
**IPSANZ Trade Marks Annual Update
Perth 6 March 2007**

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*Special thanks to Sonya Curciev of Allens Arthur Robinson for
invaluable assistance in preparing this presentation*

Trade Marks Amendment Act 2006

- Royal Assent given 23 October 2006
- Explanatory Memorandum:
[http://parlinfoweb.aph.gov.au/piweb/view_document.aspx?ID=2345
&TABLE=EMS](http://parlinfoweb.aph.gov.au/piweb/view_document.aspx?ID=2345&TABLE=EMS)
- *Trade Marks Amendment Regulations 2006 (No. 1)* made on 13 December 2006, with effect from 19 December 2006

Trade Marks Amendment Act 2006

- New ground of opposition:

S 62A Application made in bad faith

The registration of a trade mark may be opposed on the ground that the application was made in bad faith.

- Applies to:
 - applications filed after 23 October 2006
 - applications pending but not accepted at 23 October 2006

Trade Marks Amendment Act 2006

Explanatory Memorandum gives examples of bad faith:

- a person who monitors new property developments and
 - registers the name of development as TM for services
 - threatens property developer with TM infringement unless they licence or buy TM
- a pattern of registering TMs as deliberate misspellings of other registered TMs
- people who identify an overseas TM not used in Australia, register TM with no intention to use in Australia and for the express purpose of selling the mark to the overseas owner

Trade Marks Amendment Act 2006

- New ground of opposition:
- s 58A
 - If TM accepted under s 44(4) (prior continuous use), registration may be opposed on ground that owner of cited TM has continually used TM longer than applicant
- Applies to:
 - applications filed after 23 October 2006
 - applications pending but not accepted at 23 October 2006

Trade Marks Amendment Act 2006

- s 58A example:
 - A Co uses TM XYZ from 2000, files in 2002
 - B Co uses TM XYZZ from 2001, files in 2003
 - Examiner cites A Co's TM against B Co, but B Co shows continuous use prior to 2002 (A Co's filing date)
 - A Co (or anyone else) may oppose B Co's TM on A Co's continuous use prior to 2001 (B Co's filing date)
- Previously, opposition would be limited to:
 - ss 60 and 42(b) – need to prove reputation
 - or 58 proprietorship – limited to substantially identical TMs used for same kind of thing

Trade Marks Amendment Act 2006

- Amendment to s 60 ground of opposition:
 - Simplified to proving reputation of other TM before priority date and likelihood of use of TM to deceive or cause confusion
 - Reference to substantially identical or deceptively similar removed
- Act does not specify whether this applies to applications pending but not accepted at 23 October 2006
- Applies at least to applications filed after 23 October 2006

Trade Marks Amendment Act 2006

- Amendment to s 61 ground of opposition:
 - For false geographical indications, must show that relevant goods are similar or that use of TM is likely to deceive or cause confusion
- Applies to:
 - applications filed after 23 October 2006
 - applications pending but not yet accepted at 23 October 2006

Trade Marks Amendment Act 2006

- Amendment to s 92, non-use removal applications:
 - No need for applicant to be “aggrieved”
 - New note to s 94(4):
 - If non-use established in a particular place or export market, then conditions or limitations may be imposed that registration does not extend to that place or export market
 - Opportunity to limit competitors’ TMs from particular parts of Australia, and particular export markets

Trade Marks Amendment Act 2006

- Amendment to s 51, application for series of TMs
 - No longer limited to application within a single class of goods or services
 - May apply to have existing series applications in different classes linked and dealt with together, new s 82A
- Related amendments to s 65
 - No change to subsections relevant to *Woolworths v BP*
- New s 65A – corrections of clerical errors or obvious mistakes

Trade Marks Amendment Act 2006

- Amendment to s 132: Notice of objection to importation
 - Effect of customs notice extended from 2 to 4 years
 - Only applies to notices given after 23 October 2006
- Amendment to s 133 – Customs CEO may accept undertaking, rather than security, to pay costs of seizure
- Amendment to ss 78 and 79
 - Grace period for TM renewals reduced from 12 to 6 months
- Other amendments regarding:
 - Certification TMs
 - Defensive TMs
 - Divisional applications

