



Case No. CT01197/ADJ/2022

LIBERTY GROUP LIMITED (1957/002788/06)

Applicant

VS

**LIBERTY GOLD WEALTH MANAGEMENT (PTY) LTD
(2020/028787/07)**

First Respondent

and

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

Second Respondent

Presiding Member of the Companies Tribunal: D Terblanche

Date of Decision: 14 September 2023

DECISION (Reasons and Order)

THE PARTIES

1. The Applicant is LIBERTY GROUP LIMITED (Pty) Ltd. (the “Applicant” or “Liberty Group”), a company duly registered and incorporated in terms of the Company Laws of the Republic of South Africa with registration number M 1957/002788/06, and with its registered address at 1 Ameshoff Street, Braamfontein, Johannesburg, Gauteng, 1627, South Africa.
 2. The First Respondent is LIBERTY GOLD WEALTH MANAGEMENT (Pty) Ltd. (the “First Respondent” or “Liberty Gold Wealth”), a company registered in terms
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of the Company Laws of the Republic of South Africa, with registration no. 2020/028787/07), having its registered address at 4713 Moroka Location. Thaba-Nchu, Free State, 9780.

3. The Second Respondent is the Commissioner of the Companies and Intellectual Property Commission (the “Second Respondent” or the “Commission”), appointed in terms of section 189 of the Companies Act 71 of 2008 (the “Companies Act” or the “CA”).

THE APPLICATION

4. The Applicant brought this default application for an order in terms of Section 160 (1) of the CA for an order that the First Respondent’s company name LIBERTY GOLD WEALTH MANAGEMENT (Pty) Ltd. does not satisfy the requirements of section 11 of the CA, and that the First Respondent be directed by the Companies Tribunal (the “Tribunal” or the “CT”) to choose a new name, as provided for in section 160(3)(b)(ii) of the CA.
5. The relevant provisions of section 160 of the CA relating to the application above to the Tribunal provide as follows –

“(1) A person to whom a notice is delivered in terms of this Act with respect to an application for reservation of a name, registration of a defensive name, application to transfer the reservation of a name or the registration of a defensive name, or the registration of a company’s name, 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, or the reservation, registration or use of the name, or the transfer of any such reservation or registration of a name, satisfies the requirements of this Act.”

(Emphasis added)

Section 160(2) provides that –

“An application in terms of subsection (1) may be made —

- (a) within three months after the date of a notice contemplated in subsection (1), if the applicant received such a notice; or*
- (b) 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.”*

6. Regulation 153(1) empowers the CT to issue default orders in instances where a person or persons who was served with an initiating document has not filed a response within the prescribed period, namely, within 20 days, as per Regulation 143(1).
7. In considering whether the Tribunal may grant the Applicant the relief it seeks, the Tribunal must first determine whether the application is in order procedurally, i.e., in that the Applicant adhered to the relevant timeframes, prescribed forms, and procedures.
8. Once I have determined the procedural aspects of the application, I will consider the substantive issues as per section 160 of the CA, namely, “... *whether the name, or the reservation, registration or use of the name, (by the First Respondent) ... satisfies the requirements of this Act.*”²

PRELIMINARY MATTERS

9. As the point of departure, I will consider the default application in the light of the provisions of Regulation 13(a) of the Regulations, and the submissions made by the Applicant.
10. Regulation 13(a) of the Regulations provides as follows:

¹ Regulation 153 provides that –
“(1) If a person served with an initiating document has not filed a response within the prescribed period, the initiating party may apply to have the order, as applied for, issued against that person by the Tribunal.”

² See section 160(1) of the CA.

“(a) A person may apply in Form CTR 142 to the Tribunal in terms of section 160 if the person has received... a Notice of a Potentially Contested Name, in Form CoR 9.6 or a Notice of a Potentially Offensive Name, in Form CoR 9.7, or has an interest in the name of a company as contemplated in section 160(1)....”

(Emphasis (underlining) added).

