

IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA

HELD AT PRETORIA

Case No.: CT02417ADJ2025

In the matter between:

ALTRON LIMITED	**Applicant**
And	
ALTRON MOTIVES (PTY) LTD **(Registration Number: 2024/054126/07)**	**First Respondent**
and	
THE COMMISSIONER OF THE COMPANIES **AND INTELLECTUAL PROPERTY COMMISSION**	**Second Respondent**

TRIBUNAL MEMBER: D. TERBLANCHE

DATE OF DECISION: 5 January 202

DECISION AND REASONS

THE PARTIES

1. The Applicant is ALTRON LIMITED, a public company registered in South Africa (registration number 1947/024583/06) with its business address at Altron Campus, 20 Woodlands Drive, Woodlands Office Park, Woodmead, Gauteng, 2192.

2. The First Respondent is ALTRON MOTIVES (PTY) LTD, registered in South Africa (registration number 2024/054126/07) with its address at 360 Rivonia Boulevard, Edenburg, Sandton, Gauteng, 2128.

3. The Second Respondent is the Commissioner of the Companies and Intellectual Property Commission, appointed under Section 189 of the Act and cited in his official capacity.

THE APPLICATION

4. This is an application brought in terms of Section 160 of the Companies Act 71 of 2008 ("the Act"). The Applicant seeks a determination by the Tribunal that the name of the First Respondent, ALTRON MOTIVES (PTY) LTD (Registration Number: 2024/054126/07), does not satisfy the requirements of Section 11 of the Act. Consequently, the Applicant seeks an order directing the First Respondent to change its name, in accordance with the provisions of Section 160(3)(b)(ii) of the Act.

PROCEDURAL HISTORY

5. This information comes from the Applicant's submissions as recorded in the Tribunal record.

6. Upon becoming aware of the First Respondent's registration, the Applicant took immediate steps to assert its rights. On 13 May 2025, the Applicant addressed a formal letter to the First Respondent, outlining its proprietary rights in the ALTRON mark and seeking clarification regarding the nature of the First Respondent's business activities. Despite this direct approach, the First Respondent failed to provide any response to the Applicant's communication.

7. In the absence of any engagement from the First Respondent, the Applicant proceeded to file the present application with the Companies Tribunal on 3 October 2025. The application was duly served on both the First and Second Respondents, thereby ensuring that all parties were formally notified of the proceedings.

8. Notwithstanding proper service and notification, the First Respondent did not file an answering affidavit within the prescribed 20-day period. The First Respondent's failure to respond occurred in spite of its clear awareness of the application and the issues at hand.

9. As a result of the First Respondent's failure to engage with the process or submit any opposition within the stipulated timeframe, the application is considered by the Tribunal on an unopposed and default basis.

THE APPLICANT'S RIGHTS IN THE ALTRON MARK

10. The Applicant has conducted business under the ALTRON name since 1965 and holds registrations for a portfolio of ALTRON trade marks in South Africa. These registrations span multiple classes of goods and services, reflecting the breadth of the Applicant's commercial activities.

11. The Applicant serves as the holding company of the Altron group, a leading technology conglomerate with numerous divisions that operate across a range of sectors, including telecommunications, fintech, healthcare, and security. The

ALTRON mark is used prominently by all entities within the group, reinforcing the association between the mark and the Applicant's diverse business operations.

12. Through many years of extensive use, significant investment in marketing and advertising, and substantial annual turnover, the Applicant has established a strong reputation and accrued substantial goodwill in the ALTRON trade mark. As a result, the mark is widely recognised throughout South Africa and qualifies for protection as a well-known trade mark under the Trade Marks Act.

THE APPLICANT'S GROUNDS OF OBJECTION

13. The Applicant claims an interest in the First Respondent's name under Section 160(1) of the Act, alleging it closely resembles and could mislead due to its similarity with the well-known ALTRON trademark.

14. The Applicant cites strong statutory and common law rights, a positive reputation, and considerable goodwill in ALTRON, which qualifies as a well-known mark under Section 34(1)(c) of the Trade Marks Act.

15. Section 160(2)(b) allows such applications at any time based on good cause. Altron Motives (Pty) Ltd uses "Altron" as its principal identifier, which matches the Applicant's mark, while "Motives" is merely descriptive.

16. The First Respondent's name is confusingly similar and may suggest an affiliation, causing public misperception. As a result, the name does not comply with Sections 11(2)(a), (b), or (c) and falls under Section 160(3)(b).

17. Any unauthorised use of the ALTRON mark could unfairly benefit from or harm its reputation and distinctiveness, resulting in trademark infringement per Section 34(1)(c) of the Trade Marks Act.

18. Section 160(1) of the 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.*"

19. The Applicant has valid reasons to claim that the First Respondent's company name violates Section 11(2) of the Act. If this application is not reviewed, the Applicant may face harm, as they cannot monitor or control the First Respondent's service quality. Moreover, due to the similarity between the First Respondent's name and the ALTRON trademark, any services provided could be wrongly linked to the Applicant.

