IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA

Case no: CT02814/ADJ/2026

In the matter between:

LEGO HOLDING A/S	Applicant
and	
HEALTH LEGO (PTY) LIMITED	First Respondent
(Registration No 2024/355537/07)	
And	
COMPANIES AND INTELLECTUAL PROPERTY COMMISSION	Second Respondent

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Presiding Member of the Companies Tribunal: H.K. DLEPU

Date of Decision: 20 September 2026

DECISION AND REASONS

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1. INTRODUCTION

1.1. This is an application objecting to the registration and continued use of the company name Health Lego (Pty) Limited in terms of sections 11(2)(a)(i); 11(2)(a)(iii); 11(b)(iii) and 11(2)(c) read with section 160 of the Companies Act 71 of 2008 (hereafter referred to as the Companies Act).

1.2. This application further prays for a default order in terms of regulation 153 of the Companies Regulations 2011.

2. THE PARTIES

2.1. The Applicant is **Lego Holding A/S**, a private company duly incorporated under the company laws of Denmark and having its principal place of business at DK-7190 Bullund, Denmark. The Applicant is the proprietor of statutory and common law rights in the well-known **"LEGO"** trademark in South Africa.

2.2. The First Respondent is **Health Lego (Pty) Limited** a company duly incorporated in accordance with the company laws of the Republic of South Africa with registration number 2024/355537/07 with its registered address at 147 Edward Avenue, Sandringham, Johannesburg, Gauteng, 2192.

2.3. The Second Respondent is the **Companies and Intellectual Property Commission** (CIPC) established by Section 189 of the Companies Act with its address at DTI Building, Block F, Meintjies Street, Sunnyside, Pretoria.

3. THE APPLICATION

3.1. The Applicant has an interest in the name of the First Respondent within the meaning of Section 160(1) of the Act to file this Application to the Companies Act. The Applicant's interest will appear from the facts which are initiated and documented by the Applicant in its affidavit in particular the Applicants trademark rights in and to the LEGO trademark. In SouthAfrica and globally .

3.2. The Applicant appointed Eversheds Sutherland(SA) as the attorneys of record to initiate and oversee these proceedings.The institution of these proceedings have

been authorised by the Applicant the resolution was attached to the Applicants application

3.3. On or aboutMarch 2025 , the Applicant became aware of the existence of the First Respondent when Eversheds Sutherland informed it of the First Respondent's existence after conducting a cursory search of the CIPC's records of trademarks and company names.

3.4. The Applicant instructed Eversheds Sutherland to send a letter of demand to the First Respondent. A letter of demand was served on the First Respondent on the 27 March 2025, via the incorporator's registered address, and the First Respondent was afforded an opportunity until the 10 April 2025 within which to respond to the Applicant's demands.

3.5. On the 7 April 2025 ,the Director responded to the letter of demand,denying any form of infringement.Subsequently on the 25 April 2025 Eversheds Sutherland resent further correspondence to the director ,proof of correspondence was attached to the application which was lodged at the Tribunal which formed a basis of this ruling.

3.6. The Director of the First Respondent whilst initially engaged in communication with the Applicants attorneys ,ceased to communicate despite further telephonic attempts by the Applicants representatives ,and all further attempts to contact the Director thereafter were unsuccessful ,although the status of the First Respondent still reflectsas "In Business" on the Companies Register.

3.7. Despite all the attempts to settle the matter amicably it became evident that the Fist Respondent had no intention to correct the situation ,and ultimately the Applicant had to approach the Companies Tribunal for a relief .

3.8. The First Respondent has to date failed and/or neglected to adhere to the Applicant's demand, and the status of the First Respondent still reflects as "In Business" on the Companies Register of the Second Respondent. In light of the First Respondent's failure to adhere to the Applicant's demands, the Applicant instructed its Attorneys to move an application against the First Respondent and approach the Companies Tribunal to deal with the matter as it was evident that the First Respondent was not prepared to comply with the Applicant's request.