11. According to the Applicant it filed a Company Name Objection against the name “LIBERTY GOLD WEALTH MANAGEMENT (Pty) Ltd. with registration no. 2020/028787/07), on the Form CTR 142 as prescribed by Regulation 142(1)(a) of the CA with its supporting affidavit. This is evident from the Tribunal’s stamped Form CTR 142, bearing the date 28 October 2022.
12. Chantal La Grange (“La Grange”), the Lead Legal Specialist: Risk Product, of the Applicant, deposed to the founding affidavit required by Regulation 142(1)(b) of the Companies Act, in support of the application (the affidavit).
13. La Grange is authorised to depose to the affidavit by means of a resolution of the board of directors of the Applicant. I have perused the Resolution. I am satisfied that La Grange was duly authorised to depose to the affidavit.
14. In terms of Regulation 142(2) of the CA the Applicant had to serve the application on the First and the Second Respondents within five (5) days of filing it with the Tribunal, i.e., by no later than 4 November 2022.
15. Gérard Muller Du Plessis (“Du Plessis”), a partner of the Applicant’s attorneys, Adams and Adams, deposed to the affidavit in support of the default application.
16. According to Du Plessis the Applicant sent the application *via* email to the First and Second Respondent on 28 October 2022. The Sheriff of the High Court served the application on the First Respondent on 2 November 2022 at the First Respondent’s registered address. The Second Respondent acknowledged

receipt on 31 October 2022. I have considered the annexures evidencing the above. I am satisfied that the application have been properly served on the respondents.

17. In terms of Regulation 153(1) read with Regulation 143(1) of the CA, the First Respondent had twenty (20) business days to respond, failing which the Applicant is entitled to apply for a default judgment order as provided for in Regulation 153(1).
18. The 20 days expired on 25 November 2022 in respect of the Second Respondent and on 30 November 2022 in respect of the First Respondent .
19. According to Du Plessis to date of the default judgment application, the Second Respondent have not filed a response se to the main application.
20. Having considered the requirements of Regulation 153 read with Regulation 143 of the Regulations, I am satisfied that the Applicant has made out a case for its main application to be considered on a default basis against the First and Second Respondents.

BACKGROUND

21. The Applicant is a leading financial services group. The Applicant was founded in 1957. Currently the Applicant has a presence in over 24 African countries.
22. The Applicant is involved in the provision of financial services, in the insurance field, investments and health management, risk management, real estate investment, retirement income facilitation and it provides training in relation to these industries to the public on a regular basis.
23. The Applicant has been using the “Liberty” trade mark for its goods and services since 1957 and operated under the name Liberty Life.

24. The Applicant was listed in the Johannesburg stock exchange in 1962. Its subsidiary, Liberty International, was established in the UK in 1980 and listed on the London Stock Exchange in 1981.
25. The Applicant's trade marks and the goodwill they represent are of considerable commercial value and importance to the Applicant.
26. The Applicant has through constant marketing and promotion of its name, trade marks, goods and services established a substantial reputation and goodwill in its Liberty trade marks.
27. Any unauthorised use of these trade marks or of confusingly or deceptively similar marks, is damaging to the assets and the business of the Applicant.
28. The existence of the First Respondent's Liberty Gold Wealth Management (Pty) Ltd. came to the Applicant's attention in May 2022 when it was reported to the Applicant by its attorneys.
29. The incorporation of the First Respondent took place more than 60 years after the Applicant began using its "Liberty" trade mark.
30. The Applicant reached out to the First Respondent on a few occasions requesting the First Respondent to change its name to a name that does not include the Applicant's trade mark.
31. The Respondent response was that it did not see any infringement in the use of the word "Liberty" in its company name and made it clear that it did not intend changing its company name.

