

IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA

CASE NUMBER: CT007Feb2014

In the matter of:

**COLLISION REDUCTION
SERVICES (PTY) LIMITED**

APPLICANT

And

**THE COMPANIES AND INTELLECTUAL
PROPERTY COMMISSION**

RESPONDENT

**In respect of registration of driving.co.za
and / or reservation of company name**

PRESIDING MEMBER OF THE TRIBUNAL: P J VELDHUIZEN

DECISIONS (REASONS AND DEFAULT ORDER)

ORDER

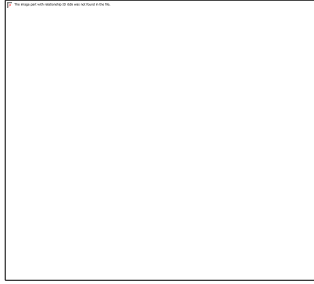
Having read the papers filed by the Applicant, it ordered:

A. The Companies and Intellectual Property Commission (“the CIPC”) Notice dated 7 April 2015, reference number 719543918, is hereby set aside.

B. The CIPC is directed to register the name driving.co.za in the name of the Applicant.

REASONS FOR DECISION

1. Section 11 of the Companies Act No. 71 of 2008 (“the Act”) sets out the criteria for names of companies. The Applicant’s proposed name does not contravene any sub-section thereof.
2. The comparative names relied upon by the CIPC in their letter of refusal do not offend Section 11 or 12 or Regulation 8 or 9 of the Act.
3. The CTR142 was duly served on the CIPC, as required by the Act.
4. The CIPC failed to respond within the required twenty (20) day period. Accordingly, the CIPC is deemed to have admitted the content of the affidavit filed by the Applicant and accordingly the Applicant is entitled to a Default Order.
5. The CIPC does not have a discretion with regards to the reservation and / or registration of company names and is enjoined to reserve and / or register same unless such reservation or registration would be inconsistent with the Act or its regulations.



PETER JOHN CONWAY VELDHUIZEN
MEMBER, COMPANIES TRIBUNAL

29 May 2015