



COMPANIES AND INTELLECTUAL
PROPERTY REGISTRATION OFFICE

a member of the dti group

PRACTICE NOTE No. 05 OF 2009

REGISTRAR'S DIRECTIVE ON NAMES OF COMPANIES AND CLOSE CORPORATIONS AS WELL AS DEFENSIVE NAMES ACCORDING TO THE COMPANIES ACT, ACT No. 61 OF 1973 AND THE CLOSE CORPORATIONS ACT, ACT No. 69 OF 1984, AS AMENDED.

This directive is published for guidance of the public and professions. It should not be regarded as exhaustive. The Registrar will continue to exercise discretion in the administration hereon.

Section C of the forms CM5 and CK7 is currently used by a number of applicants to misrepresent facts. Applicants have been found to be claiming some form of association with entities that are already registered on our database. At times, this is a deliberate duplication.

In the light of the above developments, the Registrar of Companies and Close Corporations, requires of all applicants who claim to be having an association with some entity already registered and active in our database, to present written proof of an original letter signed by the most senior officer(s) of the company on the company's letterhead as well as a certified copy of the identity document of the director(s) or a member(s), together with their application.

The separate name reservation process for shelf company names is furthermore also abused by certain applicants to obtain reservation of names identical to names already on the database except for the addition of a sequential number. This facility is terminated with immediate effect.

The above steps are taken to ensure that further proliferation of these practices is curbed. Protection of the goodwill of entities that have rightful ownership to specific names is very important to CIPRO.

The above practice is effective immediately and our systems are being rectified to ensure that the *proviso* is complied in line with Practice Note No. 2 of 27 September 1996.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Lungile Dukuwana", is written over a horizontal line.

LUNGILE DUKWANA
ACTING CHIEF EXECUTIVE OFFICER
11 AUGUST 2009

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