Intellectual Property Laws Amendment Act 2006

- Royal Assent given 27 September 2006
- New s 217A: Prescribed documents relating to TMs to be made available for public inspection
- New s 226A: Requirements for confidential treatment of information held in TMO
- In force by 27 March 2007
- Consequential amendments to be made to Trade Marks Regulations before 27 March 2007

Woolworths Limited v BP plc [2006] FCAFC 132



***Woolworths Limited v BP plc* [2006] FCAFC 132**

- BP filed two TM applications for the colour green for various goods and services relating to service stations
- Woolworths successfully opposed before Registrar
- BP successfully appealed to Federal Court (Finkelstein J)
- Woolworths appealed to Full Federal Court
- Two major issues for Full Federal Court:
 - Had BP's TM applications been amended contrary to s.65?
 - Were BP's TMs registrable under s.41?

***Woolworths Limited v BP plc* [2006] FCAFC 132**

S 65:

(2) An amendment may be made to the representation of the trade mark if the amendment does not substantially affect the identity of the trade mark as at the time when the particulars of the application were published.

. . .

(5) An amendment may be made to any other particular specified in the application unless the amendment would have the effect of extending the rights that (apart from the amendment) the applicant would have under the registration if it were granted.

***Woolworths Limited v BP plc* [2006] FCAFC 132**

Finkelstein J:

- S 65(2) does not apply to amendments to particulars
- S 65(5) does not apply to present amendments because they restricted the ambit of each TM

Full Federal Court on s.65(2):

- Even if there is no change to pictorial depiction of TM, s.65(2) should not permit amendments to nature and scope of TM in endorsements or descriptive statements of TM

Woolworths Limited v BP plc [2006] FCAFC 132

FFC: S 65(2) (identity substantially affected), but not 65(5) (rights extended) contravened by these amendments to BP's endorsements:

From: "The trade mark is limited to the colour green as shown in the representation attached to the application form."

To: "The trade mark consists of the colour green as shown in the representation on the application ***as applied to a significant proportion of the exterior surface of the buildings, canopies, pole signs and other component parts of service stations used for the sale of the goods and the supply of the services covered by the registration.***"

Woolworths Limited v BP plc [2006] FCAFC 132

FFC: S 65(2) (identity substantially affected) and 65(5)(rights extended) contravened by further amendment:

To: “The trade mark consists of the colour green as shown in the representation on the application applied **as the predominant colour** to the fascias of buildings, petrol pumps, signage boards – including poster boards, pole signs and price boards and spreaders, all used in service station complexes for sale of the goods and supply of the services covered by the registration.”

Woolworths Limited v BP plc [2006] FCAFC 132

FFC: S 65(2) (identity substantially affected), and 65(5)(rights extended) contravened by amendment:

From: “The trade mark consists of the colour GREEN applied to a significant proportion of the exterior surface of the buildings, canopies, pole signs and other component parts of service stations used for the supply of the services covered by the registration, as exemplified in the representation attached to the application form.”

To: “The trade mark consists of the colour GREEN applied *as the predominant colour* to the fascias of buildings, petrol pumps, signage boards – including poster boards, pole signs and price boards – and spreaders, all used in service station complexes for the supply of the services covered by the registration, as exemplified in the representation attached to the application form.”

***Woolworths Limited v BP plc* [2006] FCAFC 132**

S 41 – capacity to distinguish

- No appeal against Finkelstein J's finding under s.41(3) that colour green was not inherently adapted to distinguish

Full Federal Court:

- s.41(6) requires two questions:
 - Has BP used the colour green in the manner described in the applications, and as a TM?
 - Does each TM applied for in fact distinguish BP's products, having regard to evidence of actual use?

