

## **Media advisory**

### **For immediate release**

#### **Unauthorised use of ITC-SA logo strongly discouraged**

**[Johannesburg, 11 December 2018]:** *It has come to the attention of the Institute for Timber Construction South Africa (ITC-SA), South Africa's professional body for the engineered timber construction sector, that its trademark and logo have been used inappropriately by a handful of unscrupulous contractors in the industry who are advertising to the general public their purported association with the Institute.*

The ITC-SA is the registered proprietor of, amongst others, trademark no. 2006/14222 ITC SA in class 37 in respect of, inter alia, 'Construction; installation; development, maintenance and repair services; information services relating to the foregoing including in relation to construction, installation and fitment of timber and roofing trusses; services ancillary and related to the foregoing in class 37'.

Apart from the various trademarks which the ITC-SA owns, it has also made extensive use of these for many years and, as such, substantial reputation and goodwill are attached to these trademarks, which are afforded special protection by the Trade Marks Act.

According to Amanda Obbes, ITC-SA General Manager, "Advertising a business as being a member of the Institute, creating the false perception of association with or endorsement by the ITC-SA is not only potentially damaging to the reputation of the ITC-SA, its stakeholders and the industry, but puts consumers, many of whom prefer to enlist the services of ITC-SA accredited contractors, at risk through knowingly deceiving them."

#### **How does the ITC-SA protect the consumer?**

A professional body like the ITC-SA has the intent to protect the public interest in relation to the services provided by its members and the associated risks. Recognised and accredited professional bodies like the ITC-SA are mandated to develop, award, monitor and revoke its professional designations in terms of its own rules, legislation and/or international conventions.

The role of the ITC-SA is to ensure consumer protection in the use of timber engineered products in contracts entered into with the ITC-SA membership and to regulate the professional conduct of its members. Where prima facie evidence confirms professional misconduct, in order to protect the consumer and the reputation of the industry, the ITC-SA will apply proper sanctions. Conversely, enlisting the services of a contractor who is not a member of the ITC-SA will waive this 'safety net' and the consumer will have to pursue remedial or legal action at their own expense.

Individuals or entities who are not members of the ITC-SA, but who claim to be, are urged to desist in using all infringing trademarks, being the ITC-SA trade mark, and/or any confusingly similar marks in relation to their business. This includes the use of the aforementioned trademarks on invoices, webpages, websites and any advertisements which may deceive the general public in relation to the individual's or entity's association with the ITC-SA. Failure or neglect to comply with the above may result in legal proceedings taken up on an urgent basis for an interdict restraining such use, damages as well as any other form of ancillary relief, the costs of which will be for the account of the defendant.

"By virtue of its trade mark registration, the ITC-SA and its members are entitled to the exclusive use of this mark in relation to the services covered by such registration. Any unauthorised use of the mark ITC SA (or any name confusingly similar thereto) in relation to those services, or similar goods or services, constitutes infringement of these trade mark rights and/or constitutes common law passing-off," says Obbes.

“The role of the ITC-SA is to ensure consumer protection in the use of timber engineered products in contracts entered into with the ITC-SA membership and to regulate the professional conduct of its members for a better industry overall. As such, the general public and the trade are encouraged to check in with the ITC-SA timeously and before any project is initiated to verify the membership status of their chosen contractor before any formal work commences, as a preliminary safeguard and for peace of mind,” she concludes.

***For more information about the ITC-SA, visit [www.itc-sa.org](http://www.itc-sa.org). To find a list of ITC-SA accredited members near you, select a designation from the drop-down ‘Members’ list and complete your search. For more information on becoming a member, click on your designation of choice on this list and read the designation descriptor relevant to you. Feel free to get in touch with the ITC-SA should you need any assistance.***

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### **About the Institute for Timber Construction (ITC-SA)**

As a professional body, the ITC-SA’s vision is to create and maintain the highest standards in the engineered timber construction industry by monitoring its membership, continuously improving standards, promoting and marketing engineered timber structures, and overseeing the training and development of its members.

With the ITC-SA, the trade and consumer can enjoy the protection that comes with a safely erected and inspected timber roof, home or deck. The ITC-SA is a SAQA-accredited professional body and a recognised Voluntary Association in terms of the Engineering Profession Act, 2000 (Act 46 of 2000).

The Institute was established more than 40 years ago to regulate the engineered timber roof structure industry and to provide design, manufacturing, erection, inspection and certification for compliance with inter alia SANS 10400 and SANS 10082, where engineering rational designs are applicable.

The Institute is a SALGA Disaster Risk Management Strategic Partner.

### **Image captions:**

**ITC001:** ITC-SA logo. By virtue of its trade mark registration, the ITC-SA and its members are entitled to its exclusive use in relation to the services covered by such registration. Any unauthorised use constitutes infringement and/or common law passing-off.

**ITC002:** The role of the ITC-SA is to ensure consumer protection in the use of timber engineered products in contracts entered into with the ITC-SA membership and to regulate the professional conduct of its members for a better industry overall.

### **Online tags/keywords:**

Timber, wood, construction, timber construction, ITC-SA, Institute for Timber Construction, Institute for Timber Construction South Africa, logo, copyright, copyright infringement, legal, law, legal recourse, trademark, registered trademark, timber construction, roofing, construction industry, roofing industry, building, building industry.

### **Social media links:**

Facebook: <http://bit.ly/1SVoQcn>

Twitter: <http://bit.ly/1pwZH0P>

LinkedIn: <http://bit.ly/1NnOiLx>

YouTube: <http://bit.ly/2bCftRn>

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