

NEWSLETTER

Volume 2 / Issue 1 / March 2015



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FROM THE EDITOR

Dr. MM Kleyn



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“WHAT'S IN A NAME? THAT WHICH WE CALL A ROSE BY ANY OTHER NAME WOULD SMELL AS SWEET.” William Shakespeare, Romeo and Juliet

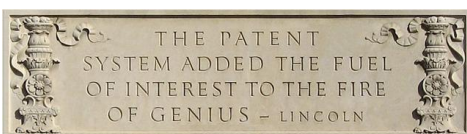
2015 is almost a quarter behind us. As this is our first newsletter for the year we would like to start this with an invitation to our readers. SAIPL is referred to as the concentration of creative IP minds of this country. As such we should be the owners of a newsletter with a name that fits the bill (according to Muhlberg.....).

There are 12 bottles of good wine from the Cape Winelands up for grabs for the creative mind with the most innovative and appropriate name for our “newsletter”. Entries close 30 June 2015. Proposals are to be sent to the editor by email.

On the IP front important activities to note includes the IP Policy activity: the DTI roundtable of February 2015 invited contributions from stakeholders on some aspects of the IP Policy and promised a revised document for comments in the near future.

Readers are reminded that the Bureau of the Fédération Internationale des Conseils en Propriété Intellectuelle (FICPI) and the South African National Group of FICPI, is hosting the next FICPI World Congress from 13 to 17 April 2015 in Cape Town. The theme is ‘Adapt to Advance - Inspiring IP Offices, the IP Profession and Industry to Promote Innovation and Stimulate Economic Growth’. The technical programme promises to be exceptionally good.

I trust you will find this edition insightful and informative!





From the desk of the President

JOHNNY FIANDEIRO

I am cautiously delighted and somewhat overwhelmed at the prospect of presiding over this wonderful organisation, the South African Institute of Intellectual Property Law. As we speed along into 2015, by all counts, we are heading for a busy year as practitioners of intellectual property law.

On the legislative front, we are expecting further developments in respect of the draft National IP Policy and the Promotion and Protection of Investment Bill, and of course the Legal Practice Act is now in place. In addition, the process to enable Substantive Search and Examination of patent applications has commenced, which is a significant milestone. I have also seen the very recent publication of the Protection, Promotion, Development and Management of Indigenous Knowledge Systems Bill, for comment.

I am pleased to see that the Institute is and remains an important organisation to provide input on this wide range of topics.

The field of intellectual property in South Africa, as in many other countries, continues to face numerous challenges, but therein lies many opportunities; in a sense, our work is never done. We all, I think, appreciate the positive relationship between strong intellectual property rights and research and development (R&D) expenditure, high-value/knowledge-intensive job growth, foreign direct investment (FDI) and innovative activity. As intellectual property becomes more 'mainstream' and its role in business and society continues to be recognized, as evidenced, for example, by the very high number of submissions made in response to the draft National IP Policy, we need to be ever vigilant and prepared to respond quickly. Luckily, the structure of the Institute, and in particular Council and the various committees of the Institute, is such that we can respond quickly to most issues that come our way.

Turning now to the members of the various committees, I convey my thanks in anticipation of your time and commitment to the Institute. Two of the more active committees, as usual, are our liaison committees with CIPC and the Education and Student Affairs Committee. Regarding the latter, we recognise the geographical diversity of our students, and so this year we are experimenting with different ways of addressing the needs of our students who are not in the main 'cities'; this process will most probably need to be refined and improved over the years, and so I would appreciate receiving any and all comments, criticisms and suggestions. I call upon you, as our members, to remain involved in our committees and if you are not yet involved, to get involved in the activities of our committees. The contributions of the various committees to the Institute and to the profession at large cannot be overemphasized.

We have the privilege of working in such a rewarding environment, and I look forward to an exciting and progressive year that we can all be a part of.



IP POLICY UPDATE

On 9 February 2015, the Department of Trade and Industry (DTI) hosted a roundtable discussion on a plan for the implementation of substantive patent examination in South Africa. Although Mr McDonald Netshitenzhe, the DTI's chief director of policy, informed the meeting that the re-drafted South Africa's IP Policy will be submitted to the South African Cabinet in February, this did not materialise and the redrafted document has not yet been made available to the public. An invitation to SAIPL to submit a proposal for the process of examination was accepted and on 16 March the proposal drafted by the Patents and Design Law committee was submitted to CIPC. In essence the proposed process provides a basic frame work of a search and examination process adapted for South African circumstances and practise. The proposed process combines some of the best/preferred features taken from various examination processes across the world and combines these in a unique and practically workable model.

Mr Danie Dohmen from Adams & Adams (the current chairperson of the Patent and Design Law committee) and Mr David Gilson from Spoor & Fisher were identified as SAIPL representatives for the proposed DTI Task Team for the introduction of a Substantive Search and Examination system.

CIPC/WIPO MADRID ASSESSMENT STUDY

As many SAIPL members may be aware, CIPC is in the process of assessing their systems and procedures with a view of accession to the Madrid Protocol.

To enable proprietors to rely on International registrations for protection of trade marks, amendment to the South African legislative frame work in relation to trade marks will be required, in order to give effect to International registrations designating South Africa, before accession to the Madrid Protocol can take place.

On request of CIPC, WIPO agreed to conduct a Madrid Assessment Study to South Africa from 9 – 12 February 2015.

During this time, WIPO officials met with CIPC's Commissioner, Deputy Commissioner, Chief Financial Officer, CIPC system developers (Sword SA), CIPC ICT Division etc. The WIPO officials assessed the CIPC operational procedures and the IT systems and had detailed discussions with the CIPC Madrid Working Group on amendments to the Trade Marks Act and Regulations.

CIPC will submit proposed draft amendments to the Trade Marks Act and Trade Mark Regulations in order to align the national trade mark legislation and the provisions under the Madrid Protocol, to the DTI in the second half of 2015, for the legislative process to then follow its normal course.

In addition, operational and IT systems related changes that will be required in order to ensure successful and effective processing of applications received under the Madrid Protocol will be scoped and implemented in the next 12-18 months.

Training for CIPC staff and practitioners with regards to the Madrid Protocol will formally be requested from WIPO during the latter part of the CIPC 2016/2017 financial period, flowing over into the early part of the CIPC 2017/2018 financial period.

By Lindy Lowne-Hughes



*Lindy is a Director of DM Kisch Inc
She is a Notary Public and Head of the Trade
Mark Administration and Renewals Department*



“Do you get the idea?”

Prof. Owen Dean

Chair of Intellectual Property Law, Department of Mercantile Law, Faculty of Law, Stellenbosch University

“There is no copyright in ideas.”

