder, was due to its high annual turnover driven by volume, US Dollar-Rand exchange rate and the value of commodities sourced. The Applicant submitted 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. Furthermore, the Applicant attached as its supporting documentation, its annual financial statements for the past two years. The Applicant argued that to establish a functioning SEC requires the appointment of a non-executive director and executive director, which would add to its overhead costs.

The Companies Tribunal found that the Applicant had made out a case to be exempted from the appointment of SEC in terms of section 72(5) of the Act.

**Order:** exemption from the requirement to appoint the SEC was granted for three years from the date of this order.

## Name Dispute

### Scholastic Inc (Applicant) vs Scholastic Trading (Pty) Ltd (Respondent)

The Applicant is Scholastic Inc, a corporation of New York, with a recorded address at 557 Broadway, New York, USA. It was established over a century ago and has become a global publishing, education and media company that distributes books and other educational material. In South Africa, Applicant is the owner of the trademark “Scholastic” in various classes and areas in which it has been conducting business since the 1980's.

The Respondent is a company incorporated in terms of the Act, and having its registered address at 1134 Zone 3, Seshego, Limpopo, 0742.

The Companies and Intellectual Property Commission (“CIPC”), a juristic person established in terms of s185(1) of the Act, ought to have been included as Second Respondent in this application since the relief sought falls within the purview of its mandate. The application sought a determination order, i.e.:

- That Respondent's name does not satisfy the requirements of s11(2) of the Act, and
- That Respondent be directed to choose a new name as provided for in terms of s160 of the Act

The Applicant became aware of the existence of the Respondent in October 2019, also that the Respondent was in a process of deregistration. In August 2020, the Applicant was advised by its attorneys that the Respondent was “in business”; the Applicant

instructed the attorneys to write to the Respondent calling on it to change its name. According to Applicant's attorneys, Respondent's Director initially agreed to the name change, but wanted to consult his lawyers. There was no response thereafter, despite Applicant's attorneys' many emails to Respondent.

On 31 May 2022, more than two and a half years after Applicant became aware of Respondent, Applicant approached this Tribunal for relief. On 02 June 2022, the Sheriff of Seshego served a copy of the application on the Respondent's Director at its registered address. The Respondent failed to file an answering affidavit within twenty (20) business days; on the 30 August 2022, Applicant applied for a default order in terms of the Regulation 153 of the Companies regulations.

Chris Lick, Applicant's Vice-President and Managing Counsel, deposed to the founding affidavit for the initial application. Jennifer Pienaar, an attorney with Adams & Adams Attorneys representing Applicant, deposed to an affidavit in support of the application for default judgment. The Applicant argued that good cause was shown because the delay was attributed mainly to its attempts to communicate with Respondent via its attorneys. Evidence of this was included in Applicant's papers. The Applicant requested the Tribunal to make a finding that Respondent's name does not satisfy the provisions of s11(2) of the Act. The Applicant further submitted that the inclusion of the word 'Scholastic' in Respondent's name infringes its registered trademarks.

The Applicant claimed common law and statutory rights in the word 'SCHOLASTIC' given its widespread and extensive use thereof nationally and globally, and its use of the 'SCHOLASTIC' trademark in various fields. Mr Lick went into much detail in his affidavit to describe Applicant's substantial goodwill and reputation. The Applicant submitted that the dominant and memorable part of Respondent's name is identical to the Applicant's trademark "Scholastic". The Applicant contended that the remaining portion of Respondent's name 'Trading' is purely descriptive of its activities and business interests. The Applicant concluded that Respondent's name is confusingly and deceptively similar to Applicants' registered trademark 'Scholastic'.

In addition, the Applicant submitted that, even if the Respondent's activities do not overlap with those of the Applicant in relation to goods or services, Respondent could take unfair advantage of, or be detrimental to, the distinctive character and repute of its well-known 'Scholastic' trademark and amounts to an infringement of the Trademarks Act. Lastly, the Applicant also contended that it had not authorized the use by Respondent of its trademark. The Applicant underscored the prejudice it will suffer if denied relief, especially as it does not have control over the quality of products or services of Respondent. The Applicant submitted that members of the public are likely to believe that Respondent was formed for the purpose of rendering services on behalf of the Applicant. Thus, it claimed that the Respondents company name does not comply with the provisions of s11(2)(b) of the Act.

