

SABS wins case against trade mark abuser

The Pretoria High Court has ruled in favour of South African Bureau of Standards (SABS) in a matter involving the unlawful use of the *SABS Approved* trade mark by a supplier of sanitisers and disinfectants, at the height of the Covid-19 pandemic.



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The High Court judgment, granted on 21 October 2021, instructed the supplier to cease using the *SABS Approved* trade mark and to remove it from all its products and packaging.

The High Court has awarded damages of R458,742 in favour of the SABS, for the unlawful use of the *SABS Approved* trade mark. The High Court further instructed the supplier to remove any reference from its products that contain or are associated with the *SABS Approved* trade mark.

“Products that falsely claim to be *SABS Approved* can cause a myriad of problems for consumers in South Africa, with the most concerning impact being the health and safety of consumers. The SABS is happy with the judgment which is against the unlawful use of the *SABS Approved* trade mark, which is a win for our consumers. As soon as the SABS became aware of the problem early in 2020, our Certification Division and legal team contacted the supplier in an attempt to stop the unlawful use of the *SABS Approved* trademark. However, these appeals fell on deaf ears and the supplier persisted with the blatant and unlawful use of the *SABS Approved* mark. The SABS had no other choice but to pursue legal action as the supplier continued to advertise and sell their products, claiming to be ‘SABS Approved’,” says Jodi Scholtz, lead administrator at SABS.

Scholtz explained that in the past the SABS had experienced many infringements of their trade mark and that most companies adhere to the cease and desist instructions. However, this judgment creates precedent and will strengthen the legal prospects for the SABS when companies fail to comply with the cease and desist instruction.

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