



## THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

### MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

**FROM** The Registrar, Supreme Court of Appeal  
**DATE** 14 March 2011  
**STATUS** Immediate

*Please note that the media summary is for the benefit of the media and does not form part of the judgment.*

***Alliance Property Group (Pty) Ltd v Alliance Group Ltd  
(252/10) [2011] ZASCA (14 March 2011)***

The Supreme Court of Appeal (SCA) upheld an appeal against an order of the KwaZulu-Natal High Court (Pietermaritzburg) in the above matter. The appellant appealed against the judgement of the court *a quo* in which its application to interdict the respondents from passing-off their property services as those of the appellant's was dismissed with costs.

The main issues before the court was whether the appellant had proved a reputation in its name and trading style and whether it had proved a misrepresentation on the part of the respondents.

The court held that the appellant had indeed established a reputation in the field of providing property-related services in KwaZulu-Natal and the Eastern Cape and that it had done so in relation to the name and trading style of Alliance Property Group which name (to the extent that it may have been descriptive) had acquired a secondary meaning as a result of the close and distinctive association between it and the business of the appellant in the minds of the public.

The court further held that the appellant succeeded in establishing a misrepresentation on the part of the respondents in that their respective businesses were in the same field as that of the appellant and the name under which they traded was strikingly similar to that of the appellant.

Therefore, the SCA ordered that the respondents be interdicted, in the provinces of KwaZulu-Natal and the Eastern Cape, from passing-off their property services as those of the applicant or as being associated in the course of trade with the applicant, by using the name, mark and trading style of Alliance Group without clearly distinguishing their services from those of the applicant.