

Business and Company Name Reservation and Company Name Change in South Africa



Companies and Intellectual
Property Commission

a member of **the dtic** group

Name Reservations Background

- It must be noted and duly taken into cognisance that the Commission no longer functions as a mere registration office, but rather as a regulator vested with a legislative mandate and purpose to oversee and regulate the conduct of companies.
- In addition to the aforementioned, name reservation is no longer a mandatory or compulsory initial step in the incorporation of a company.
- If a proposed name is rejected, the registration number may be adopted and utilised as the company's name.
- Furthermore, name applications are no longer assessed in accordance with the Registrar's Directives on names or on the basis of undesirability; instead, such applications are evaluated in terms of various applicable legislative provisions, including but not limited to sections 11, 12, and related provisions of the Companies Act 71 of 2008.

Why Names Matter

- Because a name constitutes one of the most fundamental and significant elements of a business's identity, and indeed an asset, for the following reasons:
 - It shapes your brand — Customers form an initial impression on the basis of the name.
It builds trust — A clear and professional name conveys credibility.
 - It must comply with the law — Names are required to comply with the Companies Act and other applicable legislation.
 - It affects your digital presence — An appropriate name enhances online searchability and the availability of domain names.
 - It avoids confusion — A distinctive name assists in differentiating the business from others.

What Influences Name Decisions

- CIPC considers names using several aspects:
 - The Constitution;
 - The Companies Act and its Regulations;
 - Various pieces of legislation;
 - Methodology adopted by both Companies Tribunal and Court;
 - What is already registered on the CIPC system;
 - Status of companies, close corporations and co-operatives on the registry;
 - Precedence; etc

Legislations cutting across name reservations considerations

- Other pieces of legislations are also considered:
 - The Bank Act;
 - Financial Services Board Act;
 - Merchandise Marks Act;
 - Medical Scheme Act;
 - Pension Act;
 - Pharmaceutical Act;
 - Higher Education Amendment Act
 - Trade Mark Act; etc



Important Notes About Company Names

- Please note that the inclusion of a suffix (for example, “Pty Ltd,” “Co,” “Company,” “SOC,” “RF,” “Ltd,” “INC” “Co Op” or similar designations) is not permissible at the name reservation stage.
- Kindly note that, in terms of the Companies Act, the registration of abbreviated forms of company names and translated names is no longer permitted.
- Furthermore, by virtue of the fact that, under the current Companies Act, fees are characterised as filing fees rather than administrative fees, no refund is payable irrespective of whether the name is approved or rejected.
- Trading names (Business/“T/A”) in terms of the Consumer Protection Act are not presently implemented by CIPC.

Grounds For Name Refusal

- A name may be refused if it is:
 - Confusingly similar to another name;
 - Suggesting a professional designation - Words implying someone is an engineer, doctor, lawyer, etc., requires permission for the profession;
 - Suggesting a regulated activity - Words like “Bank”, “Insurance”, “Exchange”, “Pension Fund”, etc - require permission from the relevant regulator;
 - Names incorporating terms such as National, Authority, South African, Commission, Office of, Tribunal;
 - Court, Ombud, Adjudicator, Mediation, Council, Board, Regulator, or Regulatory are prohibited as they imply governmental or regulatory association; etc
 - Names incorporating University, College, Higher Education, or Institute contravene section 51(3) of the Higher Education Amendment Act, 1997, and section 54(7) of the Higher Education Amendment Act, 2016.

Remedies for Name Disputes

- If any person is aggrieved by the rejection of a name application, such person may file a new application comprising of new and distinctive names in accordance with the prescribed order of preference;
- Register the company without a name;
- Any person who believes a registered name contravenes s11(2) (confusingly similar, false association, misleading, offensive) in terms of section 160 of the Companies Act.
 - CIPC does not have the authority to deal with name objections
- Where a person contends that a registered company name is confusingly similar and or misleading, such person may lodge a name objection with either the Companies Tribunal or the High Court;

Company Name Change

You may change your registered name if:

- You want to rebrand your business
- Your proposed new name has been reserved
- You were ordered by the Companies Tribunal or Court Order to change the name
- Your company was registered using the registration number and you want to adopt a proper name.