The Tribunal found that the word 'Scholastic' in Respondent's name will reasonably mislead the reasonable person to believe incorrectly that there is an association with the Applicant's 'Scholastic' trademarks. The fact is that the two businesses can clearly have similar or overlapping activities in respect of their corporate branding, and this will, as under section 11(2)(b), include the likelihood/possibility that the reasonable person will be misled.

#### **Order:**

- An administrative order is made in terms of Section 160(3)(b)(ii) that Respondent change its name to one which does not incorporate the word 'SCHOLASTIC' as it is in contravention of Sections 11(2)(b)(iii) and (c)(i) of the Act.
- This order must be served on the Respondent by the Tribunal's Recording Officer (Registrar).
- The Respondent is hereby ordered to change its name within 60 (calendar) days of date of receipt of this order and to file a notice of amendment of its Memorandum of Incorporation.
- There is no order of costs against the Respondent, as the matter has not been opposed. The Respondent is hereby exempted from the requirement to pay the prescribed fee for filing the notice of amendment.
- Since the Respondent is a profit company, in accordance with Section 11(1)(b) and (3)(a) of the Act, it can use its registration number as its company name immediately followed by the expression "South Africa", should it not be in a position to use another name.
- The CIPC is directed to change Respondent's name to its registration number, if Respondent fails to change its name within 60 days of receipt of this order.

## **Review of Companies and Intellectual Property Commission (CIPC) decision**

### **James Willian Van Vught (Applicant) vs CIPC (Respondent)**

The Applicant filed form CTR 142 to review and set aside CIPC's decision of refusing to reserve the name "Simple Health" as per the

correspondence dated 09 June 2022. The Applicant sought an order by the Tribunal directing the CIPC to reserve the name “Simple Health”. The Applicant, in its founding affidavit, submitted that on 09 June 2022, had applied for the reservation of a company name and, in compliance with the requirements of the Companies Act and Regulations, provided four alternative names for the said private company. All four names were declined on the basis of “confusingly similar name exists”. The basis for rejecting the 'confusingly similar name exists' was the existence of the following names: 'Simple Health Approach', 'Simple Health Suppliers' and 'Simply Health'.

The Applicant argued that the Respondent had afforded itself the luxury of an additional onerous standard of 'confusingly similar name exists' in refusing to register/reserve company names, when in actual fact, it can only refuse to register/reserve a company name if inter alia it is the same as an existing registered name. The Applicant cited various Tribunal decisions wherein this difference in approach by the Respondent was clarified. The Applicant further provided the following arguments against which it disputes the rejection of the reservation of the name “Simple Health”:

- with regards to 'Simple Health Approach': that there is no website for this company and that a Google search does not yield a reference to this name;
- 'Simple Health Supplies': that there is no website for this company and a Google search does not yield a reference to this name; and
- 'Simply Health'- that there is a UK-based company with a website extension of co.uk which clearly delineates that it is not South African based.

Based on the search conducted above, the Applicant submitted that the chance of confusion is at best remote to the consumer. The Applicant submitted that 'Simple Health', as applied for, is intended as an e-commerce health platform for the South African Consumer and that with the buy-line of “Access made Simple” is unlikely to cause deception or confusion and consequently requests that the decision of the Respondent be reviewed and set aside.

- Section 12(2) of the Act provides for the two grounds on which the CIPC must refuse to reserve a proposed name, i.e. if the name proposed is the same as the registered name of another company, close corporation, a corporate, a business, a mark or trademark, or
- if the proposed name is the same as the name that is already reserved for another company in terms of the same section.

