WHEN PACKAGING CROSSES THE LINE: BLISS BRANDS, COLGATE AND THE HIGH STAKES OF BRAND IDENTITY

Category: Intellectual Property Law
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How much does a soap wrapper have to change before it stops infringing on someone else's brand?

It sounds like a simple branding question, but in a long-running dispute between Bliss Brands (Pty) Ltd ("**Bliss Brands**") and Colgate-Palmolive (Pty) Ltd ("**Colgate**"), the answer has had far reaching consequences. What began as a dispute over packaging ultimately reached the High Court and, in its latest chapter, resulted in a finding of civil contempt. The judgment handed down on 12 August 2026 highlights an important lesson for businesses: an intellectual property dispute does not necessarily end when packaging is changed. Once a court has issued an order, the question becomes whether the changes made are enough to satisfy that order. If they aren't, the consequences can be serious.

At the centre of the dispute are two familiar soap brands: Bliss Brands' Securex and Colgate's Protex. The dispute concerns Colgate's longstanding contention that Securex packaging imitated the "packaging architecture" of Protex and, in doing so, improperly exploited the goodwill associated with the Protex brand. When Bliss Brands made further changes to its Securex packaging in 2018, Colgate alleged that the revised packaging continued to imitate the Protex packaging architecture and unfairly interfered with the reputation and advertising goodwill associated with the Protex brand.

Colgate lodged a complaint with the Advertising Regulatory Board ("**ARB**"), alleging that the similarities went beyond coincidence and allowed Securex to take advantage of the goodwill and reputation that Protex had established in the market. Bliss Brands disputed the allegations. What followed was a lengthy legal journey involving the appearance of the packaging, the ARB's decision

and, eventually, the extent to which Bliss Brands had complied with a subsequent court order.

This is where the case takes an interesting turn. In proceedings before the Gauteng Division of the High Court in Johannesburg, Manoim J issued an order requiring Bliss Brands to comply with an earlier decision of the ARB within three months. Importantly, the order dealt with the dissemination of the new packaging and did not require the immediate removal of products already on shelves.

One of the key findings was that the changes made to the Securex packaging were not significant enough to bring the packaging into compliance with the court order. The court also considered the continued use of the older packaging on certain websites. Taken together with the other circumstances, this supported the conclusion that Bliss Brands had failed to comply with the order. The court ultimately found Bliss Brands guilty of civil contempt, stating that the non-compliance was deliberate and in bad faith. This indicates an important shift in the nature of the dispute. What may initially have been a disagreement over colours, layout and branding, had evolved into a question of whether a party had obeyed a binding court order.

Why does this matter for intellectual property?

Most consumers do not stop to analyse the design of a soap wrapper. But branding often works precisely because consumers can recognise a product at a glance. A particular combination of colours, typography, imagery, layout and overall visual appearance often becomes closely associated with a particular brand. For businesses, that visual identity can form an important part of the goodwill and reputation built around a product. That means intellectual property disputes are not always about copying a registered trademark word-for-word. They can involve the broader commercial identity that a business has developed and the way consumers recognise its products in the marketplace. Packaging is therefore much more than mere decoration. It can easily become an integral part of a brand's commercial identity.

The bigger lesson: compliance matters

However, the most important takeaway from the latest judgment might not be about packaging, but about compliance with court orders. A business may believe that it has made substantial or meaningful changes to its product or packaging, but the relevant question is whether those changes actually satisfy the requirements of the order.

Here, the court concluded that they did not. The continued use or dissemination of the older packaging online was also relevant to the court's assessment. The case therefore demonstrates why businesses involved in intellectual property litigation need to pay close attention not only to the underlying dispute, but also to the precise terms of any order that follows. Once a court has spoken, partial compliance is not enough.

From soap packaging to civil contempt

The Securex and Protex dispute is a useful reminder of how intellectual property law operates in the real world. A package may seem like a relatively minor part of a product, yet behind its colours, images, typography and layout can sit years of investment in a brand and the goodwill associated with it.

The lesson is therefore not simply that businesses should be careful when developing packaging that resembles a competitor. It is that, once a dispute has reached court, compliance must be treated as a legal obligation rather than a branding exercise. The question is no longer simply how different the new packaging looks, but whether it does what the court ordered.

The Securex and Protex dispute offers a cautionary lesson for any business facing an intellectual property dispute. Resolving the underlying disagreement may be the first step. Ensuring compliance with the resulting court order is equally important.