IN THE COMPANIES TRIBUNAL
(REPUBLIC OF SOUTH AFRICA)

Case number: CT02369ADJ2025

In the matter between:

ROBERT BOSCH GMBH	Applicant
and	
BOSCH BABES (PTY) LIMITED	First Respondent
(2023/094592/07)	
and	
COMPANIES AND INTELLECTUAL PROPERTY COMMISSION	Second Respondent

Tribunal Member: D Terblanche
Date: 6 November 2025

DECISION AND REASONS

THE PARTIES

1. The Applicant is Robert Bosch GmbH, a German company, of Robert-Bosch- Platz 1 D-70839 Gerlingen, Germany.

2. The First Respondent is Bosch Babes (Pty) Limited, with registration no. 2023/094592/07, having its registered address at 6 Cnr Merriman and Andringa Street, Stellenbosch, Cape Town, Western Cape, 7600, set out in the certificate from the Companies and Intellectual Property Commission.

3. The Second Respondent is the Companies and Intellectual Property Commission, an organ of state established in terms of section 185 of the Act, having its principal place of business at DTIC Campus, Block F, 77 Meintjies Street, Sunnyside, Pretoria, Gauteng.

4. The Applicant cites the Second Respondent in its official capacity only and as the custodian of the companies register. Since the Second Respondent has not opposed this application, the Applicant does not seek any order against the Second Respondent.

THE APPLICATION

5. This is an application for an order that the First Respondent's company name, Bosch Babes (Pty) Limited, does not satisfy the requirements of Section 11 of the Companies Act and that the First Respondent be directed to choose a new name, as provided for in Section 160(3)(b)(ii) of the Companies Act; and

DEFAULT ORDER APPLICATION

6. On 28 August 2025, the Applicant initiated proceedings against Bosch Babes (Pty) Ltd, seeking a name change under the Companies Act. The application and supporting documents were duly served on both Respondents electronically and, for the First Respondent, also via the Sheriff.

7. Neither Respondent filed an opposition within the 20-day period. Consequently, the Applicant applied for a default order.

8. The Tribunal is satisfied that service was properly effected in accordance with the Act and its Regulations. Having received no response from the Respondents, the Tribunal will now consider the application on a default basis as permitted by Regulation 153.

THE APPLICANT'S SUBMISSIONS

The Applicant's Trade Marks

9. The Applicant registered the BOSCH trade mark in 6 different classes, harking back to 1958. The Applicant's trade mark registrations are valid and enforceable. Furthermore, the Applicant's trade mark registrations have been registered in South Africa for several decades prior to the incorporation of the First Respondent. The applicant attached proof of the registration of the trae marks to its application serving before the Tribunal.

10. Robert Bosch founded the "Workshop for Precision Mechanics and Electrical Engineering" in Stuttgart in 1886. The company opened its first international office in London in 1898, entered the U.S. market in 1906, and has since expanded worldwide.

11. Today, the Bosch Group, which holds all BOSCH intellectual property rights, is a major global supplier of technology, consumer goods, and services, employing around 402,600 people with 468 subsidiaries across more than 60 countries. Its manufacturing and sales reach almost every country, including South Africa. In 2022, Bosch Group's global sales exceeded 88.2 billion Euros.

12. The BOSCH trade mark is prominently used on all products and services globally, especially in industries like automotive, and is consistently enforced to prevent unauthorized use. Given its widespread recognition and usage, the BOSCH trade mark is considered well-known and eligible for protection.

Background To The Application

13. 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 Tribunal. The

Applicant's interest will appear from the facts that follow, in particular, its trade mark rights in and to the BOSCH trade mark.

14. The Applicant learned of the first Respondent's company name in May 2024 through its attorneys, Adams & Adams, with no prior knowledge of the First Respondent.

15. On 23 July 2024, Adams & Adams, on the Applicant's behalf, emailed a letter of demand to the First Respondent, requesting they stop using "Bosch Babes (Pty) Limited" and change their name to avoid similarity with the BOSCH trademark. Copies are attached as "DAI I." A response was due by 6 August 2024.

16. The Applicant's attorneys followed up from August to October 2024. On 16 October, Ms. Charles, the director, responded, noting her business is a beauty salon and expressing concerns about costs of rebranding; she would consider a name change after reviewing documents, according to the affidavit of **KOKETSO NALEDI POOE** attached in support of the application.