In terms of section 12(3) of the Act, the CIPC is required, in circumstances whereupon reserving a name in terms of subsection (2), there are reasonable grounds for considering that the name may be inconsistent with the requirements of section 12(2)(b), as has been its reason for refusal of the Applicant's proposed name, is required by written notice, to require the Applicant to serve a copy of the application and name reservation on the persons named in its COR9.5 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. The CIPC had to reserve the name of the Applicant as proposed, in compliance with the section.

The Tribunal concur with another decision of the Tribunal, in the Tribunal case of Ernst Brand and CIPC, CT00414ADJ2020, that *“the burden of challenging the reservation rests on the person having an interest in the name, the CIPC does not have proxy to refuse reservation for the benefit of those whom the CIPC identifies as possible interested parties;...a closer scrutiny of section 12(3), lays bare the fact that as far as reservation of names is concerned, it is the Tribunal which has the authority to determine whether the reserved name is, in contravention of section 11(2)(b), confusingly similar to other reserved or registered names. The CIPC is permitted to form an opinion on the possible existence of confusing similarity and to invoke a process which should alert those who, in the opinion of the CIPC may have an interest in the name, about reservation. It depends on such identified persons or any other interested person, whether to accept the reservation or to challenge it for a determination whether the reserved name is indeed confusingly similar, in contravention of section 11(2)(b) or not”.*

The Tribunal found that the refusal by the CIPC to reserve the name 'Simple Health', as applied for by the Applicant, was not in compliance with the law, specifically section 12(2) and (3) of the Act.

#### **Order:**

- The administrative decision taken by the CIPC in terms of COR9.5 dated 09 June 2022, in terms of which it refused to reserve the proposed name, Simple Health, is hereby reviewed and set aside; and
- the application to reserve the name, Simple Health, is referred to the CIPC for consideration.

# Invitation

## Companies Tribunal Seminar

The Companies Tribunal in partnership with the North-West University invites you to a Seminar under the theme:

Expanding the role of the Companies Tribunal – A case for comprehensive amendments.

### The seminar will be held virtually

**Date:** Thursday, 9 March 2022  
**Time:** 09:00 to 15:00  
**Link:** To shared, visit [www.companiestribunal.org.za](http://www.companiestribunal.org.za)  
**RSVP:** by 24 February 2023 via email to [communications@companiestribunal.org.za](mailto:communications@companiestribunal.org.za)



### Seminar topics

- 1** Re-consideration of the Close Corporations Act 69 of 1984 in terms of opportunities presented for the extension of the mandate of the Companies Tribunal in the areas of Reservation of Names, Changing of Names, Extension of AGM/ meetings, Removal/Cessation of Directors/ Members, and Investigation.
- 2** Re-thinking the Co-operatives Act 14 of 2005 and the Companies Act 71 of 2008 (Non- Profit Companies) in terms of opportunities presented for the extension of the mandate of the Companies Tribunal in the areas of Reservation of Names, Changing of Names, Extension of AGM/ meetings, Removal/Cessation of Directors/ Members, and Investigation.
- 3** Exploring possible opportunities presented by Business Rescue under the Companies Act 71 of 2008 for expansion of the mandate of the Companies Tribunal.
- 4** Alternative Dispute Resolution
- 5** How to ensure a company name reservation does not infringe a registered trademark and unpack the Mbongwe decision
- 6** Overview of the mandate of the Companies Tribunal in adjudication and resolution of company's disputes involving the promotion and protection of shareholder activism under the Companies Act 71 of 2008.



**For more information, please contact**  
Mr Simukele Khoza on  
[Skhoza@companiestribunal.org.za](mailto:Skhoza@companiestribunal.org.za) or  
012 394 1800



# Stakeholder engagement

- By Dumisani Mthlane

The Tribunal held engagements with various stakeholders based in Limpopo, Mpumalanga, North-West and Free State provinces. Stakeholder engagement is our key priority to ensure that Tribunal's services are known by the public. These engagements were done in partnership with Small Enterprise Development Agency (Seda), National Liquor Authority (NLA) and the Department of Trade Industry and Competition (the dtic).