20. Sections 11(2)(a), (b) and (c) of the Act, as far as they are pertinent, read as follows.

> "*(2) The name of a company must –*
>
> *(a) not be the same as –(iii) 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. of 1993 (Act No. 94 of 1993) unless the registered owner of that trade mark has consented in writing to the use of the mark as the name of the company; or...*
>
> *(b) not be confusingly similar to a name, trade mark, mark, word or expression contemplated in paragraph (a) unless –(iii) in the case*

of a name similar to a trademark or mark referred to in paragraph (a)(iii), the company is the registered owner of the business name, trade mark, or mark, or is authorised 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 name of that mark, work or expression by the company is permitted by or in terms of the Merchandise Marks Act. 1941.

(c) Not falsely imply or suggest, or be such as would reasonably mislead a person to believe incorrectly, that the company - is part of, or associated with, any other person or entity…"

21. The company name "Altron Motives (Pty) Ltd" uses "ALTRON" as its main and most memorable feature, which is identical to the Applicant's well-known ALTRON trademark. Since "Altron" appears first in the company name and "Motives" is purely descriptive, it does not distinguish this name from the Applicant's recognized brand.

22. Given these facts, it's clear that "ALTRON," being the focal point of the First Respondent's company name, not only infringes on the Applicant's trademark rights but also fails to meet the requirements set out in Section 11(2) of the Act. This similarity between the names could easily mislead or confuse the public into believing there is some connection when none exists.

23. The issue is worsened by the fact that "Motives" does nothing to create distinction, while the Applicant's ALTRON mark is widely known and legally protected.

24. Using an identical or deceptively similar mark without authorization may weaken the distinctive reputation of the ALTRON trademark, harm the Applicant's interests, and negatively affect public perception of its services.

25. Therefore, "Altron Motives (Pty) Ltd" is confusingly and deceptively similar to the Applicant's established trademark, which spans various industries and services. The public could very well assume that the First Respondent's business is part of, or affiliated with, the Applicant's group because of this similarity.

26. There is a significant risk that people might mistakenly believe the First Respondent is connected to the Applicant, due to the nearly identical company name. As a result, the First Respondent's name does not comply with Sections 11(2)(a), (b), or (c) and could be subject to corrective orders under Section 160(3b) of the Act.

27. According to Section 34 of the Trade Marks Act, the rights granted by registering the Applicant's ALTRON trademark are infringed if an identical or very similar mark is used in relation to the same or similar goods or services, likely causing confusion.

28. The Applicant seeks an order

    28.1. directing the First Respondent to change its name to one which does not incorporate ALTRON and which is not confusingly and / or deceptively similar to the trade mark ALTRON in the event that the First Respondent fails to change its name within 3 months from the date of the order;

    28.2. directing the Second Respondent, in terms of Section 160(3)(b)(ii) read with Section 142 of the Act, to change the name of the First Respondent "K2024

/054126/07 (Pty) Ltd", as the First Respondent's interim company name on the Companies Register;

28.3. granting costs of this Application in favour of the Applicant, as the Applicant took all reasonable steps to resolve this matter amicably and to avoid lodging a company name objection; and

28.4. granting the Applicant further and/or alternative relief.

THE TRIBUNAL'S ANALYSIS AND EVALUATION

29. Before the Tribunal can consider this application by default, it must first confirm that it has the authority to do so. The Companies Act, 2011 and its Regulations set out the rules for these proceedings. Here, the Applicant needs to have met all procedural steps for both submitting and serving the application on the appropriate parties.

30. The Tribunal's jurisdiction to determine this matter is clearly established under Section 160 of the Companies Act. Procedurally, the application was properly instituted and served upon both Respondents. Despite receiving notice, the First Respondent elected not to oppose the application or file an answering affidavit. Given the lack of response, the Tribunal may proceed to consider the Application in terms of Regulation 153. Consequently, the Tribunal's decision is based exclusively on the undisputed submissions presented by the Applicant and the legal precedents referenced in its supporting documents.

31. The Applicant has demonstrated a clear and substantive interest in this proceeding, holding both registered trade mark rights and extensive common law rights in the distinctive ALTRON mark. Furthermore, the Applicant has shown good cause for bringing this application. It acted with appropriate diligence upon discovering the Respondent's registration, first attempting to resolve the matter amicably through correspondence before resorting to this formal objection.

32. The crux of the Applicant's case is that the First Respondent's name, Altron Motives (Pty) Ltd, incorporates the Applicant's ALTRON trade mark as its dominant and memorable feature. The suffix "Motives" is merely descriptive and does not serve to distinguish the Respondent from the Applicant. Consequently, the Respondent's name is confusingly and deceptively similar to the Applicant's well-known ALTRON trade mark, in contravention of Sections 11(2)(a) and (b) of the Act. The similarity is such that it would reasonably mislead the public into believing, incorrectly, that the First Respondent is part of or associated with the Applicant's business, contravening Section 11(2)(c) of the Act.