THE APPLICANT'S ASSERTIONS AND AUTHORITIES IN SUPPORT OF THE SUBMISSIONS IN ITS APPLICATION

32. The Applicant applied to the Tribunal to decide in terms of section 160 (1) of the CA whether the First Respondent's name satisfies the requirements of section 11 of the CA.
33. The Applicant contends that it has an interest in the name of the First Respondent for the purpose of section 160(1) of the CA.
34. The Applicant alleges that the First Respondent's name wholly incorporates and is confusingly and or deceptively similar to the well-known and registered "Liberty" trade mark, in which the Applicant has a major and direct commercial interest.
35. The Applicant also owns various other trade marks incorporating the "Liberty" trade mark in conjunction with the word "Wealth."
36. The Applicant's most relevant trade marks in South Africa adds up to approximately 19 in various classes. They include Liberty, @Liberty, Liberty Group, Liberty Wealth Builder Fund, Liberty Private Fund Administrators, Liberty Growth, Liberty Wealth Unlimited and Liberty Private Wealth Solutions.
37. The Applicant contends that the First Respondents name confusingly similar to the Applicants registered trademark "Liberty", and therefore, falls foul of the provisions of section 11(2)(b) of the ACT.
 - 37.1. The memorable portion of the First Respondent's name, "Liberty Gold Wealth Management (Pty) Ltd." is "Liberty", which is identical to the Applicant's "Liberty" trade mark. The remaining wording of the company's name is purely descriptive and, therefore, cannot serve adequately to distinguish the company's name from the Applicant's name and trademarks. In fact, the addition of the words "Wealth" and "Management" will only contribute to members of the public being confused and/or deceived into believing that the First Respondent is associated with the Applicant.

- 37.2. The First Respondent's principal business has not been recorded and, in the circumstances, the company is entitled to conduct any type of business. Judging by the First Respondent's name, it appears to be engaged in the provision of wealth management services. This would directly overlap with the services covered by the Applicant's trademark registration and the Applicant's field of interest.
- 37.3. The First Respondent's name in in trade is also likely to take unfair advantage of, and be detrimental to, the distinctive character and repute of the applicants well known liberty trade mark. The use of the First Respondent's name is likely to dilute the Applicant's trademark rights.
- 37.4. The Applicant has no control over the activities of the First Respondent and the quality of its products and/or services of the First Respondent, the use of the Liberty trademark by the First Respondent in relation thereto, which could very well discredit or affect in some other way the good name and the reputation the Applicant enjoys in the market.
- 37.5. The Applicant did not authorise the First Respondent's use of its company name. There is no association and/or connection between the Applicant and the First Respondent.
38. The First Respondent's company name does not comply with the provisions of section 11 (2)(c) of the Act. The First Respondent's name falsely implies, and suggests, as is such as would reasonably mislead a person to believe incorrectly, that the First Respondent is part of, or associated with, the Applicant.
39. The Applicant relies on cases and the relevant principles briefly set out in those cases below to bolster its legal submissions.
- 39.1. In ***Hollywood Curl (Pty) Limited v Twins Products (Pty) Limited 1989(1) SA 225 (A)***, the Appellate Division of the Supreme Court ruled on the objection by the respondent to a company name Hollywood Curl (Pty) Limited. In that case the Respondent marketed and distributed products under a trade mark incorporating

the word **HOLLYWOOD**. At the same time that the appeal in the company name objection was heard, an appeal in a passing-off action between the same parties was heard. In the passing-off appeal, the Court found that the evidence had established that the use of the mark **HOLLYWOOD CURL** by the Appellant on its merchandise constituted passing-off in that there was a reasonable likelihood that ordinary members of the public might be confused or deceived into believing that such merchandise emanated from the Respondent.

39.2. The factors to be taken into account when comparing names have been set out by the Honourable Greenberg JA, in **American Chewing Products Corporation vs American Chickie Co 1948 (2) SA 736 A** as follows:

“It must also be remembered that in coming to a conclusion on the question in issue the court must not only consider the marks when placed side by side but must have regard to the position of the 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.”

39.3. In **Ewing t/a the Buttercup Dairy Company versus Buttercup Margarine Company Limited 1917 (34) R.P.C 232 and 238 line 50** Warrington J found that the Plaintiff proved that the Defendants have adopted a name that may lead people to believe that Defendants’ business is a branch of or is associated with the Plaintiff’s business. Warrington J then said, *“... to induce a belief that my business is a branch of another man's business may do that other men damage in all kinds of ways. The quality of the goods I sell, the kind of business i do, the credit or otherwise which I might enjoy - all those things may immensely injure the other man who is assumed wrongly to be associated with me. It is just that kind of injury that the defendants have shown year is likely to occasion.”*

