IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA

CASE NO: CT02733ADJ2026

In the matter between:

THE SOUTH AFRICAN RESERVE BANK	APPLICANT
and	
THE BIG FIVE DIGITAL CURRENCY (PTY) LTD (REGISTRATION NO. 2024/326798/07)	FIRST RESPONDENT
COMPANIES AND INTELLECTUAL PROPERTY COMMISSION	SECOND RESPONDENT

Date of Decision: 27th October 2026

DECISION

INTRODUCTION

1. The Applicant is the SOUTH AFRICAN RESERVE BANK, a bank established in terms of section 9 Of the Currency and Banking Act, NO. 31 Of 1920, as the central bank of South Africa in terms of section 223 of the Constitution of the Republic Of South Africa, 1996 and is governed by the

South African Reserve Bank Act, NO. 90 of 1989 with its principal plaæ of business at 370 Helen Joseph Street, Pretoria, Gauteng, 0001.

2. The First Respondent is THE BIG FIVE DIGITAL CURRENCY (PTY) LTD, a private company registered under the company laws Of South Africa with registration 2024/326798/07 and its registered address at 236 Road, Upper Claremont, Cape Town, Cape, 7708.

3. The Second Respondent is the Companies and Intellectual Property Commission, an organ of state established in terms of Section 185 of the Companies Act, with its registered office at DTI Campus, Block F, 77 Meintjies Street, Sunnyside, Pretoria, Gauteng ("CIPC"),.

4. The Applicant applies to the Companies Tribunal in terms of Section 11(2) of the Companies Act 71 of 2008 ("the Companies Act"), a name of a company must not be the same as the name of another company, domesticated company, registered external company, close corporation or co-operative and must not be confusingly similar.

APPLICANT'S SUBMISSIONS

5. The Applicant is the proprietor, in South Africa, of the several trademarks in the term BIG FIVE.

6. The Applicant, which is the oldest central bank in Africa, first opened its doors for business on 30 June 1921 and issued its first banknotes to the public

on 19 April 1922. After the South African Reserve Bank Act of 1989 was into law, the SARB announced its first formal mission statement, stating that the aim of the organization was to protect the internal and external value of the rand, an objective that was later included in South Africa's Constitution.

7. The primary mandate Of SARB is to protect the value Of the currency in the interest of balanced and sustainable economic growth. In addition to this, the SARB has a statutory mandate to enhance and protect financial stability in South Africa.

8. To celebrate Africa's unique natural heritage, SAM, on behalf of the Applicant, first launched the BIG FIVE series of gold, silver and platinum collector coins in 2019, embodying the strength and beauty of the most famous Big Five animals. The "BIG FIVE" term originated from locals warning big game hunters when visiting the shores of Africa to shoot for trophies, the five most dangerous animals in Africa: the Elephant, Lion, Leopard, Rhino, and Buffalo. The BIG FIVE-coin series features portraits of the Big Five animals and a stylized South crest. The series of coins are primarily available in various formats of 24ct gold, Brilliant Uncirculated silver, and platinum coins.

9. The Applicant's well-known and registered BIG FIVE Trade Mark is wholly incorporated in the Respondent's company name, implies that the Respondent is a part of, connected with, or is an extension of, the Applicant's business. It can therefore not be ruled out that the First Respondent has registered the company name to ride off the and reputation Of the Applicant. Any reference to the Respondent's name by a member of the public would automatically lead a member of the public to believe that the Respondent

affiliated with the BIG FIVE Trade Mark, or its BIG FIVE range Of coins. The reference to "DIGITAL CURRENCY" implies that that the Respondent has an interest to trade and/or are trading within the financial industry, which is closely related to the Applicant's interest

10. The registration of the First Respondent's name would affect the Applicants financially, thereby enabling the First Respondent to ride on the coattails of the Applicants. Furthermore, the First Respondent's name falsely imply, and would reasonably mislead the public into incorrectly believing that the First Respondent is part of, affiliated with, or associated with the Applicants, in contravention of Section 11 (2)(c)(i) of the Act.

11. The First Respondent's name is contrary to the provisions Section 11(2)(b), in that it is either substantially identical or otherwise confusingly similar to a trade mark belonging to the Applicant. Further, the First Respondent's name is contrary to Section 11(2){c)(i) of the Companies Act in that it is likely to mislead a person to believe, incorrectly, that the company is part of, or associated with, the Applicant.

12. The Applicant has attempted to resolve this matter without resorting to litigation but has not received the First Respondent's co-operation. Therefore, the Applicant has no option but to proceed with this formal objection.

NAME DISPUTES

APPLICABLE LAW

13. Section 11 of the Companies Act provides the criteria for names of companies.

Subsection (2) is most relevant and states as follows:

"(2) the name of a company must –

(a) not be the same as, or confusingly similar to –

(i) the name of another company, registered external company, close corporation or co-operative unless the company forms part of a group of companies using similar names;

(ii) ... Not relevant

(iii) a registered trademark 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 trademark or a well-known trademark as contemplated in section 35 of the trademarks act; or

(iv) ... Not relevant

2 (b) 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;

EVALUATION AND FINDINGS

14. The purpose of section 11 of the Companies Act is to protect names from being passed off by new companies registering similar names at the expense of the original name holder of the company or trade mark. In the case before me the First Respondents' name is similar to several trademarks held by the Applicant. Both Have the term BIG FIVE in them. This may give

members of the public the impression that the Respondent is associated with the Applicant. This may affect the Applicants reputation and financially.

15. The First Respondent is thus ordered to change its name to one that does not include BIG FIVE in it.

ORDER

16. I find in favor of the Applicant

a. The First Respondent is directed to change its name to one which does not incorporate “BIG FIVE” and is not confusingly and or deceptively similar to Applicant's**.**
b. The First Respondent is to file a notice of an amendment of its Memorandum of Incorporation, within 60 days of receipt of this order in order to change its name as per above.
c. In the event that the First Respondent fails to comply with the order as aforementioned, within 3 months, from the date of the order, that Companies and Intellectual Property Commission (CIPC) be directed, in terms of Section 160(3) (b) (ii) read with section 14(2) of the Act, to change the First respondent’s name to is registered company number being 2024/326798/07 as the First Respondent’s interim company name on the Companies register.
d. The First Respondent is hereby exempted from the requirement to pay the prescribed fee for filing the notice of amendment contemplated in this paragraph.
e. The Second Respondent is required to register the name applied for by the applicant once the Respondents name is removed from the registrar by the First Respondent or by CIPC within three months of the First Respondent failing to do so.

f. The registrar of the Tribunal is instructed to bring this ruling to the attention of CIPC.

MOHAMED ALLI CHICKTAY
MEMBER OF THE COMPANIES TRIBUNAL