This is probably the most trite saying in Copyright Law. Copyright exists in the products of the mind (including ideas) when, and to the extent that, they are expressed in writing, recorded, or otherwise reduced to some material form. This principle gives rise to the so-called “idea/expression dichotomy.” A thin and blurred dividing line exists between what constitutes an idea, per se, and the material expression of an idea. Infringement of copyright can only occur when the threshold between the two has been crossed and what is taken without authority amounts to use of the material expression of an idea. Consider this somewhat commonplace situation. A has an idea for a scenario for a reality TV program. He goes to B, who is a maker of television films, and explains his scenario in detail to him. It is essentially an unrehearsed sequence of actions and events. B assures A that he will acknowledge A if he decides to use the scenario in one of his films and will remunerate him accordingly. A film thereafter sees the light of day without any acknowledgement of A, not to mention any suggestion of payment of remuneration. A is naturally aggrieved and wants to take whatever action is available to him to enforce his “rights” in his scenario. Leaving aside any questions of contract law, does A have any rights under the law of copyright that can be enforced against B arising out of the unauthorised use of his “work”?

In the first place, there can be no suggestion of A having produced any work eligible for copyright unless he has reduced his work to a material form.

If this has not been done, copyright has no role to play in the drama and that is the end of the matter.

Assume, however, that A has written a set of directions or an exposition of his scenario, or has perhaps produced a pilot or specimen video of the scenario. In this case the first hurdle has been crossed and a “work” (literary work) eligible for copyright has come into existence. But that is not the end of the matter. For B’s use of the work to constitute an unauthorised reproduction or adaptation of the work for purposes of copyright infringement, B must have used a substantial part of the work. This determination must be viewed against the background of the idea/expression dichotomy. This boils down to making a value judgment on whether what has been taken is simply the idea embodied in A’s work or the material expression of the idea.

While each case will turn on its own facts, as a general proposition, unless there is something special about A’s material rendition of his scenario that has found its way into B’s presentation of it in his film, in all probability it would be held that B has taken no more than the underlying idea of A’s scenario and has therefore not infringed A’s copyright.

The moral of the story is: copyright is unreliable for obtaining protection in this situation.

A REVERSE INCENTIVE THEORY FOR PATENTS



Ralph van Niekerk

Ralph is a patent attorney and partner at Von Seidels. His background is in electrical engineering and computer science, and he holds an LLM from Stanford Law School in California.


The Incentive Theory is the most popular explanation for why the patent system is a good thing for society. According to the Incentive Theory, innovating is inherently risky and expensive and so we need to provide incentives to encourage innovation. Without incentives, no profit-driven company would invest in research and development (R&D), knowing that the output of their R&D could immediately be copied by a company that had not incurred the cost of development.

The most dramatic illustration of this is in the pharmaceutical sector, where the total cost of developing a new product that obtains final approval from the US Food and Drug Administration runs into hundreds of millions of dollars. By comparison, the cost of copying a pharmaceutical product is almost negligible. Without incentives, it would be foolish to even attempt creating a new pharmaceutical product, and society would be worse off. Clearly, some form of incentive is needed for companies to invest huge amounts of time and money in R&D.

Incentives can take various forms, and one example is a prize awarded to anyone who achieves a stated goal. An excellent illustration of this is the Longitude Prize which was established by the British government in 1714 for a simple and practical method for the precise determination of a ship's longitude. This is a navigational problem that had plagued mariners ever since they set sail across the ocean. The prize was £20,000 – the equivalent of over £2 million today – and the bulk was won by a humble clockmaker called John Harrison. He came up with an ingenious chronometer that could remain accurate despite the rough conditions encountered at sea. More recent examples of prizes include the Ansari X prize, a space competition which awarded US\$10 million to the first non-governmental organization that could launch a reusable manned spacecraft twice within two weeks. It was won by Burt Rutan in 2004 for his SpaceShipOne. Prizes have also been effectively used to encourage the development of treatments for orphan diseases that affect only a small number of people, or for diseases which are prevalent in only the poorest of countries.

The problem with providing incentives through prizes is that it requires advance knowledge of a particular problem or goal, which is not always the case with innovation. The world's most powerful innovation was probably penicillin, discovered by way of a famous accident by Alexander Fleming. Prizes are also expensive to administer and require panels of experts who often disagree as to how the prize money should be allocated. What is needed is a self-managed and self-directed system which can provide incentives for future innovations which are currently unknown.

The best system society has for providing these incentives is the patent system. And it's nothing new. In 1787 the following clause was introduced into the US Constitution, *"The Congress shall have power ... To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries"*. Modern patent laws trace their history even further, as far back as the Venetian Statute of 1474, which awarded patents in the field of glass making.



While it is certainly true that patents do encourage companies and individuals to innovate, at least in some industry sectors, I would like to shed some light on another rationale for the patent system, one which is seldom mentioned but which I believe is almost as powerful. I call it the *Reverse Incentive Theory*. I recently came across an excellent example of this in my practice.

My client had developed and patented a mining accessory which was enjoying great commercial success in South Africa. His competitor tried to imitate the accessory and my client promptly sued for patent infringement. The matter settled on the basis that the competitor agreed not to infringe the patent for its remaining term. So far so good from my client's perspective. He continued to enjoy the benefits of being the only supplier of the patented accessory.

A few months went by and I got a call from my clearly flustered client. The competitor was at it again, except this time had completely re-designed the accessory, changed the way it worked and made it lighter, stronger and cheaper. What could be done? I had bad news for my client: the new product was sufficiently different that it didn't utilise the original inventive concept protected by the patent. There was nothing we could do to stop the competitor from selling the improved product. My client lost market share as a result, and to make up he is now expanding his business in other areas and has invented and patented new products.

The interesting thing about this case is that my client's patent did not only provide an up-front incentive for him to be innovative, as predicted by the traditional Incentive Theory. It also forced his *competitor* to be innovative. Faced with the prospect of being completely shut out of the market and unable to copy my client's accessory, the competitor went back to the drawing board, did its own R&D, and came up with a product that was not only different but better.

This case made me realise that a patent held by one entity can encourage other entities in the marketplace to be innovative, thereby acting as a reverse incentive.

The reverse incentive is quite powerful in action. When you think about individuals and companies, only a small percentage are naturally innovative. The rest of us are followers, and as followers the natural thing to do is to copy the leaders. In the case of the reverse incentive, patents held by the leaders force the followers to do something that is uncomfortable for them. By removing the easy option to copy the leaders, it forces those who can make the adjustment to become leaders themselves. And the more leaders we have in our economy, the more innovation and progress we all enjoy.

SOME LEGAL HIGHLIGHTS OF FRANCHISING IN SOUTH AFRICA

EUGENE HONEY

The franchising of a full business concept is a sophisticated form of licensing in terms of which the franchisor licenses a bundle of intellectual property, including its trade marks, trade dress, copyright, knowhow, trade secrets, business concept, knowhow and other intellectual property to the franchisee, usually in return for some form of remuneration.

The Consumer Protection Act no. 68 of 2008 ("CPA") came into operation on or about 1 April 2011, introducing franchise legislation to South Africa, which is applicable in addition to existing Common Law.

The definition of a Franchise Agreement in terms of the CPA is broad, to the extent that it can include agency, distribution, business license and similar arrangements. If the relevant agreement or arrangement falls within the broad definition, then the CPA is applicable without any threshold.

