



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 27 NOVEMBER 2009

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

**CENTURY CITY APARTMENTS PROPERTY SERVICES CC AND ANOTHER v
CENTURY CITY PROPERTY OWNERS' ASSOCIATION**

The Supreme Court of Appeal today upheld this appeal in part. The case related in the main to trade mark infringement. Century City Property Owners' Association, a section 21 company, is the trade mark owner of a large number of trade marks. Some consist of the words 'Century City' and others consist of a device containing this name.

Century City is a huge commercial and residential 'development' on some 300 hectares of land next to the N1, the main road leading northwards from Cape Town. It falls within the municipality of the City of Cape Town and, more particularly, the suburb Montague Gardens.

The main issue was whether the name Century City could remain on the register as a registered trade mark in relation to certain services. This depended on the question whether 'Century City' has become a place name or geographical indication that may indicate the origin of the services covered by the registrations.

The court held that the device marks were not subject to attack but they had not been infringed by the appellant, a letting agent who used the name Century City Apartments as its business name.

Most of the name marks, however, were revoked on the ground that the name Century City consists exclusively of a sign or an indication which may serve, in trade, to designate the geographical origin of services such as those provided by the appellant.

---ends---