## Entrepreneurship Day in Bloemfontein

In celebration of Entrepreneurship Month, Seda hosted a Provincial Annual Entrepreneurship Day themed, "Unlocking economic opportunities for SMMEs", on Monday 28th November 2022 at Norman Doubell Hall in Heidedal Bloemfontein.

This event was organised in partnership with the Department of Small Business Development, Free State Department of Economic, Small Business Development, Tourism and Environmental Affairs, National Youth Development Agency (NYDA), and Mangaung Metropolitan Municipality.

The purpose of the event was to engage and expose SMMEs to Enterprise as well as Supplier Development opportunities offered by both private and public sector entities. It also offered entrepreneurs the opportunity to engage with various entities that are available to help them in starting, maintaining and growing their businesses. Opening the proceedings, Mr Andrew Setho the Mangaung branch manager of Seda, stated that this day is also meant to engage and resuscitate those who have given up in business.

Various speakers took to the stage to inform attendants of what they do for those who want to start a business, and how

they can help them grow their existing businesses. Entrepreneurs also received some advice and business tips from the Ward Councillor who is an experienced businesswoman. She advised entrepreneurs to stay abreast and read what is important. She also shared how she started the video streaming business during Covid 19 with no video experience and capital. Seda presentation covered amongst others how they open doors for businesses to access funding. Their services involve assisting with business compliance, skills development programmes, testing of products and services to enter the mainstream market through SABS, formalising, and growing businesses etc.

Mr Simukele Khoza, the Companies Tribunal Manager for Communications and Marketing, explained to stakeholders about the reason why the Tribunal was established. He further presented the following amongst others; social and ethics committee exemptions (SEC) in terms of section 72; name disputes under sections 11 and 160; alternative dispute resolution (ADR) under section 166; directorship disputes under section 71, benefits of Tribunal's services and the case management system (CMS).

Beneficiaries of the NYDA also took to the stage to share how they have succeeded in setting up successful businesses, these were Bots Bakers which supplies bread, rolls & buns in Mangaung and Good Hope which is a leather manufacturing company. After the question and answer session, stakeholders also received information from exhibition stands of various entities including the Tribunal.

Closing the event, Ms Jackie Ntshingila, the provincial manager of Seda, delivered the vote of thanks. She stated that entrepreneurship is a way to grow the economy and urged



Delegates (left) and Speakers (right) at the Entrepreneurship Day in Bloemfontein



entrepreneurs to come up with ideas and share with Seda because government cannot do it alone, and corporates should support small business. She also appealed to everyone to encourage entrepreneurship at home and to children at school.

Entrepreneurship Day enabled the Tribunal to reach out to businesspeople in Mangaung and made contacts with new strategic stakeholders.

## National Liquor Authority Awareness Campaign

The campaign took place in Thohoyandou at Indoor Sports Centre on 17 November 2022 and at Thavhani Mall on 18 November 2022. It was organised by the **dtic** in partnership with Limpopo Economic Development, Environment and Tourism and Thulamela Local Municipality.

The campaign was aimed at promoting compliance with liquor trade laws and responsible drinking practices. It also sought to address the rampant abuse of liquor and to remind liquor traders to trade within the confines of the liquor laws and regulations that govern their businesses. The campaign comprised of compliance inspections at registered liquor outlets and communities were encouraged to report illegal trading of liquor and contraventions to the mandatory conditions and community activism towards reporting illegal trading and mandatory conditions.

It also aimed at encouraging behavioural change by offering alternatives in the form of government programmes geared towards creating an enabling environment for communities to participate in the mainstream economy. The NLA was established in terms of the Liquor Act of 2003 with jurisdiction throughout South Africa. It is responsible for regulating the macro manufacturing and distribution tiers of the liquor industry.

The Tribunal's participation was informed by the fact that the campaign was targeted towards businesses/ companies and members of the public. The Tribunal still receives very few applications from the Limpopo province.

