



IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA

Case No: CT02796/ADJ/2026

In the matter between:

LOUGOT PROPERTY INVESTMENTS (PTY) LTD APPLICANT

(Registration number: 1992/003294/07)

and

WONDERLAND PROPERTIES (PTY) LTD

FIRST RESPONDENT

(Registration number:2024/095469/07)

THE REGISTRAR OF COMPANIES

SECOND RESPONDENT

Presiding Member of the Companies Tribunal: NOMAGCISA CAWE

Date of Decision: 24 August 2026

DECISION (Reasons and an Order)

1. INTRODUCTION

1.1. Applicant is LOUGOT PROPERTY INVESTMENTS (Pty) Ltd, a company duly incorporated in terms of the company laws of South Africa, with registration number 1992/003294/07, and its registered address at 147 North Reef Road, Bedfordview, Gauteng, 2007.

Applicant forms part of The Wonderland Group of Companies, including the entity WONDERLAND PROPERTY INVESTMENTS (Pty) Ltd.

- 1.2 Applicant conducts business as “Wonderland Properties” under The Wonderland Group”. It’s primary business activity is the development of, and investment in property, in various sectors in classes 36 and 37.
- 1.3 First Respondent is Wonderland Properties (Pty) Ltd., a company incorporated in terms of the Companies Act 71 of 2008 (“the Act”), with registration number 2024/095469/07, and having its registered address at: 5 Blackwood Drive, Hout Bay, Western Cape, 7806.
- 1.4 According to its website, First Respondent offers services in the hospitality industry which are identical to those offered by the Applicant under one of its subsidiaries- Views Boutique Hotel & Spa.
- 1.5 Second Respondent is the Companies and Intellectual Property Commission (“CIPC”), a juristic person established in terms of s185(1) of the Act. No relief is sought against it unless it opposes this application.

2. BACKGROUND

- 2.1. During October 2025, Applicant engaged First Respondent via email, to the email addresses reflected on the registration documents (CAPE@PTY-ONLINE and patrick@worldsapart.co.za), about its objection to First Respondent’s name. First Respondent, through one of its directors, refused to deregister its name.
- 2.2. On 08 June 2026 this Tribunal stamped Applicant’s CTR 142 application for relief, and on 10 June 2026, served a copy of same on the First Respondent by email, at the addresses cited in paragraph 2.1 above.
- 2.3. First Respondent did not file an answering affidavit within twenty (20) business days, following which, on 31 July 2026, Applicant applied for a default order in

terms of Regulation 153 of the Companies Regulations (the Regulations).¹

- 2.4. Manamela, Shawn Phooko, a Senior Associate at Applicant's attorneys, deposed to the affidavit in support of the application for default judgment.

3. ISSUES

- 3.1 Applicant requests the Tribunal to make a finding that First Respondent's name does not satisfy the provisions of s11(2) of the Act. It submits that the inclusion of the word 'Wonderland Properties' in First Respondent's name infringes its registered trademarks.
- 3.2 Applicant's representative, Erna Barnard, submits that Applicant claims common law and statutory rights in the words 'WONDERLAND PROPERTIES' given its widespread and extensive use thereof as far back as 1992, and its use of the 'WONDERLAND PROPERTIES' trademark in various fields, including hospitality.
- 3.3 Applicant submits that First Respondent's name is identical to the Applicant's subsidiary's trademark "WONDERLAND PROPERTIES" and is therefore, confusingly and deceptively similar to Applicants' registered trademark.
- 3.4 Applicant further submits that First Respondent's activities clearly overlap with those of the Applicant in relation to services offered.² This is likely to result in First Respondent taking unfair advantage of, or being detrimental to, the distinctive character and repute of its well-known trademark and amounts to an infringement of s34(1) of the Trade Marks Act.
- 3.5 Applicant also contends that it has not authorised the use by First Respondent of its trademark and that it will suffer prejudice if denied relief, especially as it does not have control over the quality of the products or services offered by First

¹ GN R351 in GG 34239 of 26 April 2011.

² Evidence in support of this was attached to the application

Respondent. It submits, further, that members of the public are very likely to believe that First Respondent was formed for the purpose of rendering services on behalf of the Applicant, hence its claim that the First Respondents company name does not comply with the provisions of s11(2)(b) of the Act.

4. APPLICABLE LAW

4.1 **Section 11** of the Act provides as follows: “11. **Criteria for names of companies.** —

(1)

(2) *The name of a company must— (a) not be the same as—*

(i) the name of another company, domesticated company, registered external company, close corporation or co-operative;

...

(b) not be confusingly similar to a name, trademark, 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; ...

(c) 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;”

4.2 **Section 160** of the Act deals with **disputes concerning reservation or registration of company names** and enunciates the jurisdiction of the Companies Tribunal 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.

(2) 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.

(3) After considering an application made in terms of subsection (1), and any submissions by the applicant and any other person with an interest in the name or proposed name that is the subject of the application, the Companies Tribunal —:

*(a) **must make a determination** whether that name, or the reservation, registration or use of the name, or the transfer of the reservation or registration of the name, satisfies the requirements of this Act; and*

(b) may make an administrative order directing-

(i) the Commission to

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

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

(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.”

4.3 Companies Regulation 153 of 2011 provides for default orders thus:

(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.

5. EVALUATION

5.1 I am convinced that Applicant has made out a case for the main application to be considered on a default basis and I proceed to deal with the merits of the case.

