

FOR IMMEDIATE RELEASE

SINGAPORE COURT OF APPEAL RULES IN FAVOUR OF DELFI LIMITED IN TRADEMARK INFRINGEMENT APPEAL

SINGAPORE - 29 November 2016 - Mainboard listed chocolate confectionery company, Delfi Limited (“Delfi”) is pleased to announce that the Singapore Court of Appeal, upheld the High Court ruling in favour of Delfi and dismissed the appeal by Nestlé S.A. (“Nestlé”) to allow its trademark registration for the two and four finger shapes of its Kit Kat bars (“Registered Shapes”) to remain on the trademarks register.

Nestlé had previously filed a suit against Delfi and its subsidiary, Delfi Singapore Pte Ltd, in Singapore where it claimed that the shape and packaging of Delfi’s two and four finger chocolate wafer “Take-it” had infringed the trademark rights and copyrights of its Kit Kat chocolate bar. Delfi had, in April 2014, filed a counterclaim to invalidate Nestlé’s registered trademarks for the Registered Shapes.

In a High Court decision of 28 November 2014, Delfi won its counterclaim to invalidate Nestlé’s trademark registration for the Registered Shapes. The High Court had declared Nestlé’s Registered Shapes invalid, and ordered the registrations to be removed from the trademarks register. Nestlé promptly appealed against the High Court decision.

The Court of Appeal, in its 24 November 2016 judgment (“Judgment”), affirmed the High Court decision and the High Court’s finding that the rectangular shape and grooves of the chocolate bar were features necessary to create a functional shape for cost effective and efficient commercial mass production and packaging. They were also essential characteristics inherent to the generic functions of a chocolate bar that consumers look for, including ease of breaking it apart for consumption. The High Court decision invalidating Nestlé’s registered trademarks for the Registered Shapes was upheld, with costs awarded in favour of Delfi.

The Parties have been granted leave to furnish, within two weeks of the Judgment, written arguments on Delfi’s counterclaim for groundless threats of trademark infringement.

Delfi's Chief Executive Officer, Mr. John Chuang, said, *"This has been a long and drawn out process but we feel vindicated and extremely pleased that the Court of Appeal has ruled in our favour and upheld the decision of the High Court. With this confirmation, we continue to provide all our consumers with great tasting chocolate products."*

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ABOUT DELFI LIMITED

Headquartered in Singapore and listed on the SGX-ST since 5 November 2004, Delfi Limited and its subsidiaries (the "Group") manufactures and/or distributes branded consumer products that are sold in over 17 countries including Indonesia, Singapore, Malaysia, Hong Kong, Australia, Thailand, the Philippines and China.

Formerly called Petra Foods Limited until an official name change that took effect on 9 May 2016, Delfi has an established portfolio of chocolate confectionery brands which are household names in Indonesia. Its flagship brands in Indonesia include "SilverQueen" and "Ceres" that were introduced in the 1950s and "Delfi" in the 1980s. In addition, the Group also distributes a portfolio of well-known agency brands in Indonesia, Malaysia and the Philippines.

The Group was awarded the top spot in the annual Singapore Enterprise 50 Award in 2003 and was recognised as the "Best Newly Listed Singapore Company in 2004" in AsiaMoney's Best Managed Companies Poll 2004. It was named the "Enterprise of the Year 2004" by the 20th Singapore Business Awards on 30 March 2005 and was named one of "Singapore's 15 Most Valuable Brands" in November 2005 by IE Singapore.

Over the years, Delfi Limited has clinched awards in various categories at the annual Singapore Corporate Awards. The Group won a Silver award for its inaugural annual report in the "Best Annual Report/Newly Listed Company" category in 2006. In April 2009, it clinched a Gold award in the "Best Annual Report/Companies with \$300 million to less than \$1 billion in market capitalisation" category. In May 2010, it bagged two Silver awards for "Best Managed Board" and "Best Investor Relations" under the "companies with \$300 million to less than \$1 billion in market capitalisation" category. In 2015, the Group bagged a Bronze award for "Best Managed Board" under the "companies with S\$1 billion and above in market capitalisation" category.

Delfi Limited's Chief Executive Officer, Mr John Chuang, was also recognised for his leadership and management of the Group. He was named "Best Chief Executive Officer" at the 2011 Singapore Corporate Awards, "Businessman of the Year" at the 2012 Singapore Business Awards and he was one of the recipients of the SG50 Outstanding Chinese Business Pioneers Awards in 2015.

Issued by August Consulting on behalf of Delfi Limited

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