

AUGUST 2025 NEWSLETTER

By Darren Margo | August 28, 2025

MARGO TEAM SETS PATENT PRECEDENT

We are extremely proud to report that the Margo team has set a landmark precedent in the Patents Court.

Acting on behalf of South Africa's leading pharmacy chain, we successfully revoked a patent relating to a specialised drug used in the treatment of prostate cancer.

The revoked patent had underpinned revenue worth billions of dollars globally. Our victory not only eliminated multimillion-dollar barriers in the local market but has also paved the way for lower-cost oncology drugs in South Africa – improving access to life-saving medication for countless cancer patients.



While the matter is currently on appeal in the Supreme Court of Appeal, we remain confident in our position, and we expect to be successful there again.

It is very important to stress: this matter was highly complex; it involved matters of pharmacokinetics, transmissibility of patent rights, international patent procedure and practice and chemical synthesis. This was no small matter.

When you're up against it in litigious patent matters; it very much matters what you know, and which professionals you use!

Strengthening Regional IP

By Darren Margo | August 28, 2025

Two new mechanisms have been implemented both of which are going to make matters considerably easier and more cost effective to obtain IP registrations in Africa.

The New Mauritian Advantage

In very recent developments, the Republic of Mauritius has joined ARIPO as its 23rd member state. The potential to file a Mauritian trade mark application through ARIPO is now on the horizon. However, we stress that the mechanisms are not entirely in place. Speak to your IP practitioner for more information.

The takeaway here is: this is another significant step towards making the filing of African IP applications simpler and more affordable than ever before.

[Detail on Africa filings more generally may be found in our separate brochure on the topic; Colleagues are welcome to direct any queries on the topic to us.]



Ethiopia Joins the PCT Convention

Separately, Ethiopia has acceded to the Paris Convention, which provides a basis for protection of intellectual property rights, including patents, trade marks and designs.

Ethiopia's accession to the Paris Convention now opens the way for national phase patent applications in Ethiopia, and to claim priority.

These two independent mechanisms are the latest steps towards making the securing of IP rights in Africa simpler and more affordable.

Naming Rights and Wine Fights

Canto v Canti: When Branding Gets Bubbly

By Darren Margo | August 28, 2025

It's not every day that a wine war makes it to court — but that's exactly what happened when *Fratelli Martini*, an Italian wine producer, took on *Casadobi*, a local boutique wine estate. The dispute, at its simplest level, was whether the name “CANTO WINES” was confusingly similar to the competitor's “CONTI WINES”.

This case has caused shock waves across the IP fraternity when the Supreme Court of Appeal found that these two names were not confusing! The court felt that wine lovers would know their wine and not be fooled.



The single-letter difference ('O' vs 'I')—right at the end of each name made no difference to the court, ultimately.

With all due respect: the prevailing view amongst a large number of practitioners in this field is that, in this case, the correct principles were discussed, but ultimately misapplied in reaching their conclusion. Be that as it may: the top court has spoken.

This is a timely warning that if you are launching new brand, always talk to your Trade Mark Attorneys first. Conservative advice is best, especially when there is a case uncomfortably close to your own.

Available Once Again: The R&D Tax Incentive

By Darren Margo | August 28, 2025

In previous years, the R&D incentive had been constrained by excessive red tape, to the point where it was simply not claimable. However, it has now been resurrected, with significant amendments introduced, and is available to be claimed once more.

In addition to that, the qualifying requirements have now been simplified greatly – in fact, simply developing a new product or improving an existing process may now be sufficient to qualify you for the incentive. No longer is it necessary to focus on intellectual property registrations in order to claim the incentive.



The value of the incentive is extremely attractive. Essentially, every R1m of qualifying spend is equivalent to R140,000 cash back in the hands of the taxpayer after tax. The message is clear, if you're investing resources in the development or improvements to products & processes this incentive should not be ignored.

And while the incentive is certainly available again to South African taxpayers, but strict time periods and reporting requirements apply. Taxpayers are well-advised to explore this opportunity sooner, rather than later!



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EPIC BRAND FAILS

By Darren Margo | August 28, 2025

Trade marks can be effective and sometimes terribly funny. But equally, sometimes, they can backfire spectacularly. Always consider the broader connotations, translations, regional slang and unintended pareidolic effects in logos and fonts! Here are some real-life examples of brands that were commercialised to the proprietors' eternal embarrassment.