5.2 “Similar” in section 11(2)(b) would be “having a marked resemblance or likeness” and that the offending name should immediately bring to mind the well-known trade mark or other name.³ The test for “confusingly similar” is, as in the case of passing-off: “...a reasonable likelihood that ordinary members of the public, or a substantial section thereof, may be confused or deceived into believing that the goods or merchandise of the former are the goods or merchandise of the latter or are connected therewith. Whether there is such a reasonable likelihood of confusion or deception is a question of fact to be determined in light of the particular circumstances of the case.”⁴

5.3 “Confusingly similar” in Section 11(2)(b) has to be examined carefully to determine if this is in fact so in the instant case. In considering case law on the concept, it must be as alike in a manner that will confuse the “ordinary reasonable careful man, i.e. not the very careful man nor the very careless man.”⁵ The “reasonable man” has been further qualified: “A rule of long standing requires that the class of persons who are likely to be the purchasers of the goods in question must be taken into account in determining whether there is a likelihood of confusion or deception.”⁶

5.4 In line with what was stated in **Ewing t/a The Buttercup Dairy Company v**

³ Bata Ltd v Face Fashions CC 2001 (1) SA 844 (SCA)

⁴ Adidas AG & another v Pepkor Retail Limited (187/12) [2013] ZASCA 3 (28 February 2013) para 28; Capital Estate and General Agencies (Pty) Ltd and Others v Holiday Inns Inc. and Others 1977 (2) SA 916 (A) at 929

⁵ Link Estates (Pty) Ltd v Rink Estates (Pty) Ltd 1979 (2) SA 276 (E) at 280

⁶ Reckitt & Colman SA (Pty) Ltd v SC Johnson & Son SA (Pty) Ltd 1993 (2) SA 307 (A) at 315F-G

Buttercup Margarine Corporation Ltd 1917 (34) RPC at 232 and 238, it can be concluded that confusion and/or deception may arise from the side-by-side use of the trade mark and the First Respondent's name, which can lead to injury of the Applicant's business, especially since it has no control whatsoever over the quality of services rendered by the Respondent. The doctrine of imperfect recollection has been explained by our courts⁷: there is a probability that a substantial number of people will be at least confused, if not deceived, given the fact that an individual does not have the two marks before him, side by side and that memory is often imperfect. In **Cowbell AG v ICS Holdings 2001 (3) SA 941 (SCA)**, the court said: "the decision involves a value judgment and that the ultimate test is whether, on a comparison of the two marks it can properly be said that there is a reasonable likelihood of confusion if both marks are to be used together in a normal and fair manner, in the ordinary course of business."

- 5.5 It can therefore also be concluded that the word 'Wonderland Properties ' in First Respondent's name will reasonably mislead the reasonable person to believe, incorrectly, that there is an association with the Applicant's trademark.
- 5.6 In the case of **Polaris Capital (Pty) Ltd v The Registrar of Companies and Polaris Capital Management Inc.** (unreported judgment, Case No. 11607/2005, CPD), the learned judge commented on undesirability in terms of Section 45 (2) of the 1973 Companies Act: "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." Thus permitting the First Respondent to keep the name 'WONDERLAND PROPERTIES ' as its company name will create confusion and hinder the Registrar from maintaining and promoting good governance and administration of the corporate entity in the interest of the general public. It is evident, therefore, that the First Respondent's

⁷ Standard Bank of South Africa Limited v United Bank Limited & Another 1991 (4) SA 780 (T) 8011 to 802B

company name falls within the ambit of Section 11(2) as argued on behalf of the Applicant.

- 5.7 Finally, I am mindful of the order handed down by Mbongwe, J. in the matter of **Comair Ltd v Kulula South Africa**⁸ wherein it was declared that this Tribunal is empowered to make an administrative order directing the Registrar of Companies to change the name of a company to its registration number, if Respondent fails to change its name within a certain period as ordered.

6. FINDINGS

- 6.1 I find that the balance of convenience favours the Applicant.
- 6.2 Applicant has shown that First Respondent has transgressed Sections 11(2)(b) and (c): its name is confusingly similar to Applicant's and falsely implies, or could reasonably mislead a person to believe incorrectly, that First Respondent is part of, or associated with the Applicant. Hence it is entitled to an order as claimed in terms of Section 160 of the Act. This is made worse by the fact that both entities trade in the hospitality sector in Greater Cape Town geographical area.
- 6.3 The Applicant's application is granted as set out below.

7. ORDER

- 7.1 An administrative order is made in terms of Section 160(3)(b)(ii) that First Respondent change its name to one which does not incorporate the word 'WONDERLAND PROPERTIES', within 60 days of receipt of this order, as it is in contravention of Sections 11(2)(b)(iii) and (c)(i) of the Act.
- 7.2 This order must be served on the Respondents by the Tribunal's Recording

⁸ Comair Ltd v Kulula South Africa (Pty) Ltd (unreported) High Court of South Africa, Gauteng Division, Pretoria, Case Nr: 65895/2019

Officer (Registrar).

- 7.3 The First Respondent is hereby ordered to, within 60 calendar, file a notice of amendment of its Memorandum of Incorporation.
- 7.4 The Second Respondent is directed to change First Respondent's name to its registration number (2024/095469/07, if First Respondent fails to change its name within 60 days of receipt of this order.
- 7.5 There is no order as to costs against the First Respondent as the matter was unopposed.

Nomagcisa Cawe: Member of the Companies Tribunal