

Chocolate makers to square up in court

ZELDA VENTER

IT WILL soon be the battle of the chocolates in the Pretoria High Court, with the manufacturer of Kit Kat wafer fingers claiming that a United Arab Emirates (UAE) company is infringing on its trade mark with its similar-looking wafer fingers called

Break and Tiffany Break.

While this battle is not yet before the Pretoria High Court, the Swiss Company Société Des Produits Nestlé SA, in a preamble to the main application, yesterday obtained an order attaching certain registered trade marks which have bearing on the alleged infringement.

The applicant will, within two months, institute its main application in which it claims the Tiffany Breaks is infringing on the Kit Kat trade mark.

Kevin Corlett, a member of the Nestlé Group of companies, said in papers before court that the Kit Kat trade mark has been used in South

Africa for many years.

According to Corlett, the conduct by Iffco constituted passing-off regarding the reputation and goodwill which the applicant enjoys in the South African market.

He said Nestlé would, in the main application, ask that Iffco be restrained from using this trade mark.