Section 5 (6) of the CPA provides for the specific inclusion of franchise and related agreements into the CPA, no matter the size or extent of the relevant franchised business.

Regulation 3 of the CPA provides for a compliant disclosure document to a prospective

franchisee at least 14 days prior to the signature of the franchise agreement and sets out what the disclosure document should, as a minimum standard contain. The information is intended to place the franchisee in a better position to reasonably assess the franchise he may be acquiring.

Regulation 2 of the CPA deals with what must be included in a compliant franchise agreement. Much of what is required would be found in a competent full business format franchise agreement. Certain conditions have to be included, such as provisions which prevent:

1. Unreasonable or over-valuation of fees, prices or other direct or indirect consideration;
2. Conduct which is unnecessary or unreasonable in relation to the risks to be incurred by one party; and
3. Conduct that is not reasonably necessary for the protection of the legitimate business interests of the franchisor, franchisee or franchise system.

In addition a franchise agreement must contain a clause informing a franchisor that it is not entitled to any undisclosed direct or indirect benefit or compensation from

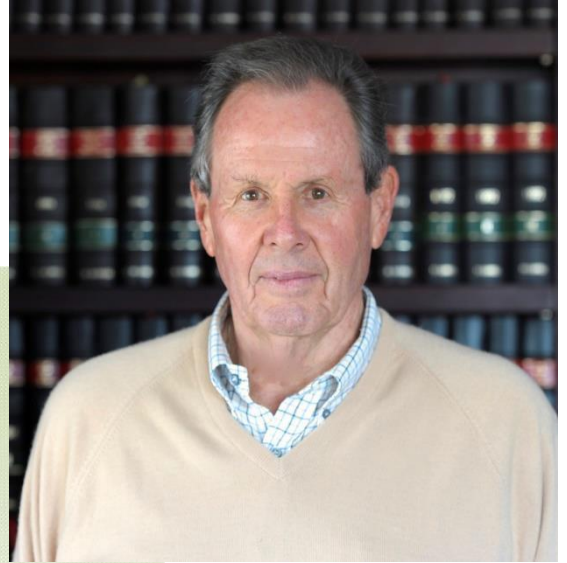


Eugene is a partner at Adams & Adams. He specializes in Trade Marks and Copyright matters, as well as Commercial IP matters including Franchising and Licensing. He acts for many local and international trade mark Proprietors, Licensors and Franchisors. He has been on the EXCO and has been the legal advisor to the Franchise Association of South Africa for approximately 10 years

suppliers to its franchisees or the franchise system, unless the fact thereof is disclosed in writing, with an explanation of how it will be applied.

It should be noted that there are comprehensive provisions dealing with any marketing fund managed by the franchisor. Essentially all monies received by the franchisor in relation to marketing must be managed

The Law Reports by Dr. Tim Burrell



CK3 LLC v SUN MARK LTD AND ANOTHER
(NORTH GAUTENG HIGH COURT, PRETORIA Circa 2014)

An application to expunge the trade mark registration of BULLDOG from the register of trade marks on the ground of non-use – Respondent not having used the trade mark for 36 years – Recent use, in the form of three invoices by the respondent arising out of an application for the registration of the trade mark BULLDOG by the applicant, proffered in evidence by the respondent – Such use not bona fide and merely for the purposes of frustrating the registration of the trade mark by the applicant – Application for expungement succeeding – First respondent to pay costs.

Trade Marks Act 194 of 1993, ss 27(1)(b) and 27(3)

In an application by CK3 LLC to expunge the trade mark registration BULLDOG from the official trade marks register on the ground of non-use of the trade mark by the respondent (Sun Mark), the application was prompted by an earlier application which had made by CK3 LLC for the registration of the trade mark BULLDOG and which had been provisionally refused by the Registrar of Trade Marks in the light of the prior registration in the name of Sun Mark Registrar's provisional refusal, CK3 LLC sought the expungement of Sun Mark's registration of the trade mark BULLDOG on the basis of non-use by Sun Mark of the trade mark for some 36 years, save for three relatively recent occasions on which invoices had been issued by the Sun Mark. The Court

Held, that the use by Sun Mark, in the form of the three invoices, had arisen out of the application for the registration of the trade mark BULLDOG by CK3 LLC.

Held, further, that the respondent's use was not *bona fide* and was merely for the purpose of frustrating the registration of the trade mark by CK3 LLC.

Held, further, that the application should succeed.

The Registrar of Trade Marks was, accordingly, directed to rectify mark registration of BULLDOG and Sun Mark was ordered to pay the costs of the application.

In this report

Trade Mark Cases

- CK3 LLC v Sun Mark Ltd and another – Circa 2014
- Lucky Star Ltd v Lucky Bran (Pty) Ltd and others – December 2014
- Roodezandt Ko-operatiewe Wynmakery Ltd v Robertson Winery (Pty) Ltd and another – November 2014
- Shimansky and another v Browns the Diamond Store (Pty) Ltd – December 2014
- Société Des Produits Nestlé SA and another v International Food Stuffs Co and others – November 2014

Patent Cases

- Bayer Pharma AG (Formerly Beyer Schering Pharma AG) v Pharma Dynamics (Pty) Ltd November 2014
- Marine 3 Technologies Holdings (Pty) Ltd v Afrigroup Investments (Pty) Ltd and another – December 2014
- Merial and others v Cipla Vet (Pty) Ltd – July 2014
- Sasol Dyno Nobel (Pty) Ltd v Master Blaster (Pty) Ltd and another – Circa 2014
- Vodacom (Pty) Ltd v The Registrar of Patents and Trustco Group International (Pty) Ltd – November 2014

Design Cases

- Chespak (Pty) Ltd v MCG Industries (Pty) Ltd – Circa 2014

**LUCKY STAR LTD v LUCKY BRANDS (PTY) LTD
AND OTHERS**

**WESTERN CAPE HIGH COURT, CAPE TOWN
18 December 2014**

An application for an interdict by the proprietor of the trade marks LUCKY STAR and device in respect of canned fish to restrain the alleged infringement by the respondents' use of the trade marks LUCKY FISH and LUCKY FISH & CHIPS in relation to a restaurant and takeaway establishment - No likelihood of deception or confusion in the market place established - Equally so in notional use - No dilution of the applicant's trade marks found - No violation by the corporate respondents in their use of the names of their companies in terms of the Companies Act - Application dismissed with costs.

*Trade Marks Act 194 of 1993, ss 34(1) (a), 34(1) (b) and 34(1) (c)
Companies Act 61 of 2008, ss 11(2) (b) and 11(2) (c)*

In an application for an interdict by the proprietor of the trade marks LUCKY STAR and device in respect of canned fish to restrain the alleged infringement by the respondents of the trade marks LUCKY FISH and LUCKY FISH & CHIPS in relation to a restaurant and takeaway establishment, the applicant also relied upon the alleged dilution of the applicant's trade marks and upon the alleged violation by the corporate respondents in their use of the names of their companies in terms of the Companies Act and the Court

Held, that, having regard to the differences in the marks and in the products and services to which they were applied, there was no likelihood of deception or confusion of the marks as currently used in the market place.

