



**TE KŌTI PĪRA O AOTEAROA
THE COURT OF APPEAL OF NEW ZEALAND**

COURT BUSINESS

WEDNESDAY 1 DECEMBER 2021

COURTROOM ONE – BY MS TEAMS

THE HONOURABLE JUSTICE COOPER, THE HONOURABLE JUSTICE BROWN
THE HONOURABLE JUSTICE COURTNEY
MRS WYATT

10:00am

CA38/2021

Energy Beverages LLC (R C Watts, J W Baigent)

v

Frucor Suntory New Zealand Limited (A H Brown QC, A E Isaacs, J Hattingh, T C Goatley, S Lee)

Dobson J [2020] NZHC 3296

Appeal from High Court decision dismissing appeals from Assistant Commissioner of Trademarks decision rejecting challenges to a trademark for use of a colour for packaging etc, for energy drinks

PUBLIC ACCESS:

Under Level 3 Restrictions all hearings will be conducted remotely (by MS Teams or VMR) and no attendance in Court will be permitted.

Under Level 2 Restrictions hearings will be conducted in person or remotely (by MS Teams or VMR) as advised by the Registry.

If you are visiting the Court or attending a hearing in a courtroom you MUST:

- **Register your attendance by using the Court's QR code (or on a list maintained by Court Security).**
- **Remain 2 metres apart at all times.**
- **Wear a facemask or face covering in public areas and courtrooms, other than when required to speak in court.**
- **Observe hygiene requirements (you may elect to wear gloves).**

For further information, please refer to the relevant alert level in the Court's Protocol:

<https://www.courtsofnz.govt.nz/publications/announcements/covid-19/court-protocols/court-of-appeal/>

Please direct any enquires to: courtsofappeal@justice.govt.nz

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Details may be subject to change at short notice and the list is intended as a **guide only**.

If in doubt you should consult the Court: courtsofappeal@justice.govt.nz

INFORMATION:

Locations:

The Court of Appeal is located at: [54 Molesworth St, Thorndon, Wellington](#)

All hearings are at the Court of Appeal in Wellington unless otherwise specified.

The Court also sits at the following High Courts (however, please note documents cannot be filed at these addresses – all documents must be sent to the Court at the above Wellington address):

Auckland High Court (Historic Building) – [24 Waterloo Quadrant, Auckland](#) (NB: The Court of Appeal will no longer sit at the Auckland Hearing Centre on Queen Street)

Wellington High Court – [2 Molesworth Street, Wellington](#)

Christchurch High Court (Justice Precinct) – [20 Lichfield Street, Christchurch](#)

Dunedin High Court – [1 Stuart Street, Dunedin](#)

Lower Court Judgments cited above may be found at the following links (if publicly available):

Senior Courts Judgments of Public Interest: <https://www.courtsofnz.govt.nz/judgments/>

District Court of New Zealand: <https://www.districtcourts.govt.nz/>

Judicial Decisions Online: <https://forms.justice.govt.nz/jdo/Search.jsp>

New Zealand Legal Information Institute (NZLII): http://www.nzlii.org/databases.html#nz_cases