17. From October 2024 to April 2025, the Applicant's attorneys attempted further contact without success. On 21 May 2025, Ms. Charles confirmed receipt of the letter of demand in a phone call, according to the affidavit of KEANDRA CHARLEIGH ANTHONY, attached in support of the application.

18. On 27 May 2025, a final settlement proposal was sent, but no reply was received, Despite the passage of time, the First Respondent has not addressed the Applicant's requests.

19. The Applicant has made reasonable efforts to resolve the matter and brought this application for relief under Section 11(2) of the Companies Act.

Grounds of Objection Under the Companies Act

20. In summary, the Applicant's case is that the First Respondent's company name does not comply with Sections 11(2)(a)(iii), 11(2)(b), and 11(2)(c)(i) of the Companies Act.

21. The Applicant holds rights to the BOSCH trade mark through earlier registrations, its use in South Africa, and the registration of its local subsidiary company.

22. The First Respondent's company name, BOSCH BABES, fully incorporates the Applicant's BOSCH trade mark. The term BOSCH is a prominent element in both names, while the remaining parts are descriptive. Therefore, the First Respondent's company name is similar to the Applicant's BOSCH trade mark registration, which predates the incorporation of the First Respondent.

23. The First Respondent's company name, registered in 2023, also closely resembles the Applicant's local company name, ROBERT BOSCH (PTY) LIMITED, incorporated in 1995. In both cases, BOSCH is the key distinguishing feature. As a result, the First Respondent's company name appears similar to the Applicant's existing company name in South Africa.

24. Using the BOSCH name may lead to confusion in the market due to its identity with the Applicant's trade mark. Members of the public typically associate the BOSCH trade mark with the Applicant, and may mistakenly believe that the goods or services provided by the First Respondent are those of the Applicant, or that the two entities are connected. This could result in further marketplace confusion.

25. The Applicant has established rights regarding the BOSCH trade mark and maintains a recognized position in the South African market. The goodwill associated with the BOSCH name and trade mark is considered an important commercial asset to the Applicant.

26. The First Respondent is not known to the Applicant, and the quality of its goods or services is undetermined; these cannot be subject to the Applicant’s oversight. This may affect the Applicant's goodwill and reputation.

27. The Applicant has registered the BOSCH trade mark across various goods and services. The use of BOSCH by the First Respondent may cause consumers to believe there is a

connection between the two companies, which is not the case, as the First Respondent is using a name very similar to the Applicant's registered trade mark.

28. Alternatively, the First Respondent's use of a similar name/mark may relate to goods and/or services similar to those for which BOSCH is registered, making confusion or deception likely.

APPLICABLE LEGAL PROVISIONS

29. Section 160(1) of the Companies Act lets anyone with ***an interest in a company's name*** apply to the Tribunal to check if the name meets Act requirements. Under section 160(2), applications can be submitted within three months of notice or anytime if there is ***good cause***.

30. Section 11(2) of the Companies Act requires that a company name must not duplicate another registered trade mark without written consent, cannot be confusingly similar unless in the same group, and must not falsely suggest an association with another entity.

EVALUATION AND FINDINGS

Interest in a company's name

31. To satisfy the requirements for standing, the Applicant must demonstrate a legally recognised right that is adversely affected by the Respondent's company name. The Applicant has done so through several compelling grounds - the Applicant is not a member of the public with a general objection, but the legitimate owner of the trademark and company name in question. Its interest is direct, substantial, and legally protected:

    31.1. The Applicant holds rights to the "BOSCH" trademark through prior registrations. This registration provides an exclusive, statutory right to use the mark for identified goods and services. Any unauthorised or confusingly similar use by others constitutes a direct infringement of this exclusive right.

31.2. The Applicant operates in South Africa under the name "ROBERT BOSCH (PTY) LIMITED," incorporated in 1995. This prior registration grants the Applicant a protected right to the company name, and the Companies Act specifically safeguards such rights against later, confusingly similar registrations.

31.3. The Applicant's longstanding use of the BOSCH name in South Africa, and the goodwill associated with it, further reinforce a common-law trademark right. Goodwill reflects the reputation and commercial value of the brand, evidencing a direct financial and reputational interest that is threatened by the Respondent's use of the name.

