Supreme Court of New Zealand | Te Kōti Mana Nui o Aotearoa

3 November 2026

MEDIA RELEASE

LEGO HOLDING A/S AND ANOTHER v ZURU NEW ZEALAND LIMITED AND OTHERS

(SC 13/2026)

Hearing in the Supreme Court Tuesday 17 November – Wednesday 18 November 2026

CASE HISTORY SYNOPSIS

This synopsis is provided to assist in understanding the history of the case and the issues to be heard by the Court. It does not represent the views of the panel that will hear the appeal in the Supreme Court.

Background

The appellants (Lego) and the respondents (Zuru) both manufacture toy building bricks. The issue in this case is whether Zuru can lawfully use the LEGO trade mark on its packaging to tell consumers that its products are compatible with Lego's. When Zuru began marketing its toy building bricks in late 2018, it included the compatibility statement "LEGO® BRICK COMPATIBLE" on its packaging. Lego objected, and in January 2019 Zuru replaced that statement with "COMPATIBLE WITH MAJOR BRANDS". In 2021, Zuru sought Lego's consent to resuming using compatibility statements referring to LEGO. Lego again objected.

Zuru brought proceedings in the High Court in May 2021 seeking declarations that referring to LEGO in its compatibility statements would not infringe Lego's registered trade mark, breach the Fair Trading Act 1986 or amount to the tort of passing off. Lego opposed the declarations and brought counterclaims.

High Court decision

On 12 July 2023, the High Court held that Zuru's original compatibility statement infringed Lego's registered trade mark and declined to make the declarations Zuru sought. It also dismissed Lego's claims for passing off and breaches of the Fair Trading Act. The Court did not grant an injunction, given Zuru's assurance that it would not use the word LEGO in its compatibility statements unless the Court confirmed that such use would not infringe Lego's trade mark.

Court of Appeal decision

Zuru appealed the High Court's finding of trade mark infringement and the refusal to grant declaratory relief. Lego cross-appealed the dismissal of its passing off claim and its claim under the Fair Trading Act.

On 10 December 2025, the Court of Appeal unanimously allowed Zuru's appeal and declared that the use of the word LEGO in its original compatibility statement did not infringe Lego's registered trade mark. It dismissed Lego's cross-appeal.

This appeal

On 7 May 2026, the Supreme Court granted Lego leave to appeal. The approved question is whether the Court of Appeal was correct to allow the appeal.

Viewing of hearing

This hearing of the appeal will be live-streamed. Details about access to the live-stream and the conditions of access will be posted on the Courts of New Zealand website shortly before the hearing. No recording is permitted.

The panel

The Hon Justice Kós	The Hon Justice Ellen France	The Rt Hon Chief Justice Winkelmann	The Hon Justice Williams	The Hon Justice Campbell

Judges as seen from the public gallery

Counsel

- LEGO Holding A/S and LEGO A/S (Appellants): *A R Galbraith KC, K T Glover KC and J K Scragg*
- Zuru New Zealand Limited, Zuru Toys New Zealand Limited and Zuru Incorporated (Respondents): *J G Miles KC, J W J Graham and T F Cleary*

Sitting hours

Court will begin at 10:00am and conclude at 4:00pm with adjournments taken from 11:30am to 11:45am and from 1:00pm to 2:15pm. There is no afternoon adjournment.

Enquiries

Any enquiries about the hearing should be directed via email to supremecourt@justice.govt.nz. While attending the hearing, enquiries can also be directed to the Court Registry, which is located outside the main courtroom in the Supreme Court foyer.

Contact person:
Sue Leaupepe, Supreme Court Registrar (04) 914 3613

High Court decision: [2023] NZHC 1808 (12 July 2023)
Court of Appeal decision: [2025] NZCA 650 (10 December 2025)
Supreme Court leave decision: [2026] NZSC 55 (7 May 2026)