Held, further, and in regard to the notional use of the trade marks, there was again no likelihood of deception or confusion.

Held, further, and insofar as the applicant relied on section 34(1)(c) of the Trade Marks Act, the respondents' use of their marks would not give rise over time to blurring and thus be detrimental to the distinctive character of the applicant's marks. There was not a sufficient degree of similarity in the competing marks to make that a plausible case.

Held, further, and insofar as the applicant's reliance on section 11(2) (b) and (c) that there was no likelihood of confusion and deception by the corporate respondents' use of their names.

The application was, accordingly, dismissed with costs.

**ROODEZANDT KO-OPERATIEWE WYNMAKERY
LTD v ROBERTSON WINERY (PTY) LTD AND
ANOTHER**

**THE SUPREME COURT OF APPEAL OF SOUTH
AFRICA
19 November 2014**

An appeal against the expungement from the register of trade marks of the registration of the trade mark ROBERTSON HILLS, which had been applied for by the proprietor of the registrations of the trade marks ROBERTSON WINERY LABEL, ROBERTSON VINEYARDS and ROBERTSONER, by Mavundla, J in the NGP - Competing marks, if used in the market place in relation to wine, would be likely to cause deception or confusion - Six principles of comparison which have become crystallized listed - Relevance of the fact that Robertson is a geographical area - Appeal upheld and expungement ordered from the date of the application therefore.

Trade Marks Act 194 of 1993, ss 10, 10(12), 10(14), 24(1) and 29(1)

In an appeal against the expungement from the register of trade marks of the registration of the trade mark ROBERTSON HILLS, which had been applied for by the proprietor of the registrations of the trade marks ROBERTSON WINERY LABEL, ROBERTSON VINEYARDS and ROBERTSONER, by Mavundla, J, whose judgment if reported in 2013 BIP 246 (GNP), the Court of Appeal

Held, that application for the registration of the trade mark ROBERTSON HILLS had been made on the 25 February 2008. In terms of section 29(1) of the Trade Marks Act 194 of 1993 that date was deemed to be the date of registration. For the purpose of deciding whether or not the entry of that trade mark was wrongly made, the court had to look at the factual position prevailing at that date, irrespective of when the certificate of registration was issued.

Held, further, that it was common cause that whether sub-sections 10(12) or 10(14) was relief upon, the outcome of the appeal hinged on a comparison of the appellant's trade mark with the marks relied upon by the respondent for similarity, so as to establish whether the former is likely to deceive or cause confusion. "Deception" would result, so it had been held, when the similarity was to cause members of the purchasing public to assume that the goods bearing the two competing trade marks came from the same source. "Confusion" on the other hand would occur if these members of the public would be caused to wonder if the goods had a common origin.

Held, further, that the fundamental enquiry was therefore whether the appellant's mark so resembled the respondent's marks incorporating the term 'Robertson' that, if the competing marks were all used in relation wine, such use would be likely to cause deception or confusion. Considerations that could assist in the exercise of this value judgment have been proposed in numerous decided cases and the court then, in paragraphs [5] and [6] of the Court's judgment, set out a summary of some such crystallized principles of comparison.

Held, further, that, having regard to the crystallized principles of comparison the appellant's trade mark seemed to create the likelihood of deception or confusion.

Held, further, that the answer to the appellant's contention, that it was not open to the respondent to arrogate for itself the exclusive use of an ordinary geographical terms 'Robertson' in the trade mark sense, was that although Robertson is not a constructed or invented word, but the name of a town, that did not necessarily mean that it could never acquire distinctiveness with reference to wine. The appellant had used the name ROBERTSON exclusively as a badge of origin of the producer. And, because the appellant was doing the same, there was a likelihood of deception and confusion.

Held, further, that the court agreed that the register of trade marks should be ordered to be rectified by the removal of the appellant's trade mark registration ROBERTSON HILLS in class 33 but not that the removal should be "deemed to be with effect from the date of entry of the relevant registration" as ordered by the court *a quo* but rather with effect from the date of application for the removal of the trade mark registration. This would be in accordance with the Oudekraal principle (after the decision in *Oudekraal Estates (Pty) Ltd v Cape Town & Others* 2004 (6) 222 (SCA) para 31).

The appeal was, accordingly, dismissed with costs and the removal of the registration of the trade mark ROBERTSON HILLS was ordered to be made with effect from the date of application for its removal on 19 January 2012.

SHIMANSKY AND ANOTHER v BROWNS THE DIAMOND STORE (PTY) LTD

**THE SUPREME COURT OF APPEAL OF SOUTH AFRICA
1 December 2014**

An appeal against a judgment of Savage AJ dismissing an urgent application by the proprietors of the trade mark registration EVOLYM in respect of men's wedding bands by the respondent's sale of such bands under the trade mark EVOLVE - Court a quo correctly considering the two marks globally - Sufficient similarity not established by the appellant - Appeal dismissed with costs.

Trade Marks Act 194 of 1993, s 34(1) (a)

In an appeal against a judgment of Savage AJ, which is reported at 2013 BIP 286 (WCC) and in which the learned judge dismissed an urgent application by the proprietors of the trade mark registration EVOLYM in respect of men's wedding bands by the respondent's sale of such bands under the trade mark EVOLVE, the Court of Appeal

Held, that the court *a quo* had correctly considered that it should examine the two word marks globally: a distinct impression could be formed without having all three components - visual, aural and conceptual - present.

Held, further, that Savage AJ's conclusion that the common elements between EVOLYM and EVOLVE, that the first four letters of each are the same, were not sufficient to cause deception or confusion since the balance was different, and that aural similarity had clearly not been established, however one pronounced EVOLYM, was correct.

Held, further, that there was no conceptual similarity between the two competing marks.

Held, further, that the respective purchaser of an engagement or wedding ring is not the consumer who is buying from a supermarket shelf in the course of routine domestic shopping. He or she is making a considered purchase at a jewellery shop.

At the hearing of the appeal no feasible example of such a customer being confused between the EVOLYM mark and the EVOLVE mark could be given. In the circumstances, the court *a quo* was correct in finding that there had been no infringement of the trade mark registration EVOLYM.

The appeal was, accordingly, dismissed with costs.

SOCIÉTÉ DES PRODUITS NESTLÉ SA AND ANOTHER v INTERNATIONAL FOODSTUFFS CO AND OTHERS

THE SUPREME COURT OF APPEAL OF SOUTH AFRICA
27 November 2014

An appeal against a judgment of Louw J in the NGP in which the learned judge had dismissed with costs (1) an application to restrain the alleged infringement of the appellants' (Nestlé's) registered FOUR-FINGER WAFER SHAPE trade marks, TWO-FINGER WAFER SHAPE trade marks and also four word trade marks, being HAVE A BREAK ... HAVE A KIT KAT; HAVE A BREAK; HAVE A BREAK, HAVE A KIT KAT; and TAKE A BREAK, all in respect of chocolates, by the respondents (Iffco) selling a get-up including the word 'BREAK' chocolate coated wafer finger products; (2) an application to restrain the alleged passing-off by Iffco; (3) an additional application to expunge Iffco's registered trade marks QUANTA BREAK and TIFFANY BREAK; (4) a counterclaim by Iffco for the expungement of the applicants' FINGER WAFER SHAPE trade mark registrations; and (5) a second review application by Iffco - Appeal by Nestlé succeeding with costs and a cross-appeal by Iffco dismissed with costs.