4. THE ISSUES

4.1. The Applicant contends that the Lego Group has a long and rich history as the most reputable company and is the proprietor of the wellknown "**LEGO"** trademark and by virtue of their common law and statutory rights under the Trade Marks Act 194 of 1993, acquired respect of its **LEGO** trade marks which entitles it to prevent the use of a name or a mark by any other person in the course of trade which is confusingly and/or deceptively similar goods or services, wherein such use would be likely to take unfair advantage of its "**LEGO**" trade mark, notwithstanding the absence of confusion or deception.

4.2. The word **"LEGO"** was created by the LEGO Group's founder ,derived from the Danish phrase "*leg gogt"* meaning *"play well*"and was officially adopted as the company name from January 1936.

4.3. The Applicant contends that the name of the First Respondent's dominant feature is **"LEGO"** and the mere inclusion of the words **"HEALTH"** is not sufficient to distinguish it from the Applicant's "**LEGO"** trade mark, as the terms give the impression that the Applicant has expanded to the manufacture and distribution to wooden products in addition to its existing line of plastic products. Members of the public may be led to believe aforementioned impression which creates the likelihood of confusion and in the circumstances, the First Respondent's company name is identical to the Applicant's **"LEGO"** trademark.

4.4. Furthermore, the Applicant did not consent and does not consent to the use of its **"LEGO"** trade mark by the First Respondent in the market place or in any manner at all. The unauthorised use of the Applicant's trade mark amounts to a trademark infringement as stated in Section 34(1)(c) and Section 35 of the Trade Marks Act as well as passing-off at common law.

4.5. Accordingly, the Applicant is of the opinion that the **HEALTH LEGO (PTY) LTD** name conflicts with the Applicants rights, making the **HEALTH LEGO (PTY) LTD** name both undesirable and calculated to cause damage in terms of the provisions of Sections 11(2)(a)(i) ,11(2)(a)(iii), 11(2)(b)(i), and 11(2) (b)(iii) of the Companies Act.

4.6. In support of this Application the Applicant attached supporting affidavits in the names of Mr Peter Thorslund Kjar, and Scott Saunders having given of Power Of Attorney in favour of Eversheds Sutherland, setting out the facts upon which the Applicant relies on, both duly authorised by resolutions. Attachments to the Applicants Affidavit included amongst others Trade Mark registrations, Disclosure Certificate issued by the Commissioner of the CIPC in respect of **LEGO HOLDINGS A/S** and all the required authority to launch the Application.

5. APPLICABLE LAW

5.1. 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;”

5.2. 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.

5.3. Companies Regulation 153 of 2011 provides for Default Orders as follows:

"(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."

6. EVALUATION

6.1. The Applicant is a world-renowned manufacturer and distributor of play material and toy brick products sold under the **LEGO** trade marks which it registered in South Africa and internationally. The trade marks were registered in South Africa, some of them in 1960 and the most recent in the year 1985. The Applicant has listed the trade marks and the list is attached to the Applicant's affidavit.

6.2. The Applicant is the true and lawful proprietor in South Africa of all the listed trade marks and they are valid and in force and extensively used within the Republic of South Africa all of which were registered long before the incorporation of the First Respondent which was incorporated as recently as in 2024.

6.3. The question is whether the First Respondent's name and the Applicant's trademark are confusingly similar as envisaged in Section 11(2)(b) (iii) read with Section 11 (2)(a)(iii) of the Companies Act.

6.4. Although the nature of the First Respondent's company is not known or clear, the use of the Applicant's name by the First Respondent is confusingly similar to the Applicant's name and trade marks. This elevates the risk of confusion between the Applicant's trade mark and the First Respondent's name, products, and services in the marketplace.

6.5. The visual, phonetic, and conceptual similarities between the First Respondent's name and the Applicant's trademark may mislead or confuse others into believing that there is some authorised connection and/or association in the course of trade

between the products and/or services offered by the First Respondent with those of the Applicant, when, from the evidence before me, that it not the case.

