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IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

17
G. Schryff
24.7.2025

ON THIS 24TH DAY OF JULY 2025

BEFORE THE HONOURABLE JUSTICE VAN DER SCHYFF J

Court: 8A

Roll No: 6

In the matter between: -

PRODUSELL RETAIL (PTY) LTD

and

THE HOLIDAY SHOP

JANIEIKE-LEE JONES

**THE COMMISSIONER OF THE COMPANIES AND
INTELLECTUAL PROPERTY COMMISSION**

ZA CENTRAL REGISTRY NPC

Case No: **2024-143948**

Applicant

First Respondent

Second Respondent

Third Respondent

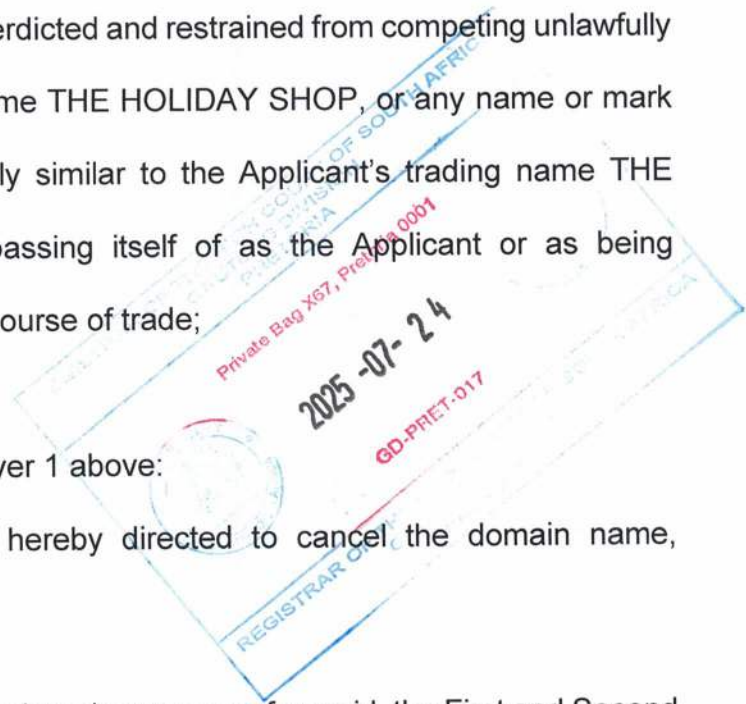
Fourth Respondent

This Order is made an Order of Court by the Judge whose name is reflected hereon, duly stamped by the Registrar of the Court and is submitted electronically to the parties or their legal representatives by e-mail. This Order is further uploaded to the electronic file of this matter on Case Lines by the Judge or his/her Secretary/Registrar. The date of this Order is deemed to be 24 July 2025.


DRAFT ORDER

HAVING READ THE DOCUMENTS FILED AND HAVING HEARD THE LEGAL REPRESENTATIVE FOR THE APPLICANT, ORDER IS GRANTED AGAINST THE RESPONDENTS IN THE FOLLOWING TERMS:

1. The First Respondent is hereby interdicted and restrained from competing unlawfully with the Applicant by using the name THE HOLIDAY SHOP, or any name or mark which is confusingly or deceptively similar to the Applicant's trading name THE HOLIDAY SHOP, and thereby passing itself off as the Applicant or as being connected to the Applicant in the course of trade;
2. Without limiting the interdict in prayer 1 above:
 - 2.1. The Second Respondent is hereby directed to cancel the domain name, holidayshopsa.co.za;
 - 2.2. Pending the cancellation of the domain name as aforesaid, the First and Second Respondents are hereby directed to take down the First Respondent's website located www.holidayshop.co.za;
 - 2.3. The First and Second Respondents are hereby directed to take down the First Respondent's Facebook page branded and titled "THE HOLIDAY SHOP";
 - 2.4. The First and Second Respondents are hereby directed to take down the First Respondent's Instagram page branded and titled THE HOLIDAY SHOP SA (with Instagram handle, holiday_shop_sa);



- 2.5. The First and Second Respondents are hereby directed to deliver-up to the Applicant's attorneys, for destruction, all signage or printed material bearing the name or a logo incorporating the name, THE HOLIDAY SHOP;
- 2.6. The First and Second Respondents are hereby directed to remove and delete any other websites, social media accounts and any other online presence in which the First Respondent uses the name THE HOLIDAY SHOP in relation to its business;
- 2.7. To the extent that the First Respondent is KUWTJ The Holiday Shop (Pty) Ltd, the First Respondent is hereby directed to make and prosecute, to finality, an application to the CIPC to change its name to one which does not incorporate the phrase "THE HOLIDAY SHOP" and which is not otherwise confusingly or deceptively similar to the Applicant's trading name, THE HOLIDAY SHOP;
- 2.8. To the extent that the First Respondent is KUWTJ The Holiday Shop (Pty) Ltd, the Third Respondent is hereby directed to change the First Respondent's company name to its registration number followed by the designation "(Pty) Ltd" within 15 business days of service of this Court Order and that the registration number followed by the designation "(Pty) Ltd" shall be and remain the name of the company until the First Respondent submits and prosecutes, to the completion, an application for a change of name to one which is not confusingly or deceptively similar to the Applicant's trading name;
3. The relief sought against the Fourth Respondent is hereby abandoned; and

4. The First and Second Respondents are hereby ordered to pay the costs of the application, including cost of counsel, on scale **B**.

BY ORDER

REGISTRAR

FOR THE APPLICANT:

ATTORNEY:

EN BROODRYK

FRIEDLAND HART SOLOMON NICOLSON

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