Trade Marks Act 194 of 1993, ss 2(1) "mark", 10(4), 10(5), 16(5), 24(1), 25, 27(1)(a), 27(1)(b), 29(1), 34(1)(a), 34(1)(c), 34(2)(b) and 46(1)
Trade Mark Regulations 1993, reg 13(1)

In an appeal by the appellants (Nestlé) and a counter appeal by the respondents (Iffco) against orders, made by Louw, J *a quo*, and reported as 2013 BIP 320(GNP), dismissing (a) an application to restrain the alleged infringement of Nestlé's FOUR-FINGER WAFER SHAPE trade marks, TWO-FINGER WAFER SHAPE trade marks and also four word trade marks, being HAVE A BREAK ... HAVE A KIT KAT; HAVE A BREAK; HAVE A BREAK, HAVE A KIT KAT; and TAKE A BREAK, all in respect of chocolates, by the respondents (Iffco) selling a get-up including the word

'BREAK' chocolate coated wafer finger products; (2) an application to restrain the alleged passing-off by Iffco of Nestlé's products; (3) an additional application to expunge Iffco's registered trade marks QUANTA BREAK and TIFFANY BREAK; (4) a counterclaim for the expungement of Nestlé's FINGER WAFER SHAPE trade mark; and (5) a second review application by Iffco, the Court of Appeal

Held, that, because the validity of the shape trade marks held by Nestlé, which it sought to enforce against Iffco, formed the principle basis for the relief sought by Iffco in its counter and review applications it was necessary first to deal with Iffco's appeal against the dismissal of those applications. This was so because, if successful, Nestlé's shape trade mark registrations would have been rendered invalid and unenforceable.

Held, further, and in regard to Iffco's review application, that at the heart of that application lay the contention that what had been initially sought to be registered as trade marks were pictorial devices to be placed on packaging consisting of depictions of products and not the three-dimensional shapes of the chocolates bars themselves.

Held, further, that, on the facts, the representations of the marks as contained in the applications by Nestlé for registration as trade marks, viewed objectively through the eyes of the notional ordinary customary, would be perceived as two-dimensional depictions of three-dimensional shapes and not two-dimensional devices.

Held, further, that the allowance by the Registrar of Nestlé's application for an endorsement to be entered against the wafer shape trade mark registration reading "the mark consists of the distinctive shape or appearance of the goods", it was within the unlimited discretion on the part of the Registrar to make amendments to pending applications within the meaning of section 16(5) of the Trade Marks Act 194 of 1993.

Held, further, that the Registrar's practice directive as well as the views of certain practitioners of the relevance of the provisions of section 25 to applications brought in terms of section 16 of the act are irrelevant to an interpretation of its provisions.

Held, further, that Iffco's appeal against the refusal by the court *a quo* to review the Registrar's decision on the grounds aforesaid failed.

Held, further, and in regard to Iffco's counter-application for the expungement of Nestlé's FINGER WAFER SHAPE trade mark registrations that the corner stone of Iffco's challenge was that the trapezoidal shape Nestlé's FINGER WAFER SHAPE trade mark registrations was entirely a technical requirement. There were in fact a number of features of Nestlé's FINGER WAFER SHAPE trade marks which were distinctive and not attributable only to a technical result.

Held, further, that the conclusion of the court *a quo* that Nestlé's FINGER WAFER SHAPE trade marks were not solely shapes of goods which incorporated a technical solution and that Iffco's appeal against the court *a quo*'s refusal to expunge Nestlé's FINGER WAFER SHAPE trade marks from the register accordingly had to fail.

Held, further, and in regard to Nestlé's application for interdictory relief based upon Iffco's alleged use as trade marks of the FOUR-FINGER WAFER SHAPE and TWO-FINGER WAFER SHAPE trade marks, that the issue was whether there was a likelihood of confusion or deception between the chocolate bars. In addition, Nestlé had to establish that Iffco was using the FINGER WAFER SHAPE's themselves, or on the packaging of their chocolate bars "BREAK", as a badge of origin and not simply in a descriptive manner. The issue, in short, was whether the public would perceive the FINGER WAFER SHAPE to perform the function of a source identifier and for that purpose the FINGER WAFER SHAPE had to be considered in context and not in isolation.

Held, further, when viewed through the eyes of the ordinary customer, side by side and apart, as a matter of global first impression there existed a likelihood of deception or confusion.

Held, further, that the use by Iffco of the shape as depicted in its packaging and its three-dimensional form would be perceived by the consumer as a source identifier, that is as a badge of origin of the goods as emanating from Nestlé. The court *a quo* had accordingly erred in concluding that Nestlé had failed to prove an infringement of the registered FINGER WAFER SHAPE trade marks in terms of section 34(1)(a) of the Act.

Held, further, and in regard to Nestlé's application for interdictory relief based upon Iffco's use of the "BREAK" trade marks in contravention of Nestlé's word trade marks, that the comparison to be

made was one between the respective word marks of Nestlé and Iffco and not between the respective word marks viewed in conjunction with the shape of the products which they name. On this basis, the requisite likelihood of confusion among consumers confronted by the respective trade marks had not been established by Nestlé. What was required was evidence to prove the "blurring" of Nestlé's word marks in the respects alleged. This had not been provided. Nestlé's appeal against the finding of the court in this respect had, accordingly, to fail.

Held, further, and in regard to Nestlé's application to expunge Iffco's QUANTA BREAK and TIFFANY BREAK trade mark registrations, in the light of the court's conclusion that Iffco's relevant trade mark registrations were not confusingly similar to Nestlé's trade marks and their use did not lead to the dilution of Nestlé's BREAK trade marks by blurring, there was no basis for ordering that Iffco's trade marks fell to be expunged from the register. Nestlé's appeal against the court *a quo*'s refusal to grant such an order accordingly had to fail.

Held, further, and in regard to Nestlé's claim in terms of section 35(3) of the Act and for passing-off, counsel for Iffco had conceded that if Nestlé was successful in obtaining interdictory relief either in terms of section 34(1)(a) or (c) of the Act, there would be no need to deal with these claims.

Held, further, and in regard to Iffco's special defences based upon acquiescence, waiver and estoppel, at the hearing counsel for Iffco quite correctly abandoned reliance upon the defence of acquiescence which does not form part of our law.

Held, further, that the conduct of Nestlé had never unequivocally indicated a waiver of the rights it held in the contested trade marks, nor did it amount to a representation that action would not be taken against Iffco to enforce those rights. The relevant defences had not been dealt with by the court *a quo* and that the defences had to fail.

Held, further, that Nestlé was, accordingly, entitled to the interdictory relief which it claimed.

