THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 23 MARCH 2007

Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

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CLIPSAL AUSTRALIA (PTY) LTD AND ANOTHER v TRUST ELECTRICAL WHOLESALERS AND ANOTHER

The SCA today upheld an appeal by the appellants, Clipsal Australia and Clipsal SA. Clipsal Australia is the registered owner of a registered design concerning a set of electrical accessory plates with surrounds (or frames) used for wall sockets for electric plugs.

The appellants' case was the respondents are infringing these designs by marketing certain Lear electric sockets. The high court found that the design was invalid and therefore not infringed. This finding was reversed on appeal. The SCA found that the design registration was valid and had been infringed. The SCA issued an interdict against further infringement and declared that the respondents were liable for damages suffered.

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