39.4. In **Deutsche Babcock SA (Pty) Ltd. vs Babcock Africa (Pty) Ltd 1995 (4) SA 1016 TPD** the Supreme Court held that the fact that a company is entitled to use an unregistered trade mark does not per se mean that the company can incorporate it into its name. The court found that it was

undesirable for the Applicant to remain incorporated and its present name and took the following relevant factors into account: (a) the area of operation and the kind of business of the respective parties; (b) the nature of their names and the fact that Babcock was a dominant word in both; (c) the evidence of confusion. The Court also held that, although the products of the companies were not interchangeable, there was at least a reasonable likelihood of the Applicant being able to pass-off its business as that of the Respondent, to the latter's loss. Accordingly, the Court found (as the Registrar did) that the Applicant's new name was calculated to cause damage.

39.5. In ***McDonald's Corporation v Dax Prop CC and Another 1997 (1) SA***, in deciding what qualifies as a well-known trademark in South Africa the then Appellate Division of the Supreme Court held the mark must be known, not the public at large, but to a substantial number of persons interested in the goods or services.

39.6. In ***Capital Estates and General Agencies (Pty) Ltd. and Others v Holiday Inns Inc and Others 1977 (2) 916 (A)*** the court held that to determine whether a representation amounts to passing off one inquires into whether there is a reasonable likelihood that members of the public may be confused into believing that the business of the one is or connected to that of another. The absence of a common field of activity is a factor which one must consider when considering the question, this being so, it cannot be suggested that the absence of a common field of activity will always be sufficient to bar a party from obtaining relief.

THE SUBSTANTIVE ISSUE FOR CONSIDERATION

40. The substantive question for consideration is whether the First Respondent's company name contravenes the provisions of the CA, more specifically the provisions of sections 11 (2) (b) and 11 (2)(c)(i), as alleged by the Applicant.

ANALYSIS AND EVALUATION

41. This application is before the Tribunal unopposed on a default basis.

42. Section 160(1) of the Companies Act provides that:

"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, or the reservation, registration or use of the name, or the transfer of any such reservation or registration of a name, satisfies the requirements of this Act."

43. Considering the background, submissions and authorities the Applicant's sketched out in support of its application (see above) and the provisions of section 11 (2) (b) and (c) below, I am of the view that the Applicant has shown good cause to bring this application under section 160(2) of the CA.

44. Section 160(2)(b) of the Companies Act provides that:

"An application in terms of subsection (1) may be made ... 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."

45. Sections 11 (2)(b) and section 11 (2)(c)(i) of the Companies Act, as far as they are applicable, read as follows:

(The name of a company must) - *(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;
- (iii) *in the case of a name similar to a trade mark or mark referred to in paragraph (a)(iii), the company is the registered owner of the business name, trade mark or mark, or is authorized by the registered owner to use it; or*
- (iv) in the case of a name similar to a mark, word or expression referred to in paragraph (a)(iv), the use of that mark, word or expression by the company is permitted by or in terms of the Merchandise Marks Act, 1941.

(c) (The name of a company must) - *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...*"

46. The crucial question is whether the First Respondent's name is confusingly similar to the Applicant's "Liberty" trade mark in contravention of section 11(2)(b) of the Companies Act.

47. I am of the view that indeed the First Respondent's name is confusingly similar to the Applicant's trade mark in contravention of section 11(2)(b) of the CA.

47.1. There is a striking similarity between the Applicant's trade marks and the First Respondent's company name.

47.2. There are visual, phonetic, and conceptual similarities between the First Respondent's name and the Applicant's trade mark.

47.3. The Applicant's "Liberty" trade mark forms a dominant part of the First Respondent's name.

47.4. The word 'Wealth' in the First Respondent's name does not detract from the confusing similarity between the Applicant's trade mark and the First Respondent's name.

