

SABS AWARDED COURT ORDER AGAINST TRADEMARK ABUSER

The South African Bureau of Standards (SABS) welcomed the judgement in the High Court of South Africa Gauteng Division, Pretoria (Case 66330/2020), in which the judge has ruled in favour of the SABS in a matter involving the unlawful use of the SABS trademark. The High Court instructed the supplier of sanitisers and disinfectants to cease using the *SABS Approved* trademark and to remove it from all its products and packaging.

The High Court further instructed the supplier to remove any reference from its products that contain or are associated with the *SABS Approved* trademark. Judgement was granted on 21 October 2021.

The High Court has awarded damages of R458 742 in favour of the SABS, for the unlawful use of the *SABS Approved* trademark. The *SABS Approved* trademark was used unlawfully by a supplier of sanitisers and disinfectants, at the height of the COVID-19 pandemic.

“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 judgement which is against the unlawful use of the *SABS Approved* trademark, 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 trademark and that most companies adhere to the cease and desist instructions. However, this judgement creates precedent and will strengthen the legal prospects for the SABS when companies fail to comply with the cease and desist instruction.

The SABS said that it will continue to play its part in ensuring that all products, that bear the *SABS Approved* trademark, are legitimate and comply with the applicable national standard.



Consumers are advised that Vex Hygiene products and sanitisers are NOT *SABS Approved*. Pictures of the product were obtained by the SABS in August 2021.

Ends

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