IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA

Case No: CT02919/ADJ/2026

In the matter between:

Bridgestone South Africa Holdings Applicant

(Registration number: 1981/002994/07)

and

Speedy Auto Aid (PTY) LIMITED First Respondent

(Registration number: 2024/136952/07)

COMPANIES AND INTELLECTUAL

PROPERTY COMMISSION (CIPC) Second Respondent

Presiding Member of the Companies Tribunal: N. CAWE

Date of Decision: 28 October 2026

DECISION (Reasons and Order)

---

1. INTRODUCTION

1.1. The Applicant is Bridgestone South Africa Holdings, a company duly incorporated and registered in accordance with the Companies Act 71 of 2008 ("the Act"), with registration number 1981/002994/07 with its registered business address at 6 Ridge Road, Vorna Valley, Midrand, 1685 .

1.2. The Applicant is the owner of various trade marks, in South Africa, incorporating the SPEEDY trade marks in various categories. These trade marks are mainly in the manufacture and marketing of tyres and tubes, accessories for vehicles, construction and mining machinery, agricultural equipment and various other products in the rubber industry.

1.3. The First Respondent is Speedy Auto Aid (Pty) Ltd, a company duly incorporated in terms of the Act, with registration number 2024/136952/07, and having its registered address at 1661 Mandela Village, Jabu Street, Mashishing, 1123. The First Respondent was registered in 2024.

1.3. The Second Respondent is the Companies and Intellectual Property Commission ("CIPC"), an organ of state established in terms of Section 185 of the Act, having its principal place of business at DTI Campus, Block F, 77 Meinjties Street, Sunnyside, Pretoria, Gauteng. The Second Respondent is cited only in its official capacity as the custodian of the companies register and no relief is sought from it unless it opposes the instant application.

1.4. The Applicant has a presence in the Americas, the Middle East, Africa and the Asia-Pacific regions. It has over 180 manufacturing plants and research and development facilities in 26 countries.

2 BACKGROUND TO THE APPLICATION AND RELIEF SOUGHT

2.1 This is an application for a default order determining, in terms of Section 160 of the Companies Act ("the Act) and Regulation 153 of the 2011 Regulations that:

(i) The First Respondent's company name, 'SPEEDY AUTO AID (Pty) Ltd'' does not satisfy the requirements of Section 11of the Act; and

(ii) that First Respondent be directed to change its name, to one that is not confusingly similar to the Applicant's, as provided for in Section 160 (3)(b)(ii) of the Act.

2.2 Correspondence, requesting First Respondent to voluntarily change its name to one that does not incorporate the trade mark "SPEEDY " or is confusingly similar to the Applicant's, was initiated by Applicant's attorneys between August 2025 and January 2026. First Respondent has not changed its name to date.

2.3 On 28 August 2026 the Companies Tribunal received the Applicants application for relief on Form CTR142, together with the accompanying documents and proof of the company's registration status and categories of registration, from Applicant's attorneys.

2.4 The application was served on the director of the First Respondent, electronically, at igotop81shop@gmail.com, which is the email address reflected on the CIPC portal. It was subsequently served, on 28 August 2026, on the director of First Respondent by affixing same to the main door of his residence as there was no one at the premises.

2.5 First Respondent did not file an answering affidavit within the statutory twenty (20) business days for such filing following which Applicant's representative applied for a default order against the Applicant.

3. ISSUE TO BE DECIDED

3 The issue to be decided is whether the First Respondent's name, "SPEEDY AUTO AID(Pty) Ltd", satisfies the requirements of Section 11 of the Act or not and, further, whether the inclusion of the word "SPEEDY'' in First Respondent's name infringes on Applicant's registered trade mark in violation of Section 34 of the Trade Marks Act 194/93 (''the Trade Marks Act'').

4. APPLICABLE LAW

The following statues are relevant to the present application:

4.1 **Section 11** of the Act which 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;

(ii) a name registered for the use of a person, other than the company itself or a person controlling the company, as a defensive name in terms of Section 12 (9), as a business name in terms of the Business Name Act, 1960 (Act No. 27 of 1960), unless he registered user of that defensive name or business name has executed the necessary documents to transfer the registration in favour of the company;

(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 Mark Act, 1993 (Act No. 194 of 1993), unless the registered owner of that mark has consented in writing to the use of the mark as the name of the company; or,

(iv) a mark, word or expression the use of which is restricted or protected in terms of the Merchandise Marks Act, 1941 (Act No. 17 of 1941), except to the extent permitted by or in terms of that Act;

(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 the 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****.(emphasis added)*

(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 Regulations which 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.

(2) On such an application "the Tribunal may make an appropriate order-(a) after it has heard the required evidence concerning the motion, and (b) if it is satisfied that the notice or application was adequately served"

4.4 **Section 34 (1) of the Trade Marks Act (Act 194/93***) which states that "the rights acquired by the registration of a trade mark shall be infringed by-*

(a) The unauthorized use in the course of trade in relation to the goods or services in respect of which the trade mark is registered, of an identical mark or of a mark so nearly resembling it as to be likely to deceive or cause confusion;

(b) The unauthorized use of a mark which is identical or similar to the trade mark registered, in the course of trade in relation to goods or services which are similar to the goods or services in respect of which the trade mark is registered, that in such as there exists the likelihood of deception or confusion".