Company name change

To change the registered name of a company:

- Reserve the new proposed name via CIPC e-Services.
- Name Change is done via CIPC e-services and is fully automated, step by step guide available on CIPC website.
- The cost for name change is R250 to be deposited under your customer code before transacting.
- If you are doing name change and other MOI amendments, you need to scan and email the required documents to moiamendments@cipc.co.za
- Required documents: The Companies Act requires a special resolution passed by the shareholders of the company, note that it is necessary for companies to retain their own records of resolutions should it be requested.

Important customer notes

- A name change is free if your current name is still the registration number.
- The resolution from shareholders of company must be available upon CIPC request.
- After approval, update your name on all business documents, websites, etc.

The dtic Campus (Block F - Entfufukweni), 77 Meintjies Street, Sunnyside, Pretoria, P O Box 429, Pretoria, 0001
Call Centre: 086 100 2472
Website: www.cipc.co.za

Impact on your business

A name change does not affect:

- Your contracts
- Tax number
- Registration number
- Compliance history

It only updates the legal name under which you trade.

Business Names / Trading As Names

- Trading as names (“T/A”) fall under the Consumer Protection Act.
- Implementation of this requirement is indefinitely deferred, so CIPC does not register “trading as” names.
- Businesses may trade under a different name, but your full registered name and number must appear on all official documents.

Using Your Registered Company Name

- According to section 32 of the Companies Act:
- Your company must display its full registered name and registration number as appears on CIPC database on:
 - All letters and emails
 - Invoices, receipts, delivery notes
 - Statements, contracts, quotes
 - Electronic communications
 - Financial documents
- This ensures transparency and avoids misleading the public.

Filing an Objection to a name reservation

- Any person who believes a registered name contravenes s11(2) (confusingly similar, false association, misleading, offensive) in terms of section 160 of the Companies Act.
 - CIPC does not have the authority to deal with name objections
- Complainant must file with the Companies Tribunal
 - No fixed time limit for a complainant to lodge an objection
- Companies Tribunal will hear the matter and decide.
 - If ordered to change its name (although stated in the order or not the respondent has 60 business days to do so whereafter CIPC can change the name.
 - We update the name to the **registration number with the suffix (South Africa)**.

What is a Domain Name?

- A domain name is the address people type to find your website (e.g., yourbusiness.co.za).
- It helps customers:
 - Find you online
 - Recognise your brand
 - Access your services easily
- A domain consists of:
 - SLD (your chosen name)
 - TLD (the extension, e.g. .com / .co.za)
- Domain name registration does not limit the consideration of the reservation of a name and vice versa
- Once a domain name has been registered through CIPC it cannot be changed.
- You can only register another domain name and let the unwanted domain name lapse after 365 days.

Why Are Domain Names Important?

- Your domain effects:
 - Your brand and first impressions
 - How easily people can find your business online
 - Professionalism and credibility Your marketing reach
 - Your long-term online identity
- Choosing a domain early helps protect your digital brand.

Domain Name regulated by ZADNA

- Although domain names are not regulated by CIPC, they are important because:
 - A domain can cause market confusion, even if the company name is compliant.
- Before reserving a company name, you should check:
 - Browser searches
 - Domain availability
 - Trademarks
 - Social media handles
- This helps you avoid objections and protect your brand.

Important customer notes

- Registration fees for domain names registered through the CIPC platform are non-refundable.
- A maximum of 5 Domain Names can be registered for each company.
- Domain Name will be deleted from CIPC system after 12 months unless it is transferred to accredited commercial registrar or Internet Service Provider (ISP)
- You can only register another domain name and let the unwanted domain name lapse after 365 days.
- It is done on Bizportal platform.
- For more information, please contact Please contact ZACR support on 011 314 0077 or support@registry.net.za
- ZADNA Information <info@zadna.org.za>
- All requests for transfer expire after 7 days. You will have to do another transfer request if you do not accept a transfer within 7 days period.

Questions



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