

**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’;’

1. 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]](#footnote-1) particularly because the order in question is one *in rem* that affects a public register.[[2]](#footnote-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

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. [↑](#footnote-ref-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.

 [↑](#footnote-ref-2)