



THE SUPREME COURT OF APPEAL  
OF SOUTH AFRICA

**MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL**

From: The Registrar, Supreme Court of Appeal  
Date: 27 November  
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.*

**SOCIÉTÉ DES PRODUITS NESTLÉ SA  
NESTLÉ SOUTH AFRICA (PTY) LTD  
and**

**FIRST APPELLANT  
SECOND APPELLANT**

**INTERNATIONAL FOODSTUFFS CO  
IFFCO SOUTH AFRICA (PTY) LTD  
THE REGISTRAR OF TRADE MARKS**

**FIRST RESPONDENT  
SECOND RESPONDENT  
THIRD RESPONDENT**

The SCA upheld an appeal by Nestlé on the ground that the shape of the finger wafer chocolate bars marketed and sold by International Foodstuffs, under the registered word mark 'Tiffany Break', were confusingly and/or deceptively similar to Nestlé's 4 finger wafer and 2 finger wafer shape trade marks, being the shape of its Kit Kat finger wafer chocolate bars. International Foodstuffs was interdicted from making use of Nestlé's registered shape marks in the course of trade. Nestlé's appeal to restrain use by International Foodstuffs of its registered word marks 'Quanta Break' and 'Tiffany Break' on the ground that it was confusingly and/or deceptively similar to Nestlé's registered word mark 'Have a Break, Have a Kit Kat' was dismissed.