The appeal by Nestlé against the order of the court *a quo* dismissing the applicants' application with costs, succeeded with costs to the extent further reflected in the order of the appeal court. The cross-appeal by Iffco against the dismissal of the respondents' counterclaim and second review application was dismissed with costs.

PATENTS

BAYER PHARMA AG (FORMERLY BAYER SCHERING PHARMA AG) v PHARMA DYNAMICS (PTY) LTD

THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

28 November 2014

An appeal against a judgment of the Commissioner of Patents dismissing an application to amend the claims of a patent on the ground that claim 1, as amended, would lack clarity - Appeal upheld - Application to amend granted.

Patents Act 57 of 1978, ss 51(1) and 51(3)(b)

In an appeal against a judgment and order of Potterill J, sitting as the Commissioner of Patents, which is reported at 2013 BIP 79 (CP), in which the learned judge had dismissed an application to amend the claims of patent 2002/1968 on the ground that claim 1, as amended, would lack clarity, initially the appellant's opposition to the amendment was based on various grounds but those remaining on appeal were limited to the following three contentions: (a) first, that claim 1 of patent 2002/1968 would, after amendment, be invalid for lack of clarity as contemplated in section 61(1)(f)(i) of the Patents Act 57 of 1978; (b) secondly, that there had been culpable delay on the part of the patentee in bringing the amendment application; and (c) thirdly, that the appellant had been guilty of 'reprehensible conduct' prior to the application to amend. The Court of Appeal

Held, in regard to lack of clarity that the principle is well established that any ground for revocation of a patent may be advanced in opposition to a proposed amendment and that one such ground is 'that the claims of the complete specification concerned are not clear'. In determining whether or not a claim is sufficiently clear for the purposes of this provision, the court found guidance in a number of principles which the court set out in paragraph [9] of the judgment.

Held, further, that the reasoning of the court that the proposed addition of a phrase 'in rapid dissolution form' to claim 1 gave rise to the question of whether the micronised drospirenone in issue was a result of the rapid dissolution form or whether a further step had to be taken to render the drospirenone 'in rapid dissolution form' and what the steps would be, was wrong. The question

whether 'further steps' had to be taken in the process of manufacturing the product of claim 1 was of no consequence. All that required consideration were the constituent elements and properties of the allegedly infringing product in its final form. If the product fell within the ambit of the claim and infringement had been established, otherwise it had not. *Cedit quaestio*.

Held, further, that the forbidden field of claim 1, as sought to be amended (even if found to be tautologous) was clearly defined. All infringers would know exactly what they may and may not do.

Held, further, that the court did not agree with the court *a quo*'s conclusion that the proposed amendment would render claim 1 of the patent unclear from which it followed that the refusal of the amendment on that basis could not be sustained.

Held, further, that that was not the end of the matter in that it is settled law that, although an amendment may satisfy all substantive requirements, the commissioner nonetheless has a discretion to refuse it and the appellant had advanced two grounds as to why the commissioner should have exercised that discretion adversely to the appellant, namely that the appellant was guilty of 'culpable delay' and 'reprehensible conduct'.

Held, further, and in regard to the discretionary ground of 'culpable delay' that the objection based thereon could, on the evidence, not be sustained.

Held, further, and in regard to the ground of 'reprehensible conduct', that that ground too could not be sustained on the evidence.

Held, further, and in regard to the issue of costs, that considerations underlying the approach to applications for amendment of pleadings could not be transposed without qualification to the amendment of patents, especially where the amendments are aimed in the main at limiting the claims of the patent. It is in the public interest that a patentee should not be discouraged through apprehension of an adverse costs order to seek those amendments.

The appeal was, accordingly, upheld with costs, including the costs of two counsel and the order of the Commissioner of Patents was set aside and the following order substituted: '(a) The amendment to South African Patent 2002/1968 applied for by the applicant is granted.

(b) The respondent is ordered to pay the applicant's costs, including the costs of two counsel.

**MARINE 3 TECHNOLOGIES HOLDINGS (PTY) LTD v
AFRIGROUP INVESTMENTS (PTY) LTD AND
ANOTHER**

**THE SUPREME COURT OF APPEAL OF SOUTH
AFRICA**

1st December 2014

An unopposed appeal against a provisional order of revocation of a patent on the ground of inutility - Matter having been settled between the parties, appellant seeking to have the judgment a quo set aside on the basis of that judgment being one in rem - Only issue before the court being the validity of claim 1 - Claim 1 found to cover a utile composition - Appeal upheld and the order of revocation of the court below set aside.

Patents Act 57 of 1978, ss 61(1)(d) and 61(1)(3)

In an unopposed appeal against a provisional order of revocation of a patent on the ground of inutility, which is reported as 2013 BIP 67 (CP), the matter was settled between the parties. This notwithstanding, the appellant, as the patentee, sought to have the judgment *a quo* set aside and the Court of Appeal

Held, that, in as much as the judgment of the court *a quo* was one *in rem* in that it affected a public register, notwithstanding the settlement of the matter, the appellant was constrained to proceed with the appeal.

Held, further, that the only issue before the court was the validity of claim 1 of the patent on the ground of inutility.

Held, further, that what is sought by a purposive construction is to establish what were intended to be the essential elements, or the essence, of the invention which is not to be found by viewing each word in isolation but rather by viewing them in the context of the invention as a whole. It is merely an approach to construction that is aimed at establishing what was meant in a particular context.

Held, further, that, in restricting the meaning of ‘dissolve’ and ‘disperse’ in the manner in which it had done, the court *a quo* had not only disregarded the body of the specification but had also disregarded the evidence of the appellant’s experts and, in addition, the cautionary words of Corbett CJ in *Roman Roller CC & Another v Speedmark Holdings (Pty) Ltd* 1995 BP 199 (AD) at 222C-D.

Held, further, that the explanation of the words ‘dissolve’ and ‘disperse’, and also the word ‘miscible’, by the appellant’s expert witnesses was consonant with the approach in the *Roman Roller* case and was to be preferred.

Held, further, that the best evidence of utility occurs when a defendant has thought fit to use the machine which is alleged in the particulars of claim to be an infringement. Perverse attempts to show failure, or the choice of unusual combinations which would not succeed, are not generally sufficient to support a plea of inutility.

Held, further, that in essence an alleged patent satisfies the requirement of utility if, from the perspective of the skilled person, its utility is demonstrated or, in the alternative, if its utility is soundly predicted.

The appeal was, accordingly, upheld with costs and the order of the court *a quo* set aside and substituted with an order to the effect that the application for the revocation of the patent was dismissed.

MERIAL AND OTHERS v CIPLA VET (PTY) LTD

**IN THE COURT OF THE COMMISSIONER OF
PATENTS FOR THE REPUBLIC OF SOUTH AFRICA**

An action to restrain the alleged infringement of a patent covering the plaintiffs’ FRONT LINE “spot on” composition, being an anti-parasitic formulation, used in the treatment and protection of domestic animals, by the defendant making, using, selling, offering for sale and importing its FIPROTEC product - Plaintiff failing to establish infringement of claim 1 - Noted obiter that the grounds of revocation of lack of clarity of the claims, insufficiency and inutility had been unpersuasively pleaded by the defendant - Action dismissed with costs.