48. I agree with the Applicant that there is a reasonable likelihood that the public might be confused into believing that they are dealing with the Applicant when they are in fact dealing with the First Respondent, particularly considering that they may not see the First Respondent's name and the Applicant's trade mark side-by-side.³

49. In *Plascon-Evans Paints (TVL) Ltd. v Van Riebeeck Paints (Pty) Ltd.*⁴ ("Plascon-Evans"), CORBETT JA quoted MARGO J, delivering the judgment in *International Power Marketing (Pty) Ltd v Searles Industrials (Pty) Ltd. 1983(4) SA 163 (T)*, as follows on the meaning of the words "as to be likely to deceive or cause confusion" –

"As it has been put, marks are remembered rather by general impressions or by some significant or striking feature than by a photographic recollection of the whole.

50. As CORBETT JA emphasized that the comparison must not be confined to a viewing of the marks side by side, but "*... must notionally transport myself to the market place (see remarks of COLMAN J in *Laboratoire LaCharte SA v Armour-Dial Incorporated, 1976 (2) SA 744 (T)*, at p 746 D) and consider whether the average customer is likely to be deceived or confused. And here I must take into account relevant surrounding circumstances, such as the way in which the goods to which the marks are applied are marketed, the types of customer who would be likely to purchase the goods, matters of common*

³ *American Chewing Products Corporation vs American Chicle Co-operation 1948 (2) SA 736/A* (also mentioned In *GAP (Pty) Ltd v The Corporate Gap (Pty) Ltd [CT012MAR2019]*):

⁴ *(53/84) [1984] ZASCA 51; [1984] 2 All SA 366 (A); 1984 (3) SA 623; 1984 (3) SA 620 (21 May 1984)*

knowledge in the trade and the knowledge which such purchasers would have of the goods in question and the marks applied to them.”

51. I took into account that the Applicant has no control over the business the First Respondent may choose to conduct, or the quality of the goods and services sold and/or rendered to the public by the First Respondent.
52. I find that the First Respondent's name is so confusingly similar to the Applicant's trade mark that it falsely implies or suggests or would reasonably mislead a person to believe incorrectly that the First Respondent's company is part of, or associated with the Applicant, in contravention of section 11(2)(c) of the Companies Act.
53. In the light of the above and through my consideration of the conspectus of the cases cited above, and the guidance from those cases, I cannot but conclude that the First Respondent's name runs afoul of the provisions of section 11(2)(b) and Section 11(2)(c)(i) of the CA.

CONSIDERATION OF THE ORDERS SOUGHT

54. The Applicant prays for an order in terms of the accompanying form CTR 142 from the Tribunal as follows by default judgment, namely that the Tribunal -
 - 54.1. Determines that the First Respondent's name does not comply with sections 11(2)(b) and 11 (2)(c)(i) of the CA;
 - 54.2. Directs the First Respondent, in terms of section 160(3)(b)(ii) of the CA, to change its name to one which does not consist of, or incorporate, the mark "LIBERTY", or any other mark which is confusingly and/or deceptively similar to the Applicant's "LIBERTY" trade mark;
 - 54.3. Directs the Second Respondent to change the First Respondent's name to the registration number, in the event of the First Respondent not complying

with paragraph 54.2 above within 60 (sixty) days from the date of this order;
and

54.4. Orders the First Respondent to pay the Applicant's costs in terms of Regulation 156 of the Act.

55. Section 160(3) of the CA prescribes the orders the CT may grant after making a determination on an application in terms of section 160 of the CA. It provides that the CT may make an administrative order directing –

“(3)(b)(i) ... the Commission to—

(aa) reserve a contested name, or register a particular defensive name that had been contested, to the applicant;

(bb) register a name or amended name that had been contested as the name of the company;

(cc) cancel the reservation of a name, or the registration of a defensive name; or

(dd) transfer, or cancel the transfer of, the reservation of a name, or the registration of a defensive name; or

“(3)(b)(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 paragraph.”

56. This Tribunal has previously illustrated circumstances where an infringing name cannot be left on the Companies Register in ***Jôst GMBH+CO.KG and Joest Electrical and Airconditioning (Pty) Ltd.*** under case number CT010MAY2017, by making reference to ***Polaris Capital (Pty) Ltd v The Registrar of Companies and Polaris Capital Management Inc (unreported under case no 11607/2005 CPD)*** at paragraph 5.8, in which it was decided that:

"It is submitted that by allowing the close corporation's name to remain on the register, in addition to causing deception and confusion, its registration will hinder the registrar's role in maintaining and promoting good governance and administration of corporate entities in the interest of the general public".