33. The applicable legal test for confusion originates from ***Bata Ltd v Face Fashions CC, 2001 (1) SA 844 (SCA),*** which held that a "*marked resemblance"* that would "immediately bring to mind" the other name is sufficient. The Tribunal considered and agrees with the authority the Applicant placed before the Tribunal that when comparing names, courts consider not only side-by-side similarity but also imperfect recollection ***(American Chewing Products Corp v American Chickle Co 1948 (2) SA 736A***).

34. The ultimate test is whether, on a comparison of the two marks, there is a reasonable likelihood of confusion if both are to be used together in a normal and fair manner, in the ordinary course of business.

35. "Likelihood" refers to a reasonable probability, and in considering whether the use of the respondent's mark would be likely to deceive or cause confusion, regard must be had to the essential function of a trade mark, namely to indicate the origin of the goods in connection with which it is used. More recently, this Court in ***Bata Ltd v Face Fashion CC and another 2001 (1) SA 844 (SCA)*** pointed out that the approach adopted in Sabel BV v Puma AG, Rudolf Dassler Sport accords with South African case law. There it was said that the likelihood of confusion must "be appreciated globally" and that the "global appreciation of the visual, aural or conceptual similarity of the marks in question, must be based on the overall impression given by the marks, bearing in mind, in particular, their distinctive and dominant components."

36. In the present case, a direct comparison of the Applicant's trade mark and the first Respondent's name highlights the central issue at hand.

36.1. The Applicant's mark, ALTRON, is well-known and distinctive.

36.2. The Respondent's company name, Altron Motives (Pty) Ltd, features "Altron" as the dominant, memorable, and distinctive element, while "Motives" is merely descriptive and fails to differentiate the Respondent from the Applicant.

36.3. Visually, phonetically, and conceptually, the similarity between the names is striking.

37. This similarity constitutes a clear violation of Section 11(2) of the Companies Act.

38. The Respondent's name is confusingly similar to the Applicant's registered trade mark, and no consent for its use was obtained, thus breaching Section 11(2)(a).

39. For the same reasons, the Respondent's name is confusingly similar to a well-known trade mark, contrary to Section 11(2)(b).

40. Pursuant to Section 11(2)(c)(i) of the Act, a name must not falsely imply an association with another. Given, given the substantial reputation of the ALTRON mark in South Africa, the Respondent's name would likely mislead the public into incorrectly believing there is an association between the two entities, which is expressly prohibited by Section 11(2)(c).

41. The evidence presented to the Tribunal robustly supports the well-known status of the ALTRON mark. Since 1965, it has been extensively used across a wide range of technology and related industries, supported by significant commercial turnover, sustained marketing efforts, and prominent media coverage. The mark

clearly qualifies for protection as a well-known trade mark. Its unauthorised incorporation into the Respondent's company name unfairly exploits its distinctive character and reputation, which is inherently detrimental to the Applicant.

42. The Applicant faces both immediate and tangible prejudice as a result of the Respondent's conduct. There is a genuine risk of reputational and commercial harm, as the Applicant has no control over the Respondent's activities, which may nonetheless be attributed to the Applicant by a confused public. The similarity between the names creates a strong likelihood of confusion, brand dilution, and unwarranted association, directly undermining the Applicant's brand integrity and exclusive intellectual property rights.

THE TRIBUNAL'S FINDINGS

43. The Applicant established that it has good cause for the application, and demonstrated a clear interest in the first Respondent's name.
44. The Respondent's name is confusingly similar to the Applicant's registered and well-known trade mark in contravention of Sections 11(2)(a), (b), and (c), of the Act**.**

ORDER

45. Having considered the application and founding affidavit filed by the Applicant, and no answering affidavit having been filed by the First Respondent, it is ordered**:**

    45.1. The name ALTRON MOTIVES (PTY) LTD (Registration Number: 2024/054126/07) does not satisfy the requirements of Section 11(2) of the Companies Act, 71 of 2008.

45.2. The First Respondent is directed to change its name to one which does not incorporate the word "ALTRON" and which is not confusingly and/or deceptively similar to the Applicant's ALTRON trade mark, within 60 (sixty) calendar days from the date of this order.

45.3. Should the First Respondent fail to comply with paragraph 45.1 above within the stipulated 60 days, the Second Respondent is authorised and directed, in terms of Section 160(3)(b)(ii) read with Section 142 of the Companies Act, to:

45.3.1. Change the First Respondent's name on the Companies Register to its registration number: "2024/054126/07 (Pty) Ltd"**;** and

45.3.2. Issue a Notice of Amendment of the company's registration certificate reflecting the new name.

45.4. The First Respondent is to pay the Applicant's costs of this application, as the Applicant took all reasonable steps to resolve the matter prior to instituting these proceedings.

45.5. The Tribunal's Registrar is directed to serve a copy of this order on the First and Second Respondents.

Dated at Johannesburg on the 5th day of January 2026.

D. TERBLANCHE
MEMBER OF THE COMPANIES TRIBUNAL
5 January 2026