6.6. I rely on one the Tribunal ruling of AECI Mining Limited v AEL Logistics (Pty) Limited CT02826AADJ2026 wherein my colleague drew his line of authority from *Bata Ltd v Face Fashions CC* 2001(1) SA 844 at para14, "The comparison of a company name with a trade mark involves value judgement and the marks are to be considered as they would be encounted in normal and fair use of ordinary course of business.The ultimate test is whether there is a reasonable likelihood that ordinary members of the public, or a substantial section thereof, may be confused or deceived into believing that the goods, services or business of the one are those of or connected with the other (*Adidas AG v Pepkor Retail Ltd* (187/12)[2013] ZASCA 3 2013 BIP 203 (SCA) para 28.)

6.7. This principle was long established in *Plascon-Evans Paints (TVL) Ltd. V Van Riebeeck Paints (Pty) Ltd.* (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". "The main legal principles relevant to the decision of the instant case may be briefly summarised as follows:

In an infringement action the onus is on the plaintiff to show the probability or likelihood of deception or confusion.... it is enough for the plaintiff to show that a substantial number of persons will probably be confused as to the origin of the goods or the existence or non-existence of such a connection'" … <u>the comparison must be made with reference to the sense, sound and appearance of the marks.</u> The marks must be viewed as they would be encountered in the marketplace and against the background of relevant surrounding circumstances. <u>The marks must not only be considered side by side, but also separately. It must be borne in mind that the ordinary purchaser may encounter goods, bearing the defendant's mark, with an imperfect recollection of the registered mark and due allowance must be made for this. If each of the marks contains a main or dominant feature or idea the likely impact made by this on the mind of the customer must be taken into account.</u> 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. And finally, consideration must be given to the manner in which the marks are likely to be employed as for example, the use of name marks in conjunction with a generic description of the goods".

6.8. CORBETT JA: stated further at paragraph 47 in Plascon Evans "…in my view, a purely verbal comparison is not enough. As I have said, in cases such as this the Court must transport itself to the marketplace and try to visualize how customers of the goods, in relation to which the marks are used, would react ".

6.9. In support of their request for an order the Applicants referred the Tribunal to the principles as laid down in the matter before the Tribunal under case number CT01932/ADJ20244 *Lego Juris A/S V Lego Trading and Projects Ltd* and the SCA judgement of *Century City Apartments Proprerty Services CC and Another v Another v Century City Property Owners Association 2010 (3)SA 1 (SCA))* and various related judgements that dealt with protection of Trademark Rights and Section 160 of the Companies Act with the determination of names that does not satisfy the requirements of Section 11 of the Companies Act.

7. FINDINGS

7.1. I find that the Applicant has shown good cause to bring this application under section 160 of the Companies Act.

7.2. I further find that the First Respondent's name is indeed confusingly similar to the Applicant's trade mark in that it falsely implies or suggests that, or may 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.

7.3. I further agree that the confusion and/or deception, can lead to injury to the Applicant's business. This is particularly so when it is considered that the Applicant has absolutely no control whatsoever on the quality and type of goods sold and services rendered by the Company.

7.4. Considering the conspectus of the cases cited above and the guidance from the above cases, I conclude that the First Respondent's name is in contravention of

the provisions of sections 11(2)(b)(iii) read with section 11(2)(a)(iii) and Section 11(2)(c) (i) of the Companies Act.and that **HEALTH** is merely descriptive and that "**LEGO"** is dorminant and likely to confuse the public .

8. ORDER

I hereby grant the following relief by default judgement:

8.1. The First Respondent is ordered to change its name to one which does not consist of, or incorporate, the mark **"LEGO"** or any other mark which is confusingly and/or deceptively similar to the Applicant's "**LEGO"** trade mark.

8.2. The Second Respondent is directed to change the name of the First Respondent to its registration number, in the event of the First Respondent does not comply with point 8.1. above within 60 days (2 months) from the date of this order.

8.3. The second respondent to change the first respondents name to its registration number being **"2024/355537/07**" as the First Respondents new company name on the companies register that; and

8.4. The Second Respondent notify the First Respondent within 14 days of this order.

8.5. No order as to costs.

H K Dlepu Member or the Tribunal