



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA
JUDGMENT

Not reportable
Case no: 650/2020

In the matter between:

LA GROUP (PTY) LTD

APPELLANT

and

STABLE BRANDS (PTY) LTD

FIRST RESPONDENT

THE REGISTRAR OF TRADE MARKS

SECOND RESPONDENT

Neutral citation: *LA Group (Pty) Ltd v Stable Brands (Pty) Ltd and Another* (Case no 650/2020) [2021] ZASCA 161 (25 November 2022)

Coram: PONNAN, MAKGOKA, SCHIPPERS and PLASKET JJA and PHATSHOANE AJA

Delivered: 25 November 2022

Summary: Correction of patent error in order.

AMENDED ORDER

Paragraph 2(c) of the order granted in this matter is amended by the deletion of ‘2013’ and the substitution therefor of ‘2014’.

JUDGMENT

Schippers JA (Ponnan, Makgoka and Plasket JJA and Phatshoane AJA concurring):

[1] Paragraph 2(c) of the order granted in this appeal on 22 February 2022 reads:

‘2 The first respondent’s counter-application for the removal from the register of trade marks, in terms of s 27(1)(a) of the Act, of the following trade mark registration numbers is upheld:

...

(c) 2013/31832 POLO PONY & PLAYER DEVICE in class 9, save for ‘glasses, spectacles, sunglasses’;

[2] On 12 October 2022 the parties to the appeal drew to the attention of the registrar of this Court that the aforesaid order contained a patent error, namely that ‘2013’ in the order should be deleted and substituted with ‘2014’. They accordingly sought the correction of the order. The error may be corrected,¹ particularly because the order in question is one *in rem* that affects a public register.²

¹ *Firestone South Africa (Pty) Ltd v Genticuro A.G.* [1977] 4 All SA 600 (A); 1977 (4) SA 298 (A) at 307A-308A. See *Afgri Grain Marketing (Pty) Ltd v Trustees for the time being of Copenship Bulkers A/S (in liquidation) and Others* [2019] ZASCA 104 para 6; *Oosthuizen and Another v The State* [2020] ZASCA 1 para 1.

² *The Gap Inc v Salt of the Earth Creations (Pty) Ltd and Others* [2012] ZASCA 68; 2012 (5) SA 259 (SCA) para 2.

[3] It is accordingly ordered that:

Paragraph 2(c) of the order granted in this matter is amended by the deletion of '2013' and the substitution therefor of '2014'.

A SCHIPPERS
JUDGE OF APPEAL