Patents Act 57 of 1978, ss 61(1)(d), 61(1)(e), 61(1)(f)(i) and 65(4)

Law of Evidence Amendment Act 1988, s 3(1)(c)

In an action to restrain the alleged infringement of patent 96/8057 covering the plaintiffs’ FRONT LINE “spot on” composition, being an anti-parasitic formulation used in the treatment and protection of domestic animals, by the defendant making, using, selling, offering for sale and importing its FIPROTEC product, claim 1 was the broadest claim of the patent and comprised (a) fibronil, (b) a solvent, (c) a co-solvent and (d) a crystallisation inhibitor and the Commissioner of Patents

Held that the plaintiffs had failed to discharge their onus that the FIPROTEC composition claimed in claim 1 included a crystallisation inhibitor which satisfied the test in integer (b).

Held, further, that the plaintiffs' action fell to be dismissed in the light of the finding aforesaid alone.

Noted obiter, that in addition, integer (d) had not been shown by the plaintiffs to be present in the FIPROTEC composition. Noted further that the grounds of revocation of lack of clarity, insufficiency and inutility had been unpersuasively pleaded by the defendant.

The action was, accordingly, dismissed with costs.

SASOL DYNOL NOBEL (PTY) LTD v MASTER BLASTER (PTY) LTD AND ANOTHER

**IN THE COURT OF THE COMMISSIONER OF PATENTS FOR THE REPUBLIC OF SOUTH AFRICA
Circa 2014**

An opposed application to amend the specification and claims of a patent whilst revocation proceedings were pending - Proposed amendments not in conflict with sections 51(6) and 51(7) of the Patents Act 57 of 1978 - Issue of continuing invalidity to be dealt with in the revocation proceedings - Amendments allowed - Earlier advertisement accepted as in compliance with section 51(2) - Application for revocation stayed.

Patents Act 57 of 1978, ss 51(2), 51(6), 51(7) and 51(9)

In an opposed application to amend the specification and claims of patent 2004/8313 instead of filing its answering evidence in the revocation proceedings, the applicant, having earlier advertised its intention to amend in terms of section 51(2) of the Patents Act 57 of 1978, launched an application to amend the patent in terms of section 51(9), which was opposed by the first respondent and the Court

Held, that it was satisfied that the proposed amendment was not in conflict with the provisions of section 51(6) and 51(7).

Held, further, that the court was satisfied that the applicant had shown sufficient cause why the issue of continuing invalidity of the patent should

not be dealt with in the amendment proceedings before the court but rather in the revocation proceedings.

The application to amend was, accordingly, allowed; the earlier advertisement was accepted as an advertisement in terms of section 51; the revocation proceedings were stayed pending the final determination of the application to amend; and the respondent was ordered to pay the costs of the application to amend.

VODACOM (PTY) LTD v THE REGISTRAR OF PATENTS AND TRUSTCO GROUP INTERNATIONAL (PTY) LTD

NORTH GAUTENG HIGH COURT, PRETORIA

An appeal against a ruling of the Registrar of Patents granting an extension within which to allow the second respondent to deliver a counterstatement in an opposed application for the restoration of a patent - Counterstatement delivered out of time, the initial two months period allowed for the delivery thereof having expired - Registrar not entitled to grant the extension of time - Appeal upheld with costs.

*Patents Act 57 of 1978, ss 16(2), 46(2) and 47
Patent Regulations 1978, reg 83*

In an appeal against a ruling of the Registrar of Patents in which he had granted an extension within which to enable the second respondent to deliver a counterstatement in an opposed application for the restoration of patent 2010/03199, the counterstatement had been delivered by the second respondent after the initial two months period provided for in regulation 83 of the Patent Regulations 1978 had expired and the Court on appeal

Held, in terms of the express provisions of regulation 83 of the Patent Regulations 1978, the second respondent's application for the restoration had been deemed to have been abandoned when it failed to file its counterstatement within two months of the period prescribed in regulation 83.

Held, further, that the Registrar of Patents was not entitled to grant the second respondent an extension of time for filing its counterstatement, the initial two months period having expired on 26 January 2013.

Held, further, that regulation 83 is couched in peremptory terms and the second respondent's non-compliance therewith resulted in the application for restoration having been deemed to have been abandoned.

Held, further, that, in the light of the express provisions of regulation 83, the appellant's recourse to section 16(2) was to no avail.

The appeal was, accordingly, upheld with costs and the application for the restoration of patent 2010/03199 was declared to have been abandoned.

DESIGN CASE

CHESPAK (PTY) LTD v MCG INDUSTRIES (PTY) LTD

NORTH GAUTENG HIGH COURT, PRETORIA, Circa 2014

An appeal against a judgment of Zondo J granting an interdict to restrain the continued infringement of a design registration relating to a bottle carrier, in the form of a crate, by the respondent making, using, importing and/or disposing of any product akin to the respondent's "Chespak crate" - Condonation of the late filing of the record on appeal timeously granted - Appeal on the merits dismissed.

Designs Act 195 of 1993, ss 1 definitions of "aesthetic design" and "functional design", 14(5), 20 and 35(5)

Design Regulations 1999, reg 13
Uniform Rules of Court 1965, rule 49

In an appeal to the Full Court against a judgment of Zondo J, reported as *MCG Industries (Pty) Ltd v Chespak (Pty) Ltd* 2011 BIP 284 (GNP), in which the learned judge had granted an interdict to restrain the continued infringement of design registration A 2000/141 entitled "Bottle Carrier" in class 9 and covering "packages and containers for the transport or handling of goods", i.e. "a crate" by the making, using, importing and/or disposing of any product of the respondent akin to the respondent's "Chespak crate", the appellant had failed to file the record of appeal timeously as required by rule 49 of the Uniform Rules of Court 1965 and an application for the condonation of such late filing was referred by the court *a quo* to the Appeal Court and the judgment of the court *a quo* in regard thereto is reported as *MCG industries (Pty) Ltd v Chespak (Pty)*

Ltd 2013 BIP 435 (GNP). In the appeal, the appellant relied mainly on two defences, namely that the registered design was invalid because it protected "functional features" in an aesthetic design registration and, secondly, that the Chespak crate was substantially different from the registered design and did not therefore infringe the registered design. The Full Court of Appeal

Held, in relation to the application for condonation, that the delay in filing the record on appeal had been explained comprehensively and in detail and that the court was satisfied that no litigant would really have been able to do better than the appellant had done in the circumstances.

Held, further, that, in the result, the condonation should be granted as prayed for by the appellant.

Held, further, that it is important to note that section 14(5) of the Designs Act 195 of 1993 refers to features which are necessitated "solely" by the function which the article is intended to perform. It does not refer to features which serve a functional purpose but are also aesthetic features. Consequently, the fact that a particular feature of a design or a design itself performs a function is not decisive. The question is whether the function, which that article (to which the design is applied) performs, dictates or necessitates the shape and configuration of the design. The court should thus have regard to whether the feature is included as part of the article/design solely or purely for the reason that it performs that function or whether the article has, in addition, aesthetic appeal.