Good cause

32. To establish "**good cause,"** the Applicant must present a compelling and legitimate basis for the application, showing that the Respondent's name violates the Companies Act. The Applicant has met this burden by providing clear, logical arguments that the Respondent's company name contravenes multiple statutory provisions:

32.1. Contravention of Section 11(2)(b): The Applicant contends that "BOSCH BABES" is confusingly similar to its prior name and trademark, potentially causing the public to believe there is a connection between the companies. Preventing such confusion is a core objective of this section of the Act.

32.2. Contravention of Section 11(2)(c)(i): The Applicant alleges that the Respondent's name falsely implies a connection to its well-known business. The use of "BOSCH" inherently suggests an endorsement, licence, or association that does not exist.

32.3. Likelihood of Confusion: The Applicant substantiates the risk of confusion, noting that "BOSCH" is the dominant element in both names and is exclusively associated with the Applicant in the minds of the public. Any confusion could

damage the Applicant's reputation and goodwill, particularly as the Applicant has no control over the Respondent's activities or the quality of its services.

33. In a default proceeding, where the Respondent does not oppose these allegations, the Tribunal would almost certainly find that the Applicant has satisfied its burden of proof in respect of both interest and good cause.

Contravention of Sections 11(2)(a)(iii), 11(2)(b), and 11(2)(c)(i) of the Companies Act.

34. Regarding the contraventions the Applicant alleged against the first Respondent of the provisions of the Act, the Tribunal, especially in this default judgment scenario where the Respondent offers no defense, -

34.1. **The** Applicant is the legitimate owner of the "BOSCH" name and mark *before* the Respondent's 2023 registration. This creates a clear timeline of prior rights, which is essential for claims of confusion and infringement.

34.2. The Respondent's name "fully incorporates" the BOSCH trademark. The term "BOSCH" is the "prominent element" and "key distinguishing feature. This is the heart of the "confusingly similar" test. The argument employs a logical principle: if the most distinctive and memorable part of two names is identical, the names are similar.

34.3. **Regarding "ROBERT BOSCH (PTY) LTD" vs. "BOSCH BABES (PTY) LTD":** The common, dominant element is "BOSCH." "Robert" is a first name and "Babes" is a descriptive/nickname term; neither diminishes the dominance of "BOSCH".

34.4. **The "BOSCH" trademark** is fully contained within the company name. Legally, this is often sufficient to establish similarity, as the public will focus on the distinctive part they recognize.

34.5. Use of the name "may lead to confusion," causing the public to believe there is a connection between the companies based on consumer perception. The "BOSCH" mark has such a strong reputation that the public will naturally assume any company using "BOSCH" in its name is associated with the well-known brand. This is the exact mischief that Section 11 of the Companies Act is designed to prevent.

34.6. The "BOSCH" name is a "important commercial asset" with significant "goodwill." The Respondent's unknown quality of goods/services could damage this reputation. This elevates the argument from confusion to tangible harm. The Applicant is not just claiming a technical infringement; it is arguing that its valuable business reputation is being put at risk. Because the Applicant cannot control or vouch for the Respondent's activities, any negative experience with "BOSCH BABES" could reflect poorly on the global "BOSCH" brand. This is a powerful argument about the dilution of brand equity.

FINDING

35. The Tribunal finds that the first Respondent's company name contravenes the provisions of Sections 11(2)(a)(iii), 11(2)(b), and 11(2)(c)(i) of the Companies Act.

ORDER

36. In the light of the finding above, the Tribunal makes the following order:

36.1. The First Respondent is to change its name to one which does not incorporate and is not confusingly and/or deceptively similar to the Applicant’s BOSCH trade mark;

36.2. In the event that the First Respondent fails to comply with the order set out in paragraph 36.1 above, within 60 days, the Second Respondent be directed, in terms of Section 160(3)(b)(ii) read with Section 14(2) of the Companies Act, to record the First Respondent’s registration number followed by ‘(Pty) Ltd’, as the Respondent’s interim company name on the companies register; and

36.3. The First Respondent is exempted from paying the prescribed filing fee for the change of name; and

36.4. The Tribunal's Recording Officer (Registrar) is directed to serve the order on the Respondents.

D TERBLANCHE

Member of the Tribunal