

COMPANIES TRIBUNAL

REPUBLIC OF SOUTH AFRICA

Case Number CT00723ADJ2021

In the matter between;

DUCHESS FILMS (PTY) LTD

Applicant

And

DUCHESS PRODUCTION (PTY) LTD

First Respondent

DUKE GROUP (PTY) LTD

Second Respondent

DUKE ADVERTISING (PTY) LTD

Third Respondent

THE COMPANIES AND INTELLECTUAL PROPERTY

COMMISSION

Fourth Respondent

DECISION (Reasons and Order)

Presiding Member of the Tribunal: Lucia Glass

1) This is an Application in terms of section 160 of the Companies Act 71 of 2008 (the Act). The basis of this Application is that the Respondent's name, offends against the provisions of sections 11(2)(b) and (c) of the Act by incorporating a name that is confusingly similar to the Applicants' name.

2) Subsequently on the 28th September 2021, a Settlement between the parties was reached and incorporated into a Settlement Agreement on even date.

3) The Parties in the Settlement agreement agreed that the Tribunal is to make a costs order, as agreed in paragraph 2 of the Settlement Agreement, that the First Respondent to pay the Applicant's taxed costs and to remove the matter from the roll.

I therefore proceed to make an order in the following terms;

The First Respondent is directed to pay the Applicant's taxed costs.

LUCIA GLASS

(MEMBER OF COMPANIES TRIBUNAL OF SOUTH AFRICA)

Dated this 2 October 2021