Held, further, that the registered design in issue was not a common place object but was one of very unique design. In fact, if seen for the first time, most people would not have been able to identify the crate, as covered by the design registration, as a crate for the carrying of bottles.

Held, further, and in relation to the definitive statement for which protection was claimed residing in the "shape and/or configuration" of the crate as a whole, the "shape" would generally refer to the external form or contour of the item and the "configuration" will generally refer to the conformation of the item or the arrangement in a particular form of the parts of the item.

Held, further, that, having regard to the visual impact of the registered design there was no doubt that it had an aesthetic appeal. The shape and configuration were unique. The crate had features which were special, peculiar, distinctive, significant and striking and as such the whole crate appealed to the eye.

Held, further, that the court found itself hard pressed to identify individual features or characteristics which could be regarded as solely functional.

Held, further, that the exercise by the appellant to isolate every separate feature of the registered design and simply then to say that the feature had a purely functional advantage was not only wrong in the context of the case but a futile exercise having regard to the shape and configuration of the registered design as a whole. There were most certainly individual characteristics of the registered design which were calculated to attract the eye and which would or may have influenced customer choice or selection through their visual appeal and which were not there solely to make the article work.

Held, further, that, in the result, the court agreed with the conclusions reached by the trial judge on the issue of the scope of the design registration.

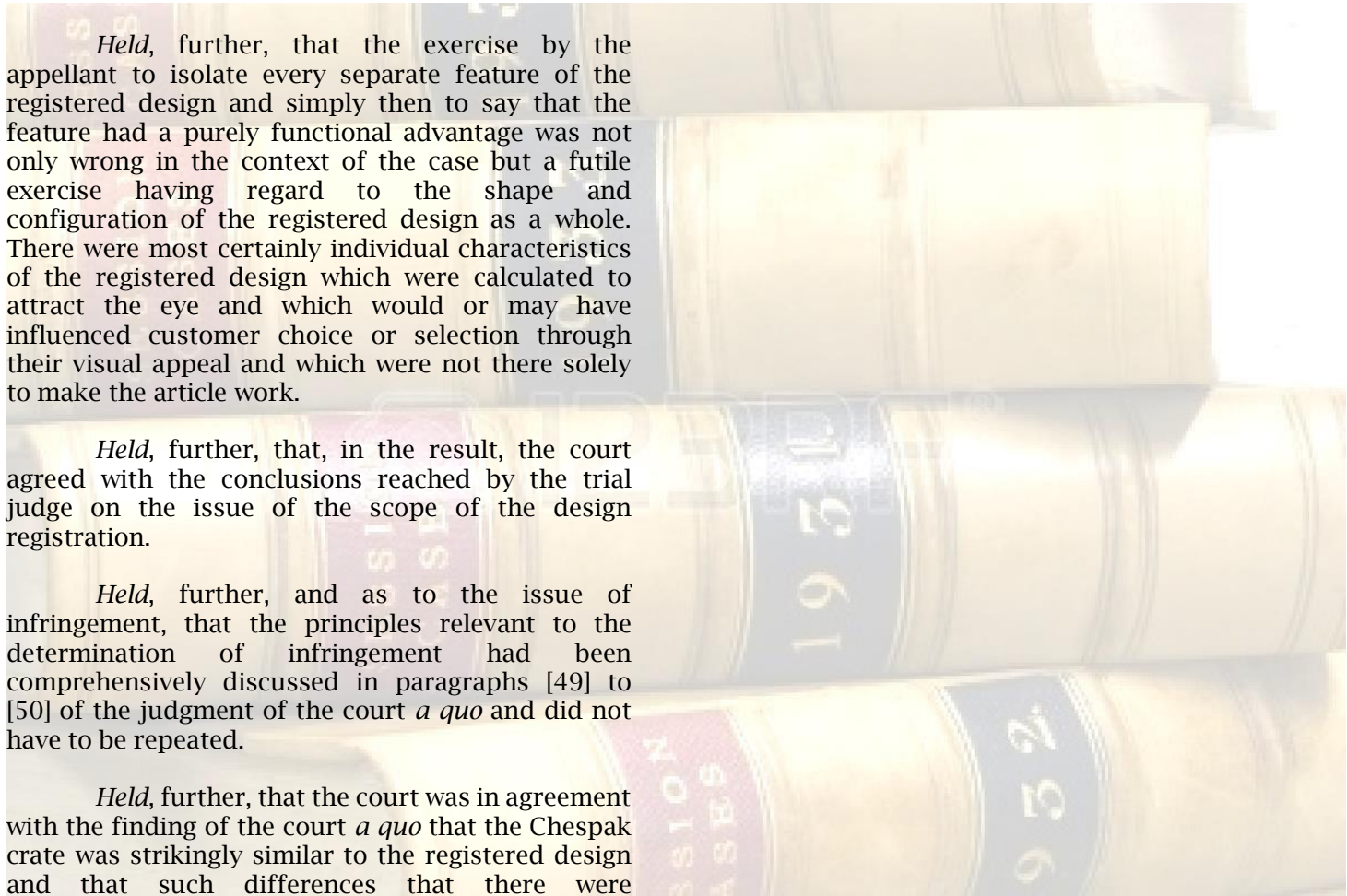
Held, further, and as to the issue of infringement, that the principles relevant to the determination of infringement had been comprehensively discussed in paragraphs [49] to [50] of the judgment of the court *a quo* and did not have to be repeated.

Held, further, that the court was in agreement with the finding of the court *a quo* that the Chespak crate was strikingly similar to the registered design and that such differences that there were immaterial.

Held, further, that, in the absence of particular features identified in the definitive statement of the registered design, the whole of the registered design fell to be considered in determining whether or not the Chespak crate embodied the registered design or a design not substantially different from it. It was not appropriate separately to compare every minute detail.

Held, further, that the Chespak crate and the registered design was strikingly similar and consequently the court agreed with the findings of the court *a quo* that the Chespak crate infringed the registered design.

The condonation of the late filing of the record on appeal was, accordingly, granted and the cost thereof ordered to be paid by the appellant on an unopposed basis. The appeal on the merits was dismissed with costs which were ordered to include the costs of two counsel.





SAIIPL Calendar 2015

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05 June 2015

- ▲ **Time** 12:00 PM – 03:00 PM
Subject SAIIPL Bowls Day

07 August 2015

- ▲ **Time** 12:00 PM – 06:00 PM
Subject Ladies Luncheon/ High Tea

04 September 2015

- ▲ **Time** 11:00 AM – 11:30 AM
Subject SAIIPL Golfday

07 November 2015

- ▲ **Time** 2015-11-07 06:30 PM – 2015-11-08 12:00 AM
Subject Annual Dinner

18 November 2015

- ▲ **Time** 10:00 AM – 12:00 PM
Subject Council meeting
 - ▲ **Time** 12:00 PM – 02:00 PM
Subject Past Presidents' Lunch
 - ▲ **Time** 03:00 PM – 07:30 PM
Subject SAIIPL AGM
-