



## 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** 24 March 2016  
**STATUS** Immediate

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

***Adcock Ingram Intellectual Property (Pty) Ltd v Actor Holdings (Pty) Ltd  
(20625/14) [2016] ZASCA xx (24 March 2016)***

The Supreme Court of Appeal today upheld an appeal brought against the North Gauteng Division of the High Court, Pretoria. The respondent was ordered to pay the costs of the appeal including the costs of two counsel and the matter was remitted to the high court for the determination of (a) the appellants' application for condonation of their late opposition to the respondent's application for the registration of a trade mark number 2010/11953 LENTOGESIC, in class 5, in its name, and (b) the merits of such opposition.

The SCA held that s 21 read with s 45(3) of the Trade Marks Act 194 of 1993 empowers the Registrar of Trade Marks to condone the late filing of opposition to an application for the registration of a trade mark and extend the three month period prescribed for the filing of opposition.

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