Thulamela Local Municipality Mayor, CLLR Rambuda, appreciated the hosting of this event and all stakeholders who participated, she urged all stakeholders to report non-compliance with liquor laws and inform the police about the challenges they are experiencing. Tribunal's CFO, Ms Bridget Ramugadi made a presentation about the Tribunal's mandate in Tshivenda, she made examples of the type of applications the Tribunal receives and the process of filing applications. Members of the public also received Tribunal's brochures.

The last leg of the campaign was an activation at Tavhani Mall on 18th November 2022 by various government institutions, it enabled members of the public to interact with the entities of government and received information. The campaign was a success to the Tribunal because it reached out to new stakeholders from Thohoyandou.

## Education and Awareness Campaign in Smithfield and Koffiefontein

This campaign was organised by the **dtic**'s Consumer and Corporate Regulation Branch (CCRB) in Smithfield and Koffiefontein in Free State province. It took place on 29 and 30 November 2022 respectively.

This campaign was conducted in a workshop format where government entities presented and the community asked questions. The key objective of the campaign was to educate communities on the positive impact of legislation administered by the **dtic** to ensure that they are proficient about their rights and responsibilities. It also aimed at providing on-going education and awareness on the implications of legislations administered by the **dtic** to



*Some of the delegates who attended the NLA awareness campaign in Thohoyandou*

stakeholders and civil society. Entities who participated were, the National Gambling Board, the National Lotteries Commission, and the Independent Electoral Commission. Members of the community were educated about the key principles emanating from the legislation focussing on: Liquor, National Gambling, Lotteries Amendment, National Credit, Consumer Protection, Copyright, Performers Protection, Electoral and Companies Acts.

The Tribunal delivered a presentation about its services, and the procedure that should be followed when filing an application. It was also important to give background in terms of why the Tribunal was established and the benefits of using it compared to a court system. Information brochures were also distributed to attendees who were members of the community some of whom own various businesses.

Throughout these campaigns the Tribunal encouraged the utilisation of ADR mechanism of resolving company disputes

as it saves costs and preserves relations unlike court litigation. This benefit small businesses because they might not have big financial resources and well-established business networks. The Tribunal also highlighted the importance of protection of company names as Name Disputes constitutes the highest number of applications filed at the Tribunal.

Since these events took place during the festive season, liquor traders were urged to comply with the legal framework imposed by the licensing authority or face the full might of the law. Liquor traders should act responsibly and in line with the prescription of their business licences to try and eradicate the scourge of alcohol abuse particularly around youth. These include the non-selling of alcohol to underage children and pregnant women. The Tribunal receives very few applications from the Free State province, it was import for it to participate in this campaign.

## December closure notice

- By 'Maletlatsa Monica Ledingwane

Dear valuable stakeholder,

Kindly note that the Companies Tribunal will be closed from Wednesday, 21 December 2022 at 12:00 and reopen on Tuesday, 3 January 2023. In this regard, please note the following:

1. Most normal services such as manual submission and consultation will not be available,
2. Applications may still be submitted on-line or through emails as usual. Online submission is the most preferred mode as opposed to emails. For online, log on to: <https://cms.companiestribunal.org.za> or email [registry@companiestribunal.org.za](mailto:registry@companiestribunal.org.za)
3. No new scheduling of hearings will take place during this period. However, applications that have already been allocated may still be decided on paper (without hearing) depending on the availability of Tribunal Members. In this regard, the Registrar is to make proper arrangements with the Members and ensure assistance is given to members if necessary.
4. Where the Registrar arranges for the cases to continue during this period, decisions made shall be promptly communicated to the parties to allow the normal turnaround time for reviews etc., to run, considering the known public holidays.

5. During the closure times, for emergencies, the following Managers may be contacted:

- On applications: Mr. Selby Magwasha: 064 056 0355
- On communication: Mr. Simukele Khoza: 072 251 7265
- Any other matter: Ms. 'Maletlatsa Monica Ledingwane: 073 766 8866

The Tribunal thanks you for your contribution to its mandate and wishes you and your families a blessed and fulfilling festive season.

Tel : (012) 394 1000 | (012) 394 3800

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