

Trademark Dispute b/w Dulux and Dumax



Read what the Judge Said

- *“They [Dumax] obviously selected the name Dumax in order to sail as close as possible to the wind,”* said the judge.
- *“Although this is a borderline case, I am not satisfied that the Dumax mark so nearly resembles the registered trademark Dulux as to likely deceive or cause confusion.”*
- *“I am satisfied that this case falls squarely within the parameters of s 34(1)(c)’, and that the owner of the company decided to ‘sponge’ on the well-known Dulux and Maxicover trade marks by ‘pirating the product of years of invention’ and ‘reaping the fruits’ sown by the applicants,”* the judge concluded.

African Court Blocks Paint Start-Up Brand Name

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The Free State Division of the High Court in South Africa has recently barred paint company Dumax Paints from continuing to use its brand name, citing that the trademark infringes on AkzoNobel's Dulux brand.

[Dumax reportedly began trade in 2021](#); however, it was found by the court that it had copied an identical image from Dulux's website onto its own to promote products.

In terms of branding, Dulux has what's described as a "flourish device" over the word Dulux, whereas Dumax uses a "rainbow-like device" with its name. The colors also feature an "extraordinary similarity," including red, orange, yellow, green and blue.

Additionally, the court said another move was meant to confuse consumers—Dulux's slogan is "The future of paint today," while Dumax used "Painting the future."

"The respondents are new entrants in a competitive market. There is no doubt that the Dulux trademark is dominant to such an extent that the Competition Commission recently refused to consent to the merger of Dulux and Plascon, the biggest and second-biggest paint brands in SA, the reason being that it would limit competition," the judge found, [according to a report from Business Live](#).