5. ANALYSIS AND EVALUATION

5.2 Given the First Respondent's stance in this matter and considering the importance of this matter to the Applicant, it is evident that the Applicant had no alternative but to proceed with the application for relief hence the present default application. I am persuaded that the application of Regulation 153 is appropriate in this instance and will thus proceed to deal with the matter on a default basis.

5.3 From the Applicant's submissions about its use of the SPEEDY trade mark, it is clear that the Applicant has established that it has an interest in in the First Respondent's name SPEEDY AUTO AID (Pty) Ltd, within the meaning of Section 160 of the Act, as the name incorporates the mark "SPEEDY", which is visually and phonetically similar to Applicant's registered and well-known trade mark.

5.4 The Applicant has furthermore established "good cause" for the application, considering it owns the rights in the name and trade mark "SPEEDY" and has used it before First Respondent was registered.

5.5 Dealing with the issue of Trade Marks infringement, in **Vermark (Pty) Ltd v BMW AG [2007] SCA 53 (RSA) paras 6-7, the SCA** approved the view taken by the House of Lords in **R v Johnstone [2003] UKHL 28** (22 May 2003), wherein Lord Nicholls stated:

"…the essence of a trade mark has always been that it is a badge of origin. It indicates a trade source: a connection in the course of trade between the goods and the proprietor of the mark. That is its function'

5.6 The Applicant has succeeded in establishing a clear right to the relief sought under Section 34 (3)(a) of the Trade Marks Act.

5.7 In Ewing t/a The Buttercup Dairy Company v Buttercup Margarine

Corporation Ltd 1917(34) R.P.C. 2J2, at 238. Warrington J stated –

"*He (the Plaintiff) has proven that the Defendants have adopted such a name as may lead people who have dealings with the Plaintiff to believe that the Defendant's business is a branch of or associated with the Plaintiff's business. To induce a belief that my business is a branch of another man's business may do that other man damage in all kinds of way".*

5.8 In **Plascon-Evans Paints (TVL) Ltd v Van Riebeeck Paints (Pty) Ltd (53/84) [1984] ZASCA 51; 1984 2 All SA 366 A; 1984 (3) SA 623; 1984 (3) SA (21 May1984**) ("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)**, on the meaning of words, "*as to be likely to deceive or cause confusion*" as follows–

"…*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. …The comparison must be made with reference to the sense, sound and appearance of the marks. The marks must be viewed as they would be encountered in the market place and against the background of relevant surrounding circumstances. 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. As it has been put, marks are remembered rather by general impressions or by some significant or striking feature than by 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".*

5.9 I agree with the dicta in Plascon-Evans that Applicant has no control over First Respondent's business ventures and future business expansion into the Applicant's area of business. First Respondent could carry on business to

Applicant's detriment.

5.10 A side by side comparison shows that the dominant feature of both the Applicant and the First Respondent's names shows a distinct similarity- "SPEEDY ". The addition of the words "AUTO AID " to First Respondent's name does not adequately distinguish it from the well-known SPEEDY trade mark of the Applicant.

6. FINDINGS

6.1 Considering the Applicant's submissions and the cases cited above, I am persuaded that the Applicant has made out a case that the First Respondent's name does not comply with Sections 11(2)(b) and (c): its name is confusingly similar to, or could reasonably mislead a person to believe, incorrectly, that First Respondent is part of or associated with the Applicant.

6.2 In **Rovex Ltd and another v Prima Toys (Pty) ltd 1981 (2) SA 447 (C**) ("Rovex") it was stated as follows*; ''…If a Defendant uses an ordinary English word or words, there is no doubt the public will be less likely to regard it as a proprietary word and associate it with a similar word registered by the Plaintiff than would be if both words were invented words which had no meaning appropriate to the goods in question"*.

I find that the dictum in Rovex is applicable in the instant case and that a cause for the granting of the relief sought by the Applicant is in order.

6.3 The Applicant is granted the Order as set out below.

7. ORDER

7.I An administrative order is made in terms of Section 160(3)(b)(ii) as follows:

(i) Respondent must change its name to one which does not consist of, or incorporate the trade mark ‘SPEEDY ’ or any other mark which is confusingly and/or deceptively similar to the Applicant’s ‘SPEEDY ’ trade mark as this is in contravention of Sections 11(2)(b)(iii) and (c)(i) of the Act.

(ii) The CIPC is authorised and directed to change the name of the First Respondent, in the event of the First Respondent not complying with paragraph (i) above within 60 days from the date of receipt of this order to First Respondent’s registration number (2024/136952/07) followed by (Pty) Ltd as the First Respondent’s interim company name on the companies register ”

7.2 The Respondent is hereby ordered to file a notice of amendment of its Memorandum of Incorporation with the CIPC 60 days after it has been served with this Order.

7.3 The instant Order must be served on the Respondents by the Tribunal’s Recording Officer (Registrar)

7.4 There is no order as to costs as the matter has not been opposed.

N. CAWE: Member of the Companies Tribunal