57. In this regard, allowing the First Respondent's company name to remain on the Companies Register, unrestricted, bearing in mind that at any time it could venture into the market of the Applicant, would be damaging to the Applicant's trade marks, goodwill and reputation. This would also go against the Registrar of Companies' role in maintaining and promoting good governance and administration of corporate entities in the interest of the general public, mentioned above.
58. It would accordingly be appropriate for this Tribunal to make the orders the Applicant requested as set out in paragraphs 54.2 and 54.3 above.

COSTS

59. The Applicant seeks a costs order against the First Respondent to pay the Applicant's costs in terms of Regulation 156 of the Act.
60. In the matter of **Val De Vie Intellectual Property (Pty) Ltd. v VAL DE VIE (PTY) LTD and The Commissioner Of Companies CT00225/ADJ/2019** dated 19 October 2020 Khashane La M. Manamela (Mr.) at paragraph 9 stated the following:

"[9] ... An order for costs is contemplated by regulation 156 of the Companies Regulations. I am inclined to grant such an order. There is evidence to the effect that the first respondent's director rebuffed overtures by the applicant - through the latter's attorneys - to change its patently objectionable company name prior to the launch of this application. Besides, there is no reason why costs should not follow the outcome in this matter.

Therefore, I will also order that the first respondent pay the applicant's party and party costs."

61. In ***Agility Holdings (Pty) Ltd v Company Tribunal and Others (92630/2019) [2022] ZAGPPHC 70 (11 February 2022)*** Davis, J held that -

"3.5 The general rule regarding costs is that, save in exceptional circumstances where the successful party may be deprived of its costs, costs should follow the event. This is because *"the purpose of an award for costs is to indemnify a successful party who has incurred expenses"* in instituting legal proceedings." The court referred to the cases listed in footnote 2 at D5 - 1 of ***Van Loggerenberg, Erasmus Superior Court Practice, second edition.***

"3.6 The award of costs furthermore amounts to an exercise of the court's discretion. The learned author referred to above, sums up the relevant case law in this regard as follows (at D5-6):

"In leaving the court a discretion, the law contemplates that it should take into consideration the circumstances of each case, carefully weighing up the issues in each case, the conduct of the parties and any other circumstances which may have a bearing on the issues of costs and then make such an order as to costs as would be fair and just between the parties."

62. I am inclined to make a costs order against the First Respondent. In this matter the Applicant made every effort to settle this matter amicably to no avail, thus forcing the Applicant to institute these proceedings. The Applicant communicated with the First Respondent on more than one occasion including clarifying the process of acceptance of company names in SA and inviting the First Respondent to seek legal advice on its position.

ORDER

63. Having considered the Applicant's application, the orders the Applicant seeks, and the orders the CT may grant, I hereby make the following order –

63.1. Determines that the First Respondent's name does not comply with sections 11(2)(b) and 11 (2)(c)(i) of the CA;

63.2. Directs the First Respondent in terms of section 160(3)(b)(ii) to change its name to one which does not consist of, or incorporate, the mark "LIBERTY", or any other mark which is confusingly and/or deceptively similar to the Applicant's "LIBERTY" trade mark;

63.3. Exempts the First Respondent from the requirement to pay the prescribed fee for filing the notice of amendment contemplated in this paragraph 63.2.

63.4. Directs the Second Respondent to change the First Respondent's name to the registration number followed by "(Pty) Ltd.", in the event of the First Respondent not complying with paragraph 63.2 above within 60 (sixty) days from the date of this order;

63.5. Orders the First Respondent to pay the Applicant's costs in terms of Regulation 156 of the Act on a party and party scale of the High Court of South Africa; and

63.6. Instructs the Registrar of the Companies Tribunal to bring this ruling to the attention of the First and the Second Respondents.

DATED AT JOHANNESBURG ON THIS 14th DAY OF SEPTEMBER 2023.

MS D R TERBLANCHE - MEMBER OF THE COMPANIES TRIBUNAL
