Register the Business

Protect the Value

Companies and Intellectual Property Commission

a member of the dtic group

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Introduction to CIPC

Companies and Intellectual Property Commission

CIPC was brought into existence by the Companies Act, 2008. In terms of section 185(1) of the Companies Act, the Commission is established as a juristic person. CIPC functions as an organ of state within the public administration, but as an institution outside the public service. The Commission is an independent regulatory body within the public administration.

CIPC Service Areas

Business Registration & Corporate Regulation

- Companies
- Co-operatives
- Close Corporations (CCs)

Intellectual Property

- Patents
- Designs
- TradeMarks
- Copyright

Register for a genuine business purpose

- Confirm that there is a real economic opportunity or clear business reason.
- Understand the ongoing compliance, reporting and administration obligations.
- Decide on the appropriate company type and who will be directors.
- Use each director’s own accurate cellphone number and email address.

What is a Company?

- A company is recognised as a separate legal entity from its owners.
- It has the capacity to enter into contracts, own property, and initiate or defend legal proceedings in its own name.
- It has limited liability: shareholders are typically not personally liable for company debts beyond the amount they have invested.
- It enjoys perpetual succession, which means it continues to exist despite ownership changes or the death of a shareholder.

Choose the appropriate profit company

<u>Types of Companies</u>

Two main categories of companies

- **Profit company:** Established to conduct business and generate financial returns for its shareholders.
- **Non-profit company:** Established for a public-benefit or social purpose. Its income may not be distributed to its incorporators, members or directors, except as reasonable compensation.

Types of Profit Companies

- **Private company (Pty) Ltd:** Privately owned and may not offer its shares to the general public. Minimum one director. Cost: R125, or R175 with name reservation.
  Example: Woolworths Financial Services (Pty) Ltd.

- **Public company (Ltd):** May offer its shares to the public and can be listed on a stock exchange.
  Example: Vodacom Group Limited.

- **State-owned company (SOC Ltd):** Owned or controlled by the government and generally established to provide strategic services.
  Example: Eskom Holdings SOC Ltd.

- **Personal liability company (Inc.):** Mainly used by professional practices. Current and past directors may be jointly liable for certain company debts incurred during their time in office.
  Example: A law or accounting practice such as ABC Attorneys Inc.

Types of Non-Profit Company

Non-profit company

- **Non-profit company (NPC):** Established to promote a social, cultural, educational, religious or community objective rather than to generate profit for members.
- A NPC must reserve name, as the use of a registration number as its name is not allowed.

Example: Gift of the Givers Foundation *NPC.*

The company-registration journey

1. Create or access your CIPC customer profile.
2. Choose the company type and decide on a name option.

   REMEMBER: a NPC must reserve a name.
3. Capture the company, director and incorporator information.
4. Complete director verification and pay the prescribed fee.
5. Receive the registration documents and company number.

Company-registration costs

- R125 — private-company registration without a reserved name.
- R50 — company name reservation.
- R175 — private-company registration including name reservation.
- The fee depends on the selected registration and name option.

Name reservation: the practical essentials

- Name reservation is optional for a private company, but advisable when a specific name matters.
- Submit one to four proposed names in order of preference.
- The fee is R50 and is payable for each name-reservation application.
- A private company may register using its registration number as its name.

NAMES AND TRADE MARKS

- When reserving a name it is advisable to do a Trade Mark search, enterprise search and a browser search.
    - This is to identify possible other businesses that already have rights or uses the name or similar name to what you are considering
- After registering your business you can also Trade Mark your name

A company name is not the same as a Trade Mark

- COMPANY NAME — identifies the registered legal entity on the Companies Register.
- TRADE MARK — distinguishes goods or services in the market.
- Registering a company name does not automatically protect its logo or brand.
- Formalise the business, then identify and protect the IP that creates value.

CIPC Contact Channels

- Call Centre: 086 100 2472.
    - International: +27 87 743 7000.

- Walk-in Centres and Self-Service Centres: addresses are available on the CIPC website.

- Online enquiries: CEMS, the Customer Enquiry Management System.

- CIPC website: www.cipc.co.za.

- BizPortal: www.bizportal.gov.za.

- Social media platforms

Registration is the beginning, not the finish line.

Now protect what makes the business different

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