***Woolworths Limited v BP plc* [2006] FCAFC 132**

Full Federal Court on s 41(6):

- No evidence of use of green, without yellow, in the manner set out in BP's TM applications
- Evidence until 1989: BP used green and yellow to distinguish its services, and green was an important part of its get-up
- However, BP had not used green separately as a TM
- After 1989, BP used green more extensively, even predominantly, but BP still used yellow also

***Woolworths Limited v BP plc* [2006] FCAFC 132**

Full Federal Court on s 41(6):

- Finkelstein J erred in approaching s 41(6) by reference to get-up of BP's service stations
- Diverted from proper inquiry of s.41(6), by reference to TMs applied for, into an examination of the distinctiveness of green alone
- Error worse where evidence showed BP had used green in ways, and part of other TMs, that did not correspond with TMs applied for
- Finkelstein J erred in relying on survey evidence which:
 - demonstrated recognition that green has always been part of the BP colour scheme
 - but did not demonstrate that green alone, or green predominantly with other unspecified colours, has been used as a TM

***Woolworths Limited v BP plc* [2006] FCAFC 132**

Post script:

- Application for special leave to the High Court?
- Will High Court use this case to consider s 41?
 - S 41 finding only *obiter dicta*, given s 65 finding by Full Federal Court
- Query what evidence would have satisfied Full Federal Court on s 41(6)?
 - Service stations with no yellow at all?
- Survey evidence often problematic in litigation
 - but this evidence arguably demonstrated that customers did in fact distinguish BP by green alone
- Watch out for s 65 in oppositions and in cross-claims to infringement

***Colorado Group v Strandbags Group* [2006] FCA 160, FCA 880**

- Colorado Group had used COLORADO on school backpacks since 1988, and more extensively on shoes since 1987
- From 1993 Colorado Group opened a network of COLORADO stores selling a range of clothing as well as bags and wallets
- Colorado Group owned COLORADO TM (plain word) for bags, wallets, purses and backpacks since 2001

***Colorado Group v Strandbags Group* [2006] FCA 160, FCA 880**

- Strandbags' predecessor Mr Lee Evans registered COLORADO LEATHERGOODS business name in 1990
- During the 1990s, Mr Evans developed 14 retail stores trading as "The Colorado Bag Co", selling bags, travel goods, backpacks, wallets
- Strandbags purchased the business in 1998
- Colorado Group sued Strandbags for TM infringement, passing off and *s.52 TPA*
- Strandbags cross-claimed for cancellation of Colorado Group's TM

Colorado Group v Strandbags Group [2006] FCA 160, FCA 880

Finkelstein J on John Denver:

- Mr Evans' evidence was that he chose "Colorado" because John Denver's "*Colorado Rocky Mountain High*" was one of his favourite songs.

- Finkelstein J:

"Colorado Rocky Mountain High" is not the title of a Denver song, but it is a recurring line in a song entitled "Rocky Mountain High ...

I am very dubious about Mr Evans' evidence concerning his choice of the mark. That he was a John Denver fan may be accepted. But I do not believe the rest of his story. I suspect that Mr Evans had come across the name on goods (probably goods sold by one of the applicants) and wanted to use it but needed to check if anyone (perhaps one of the applicants) had rights in respect of it."

***Colorado Group v Strandbags Group* [2006] FCA 160, FCA 880**

Finkelstein J on geographical names:

- COLORADO not used in a geographical sense for backpacks or shoes
- Descriptiveness of COLORADO is the notion of trekking, ruggedness, fashion, Rocky Mountains etc, which concerns the image of the brand and does not describe the goods
- Thus COLORADO is inherently distinctive of these goods

[Contrast to Branson J's analysis of OREGON chainsaws in *Blount v Registrar* (1998) 40 IPR 498]

***Colorado Group v Strandbags Group* [2006] FCA 160, FCA 880**

Finkelstein J on false suggestion or misrepresentation:

- Colorado Group's s.41(5) evidence did not mislead Registrar
- In any event, s.41(5) was an irrelevant concern of the Registrar because COLORADO was not descriptive

***Colorado Group v Strandbags Group* [2006] FCA 160, FCA 880**

Finkelstein J on proprietorship:

- Detailed consideration of legal principles on:
 - comparison of goods for proprietorship (“same kind”)
 - whether use of a words with logo entails use of word alone as a TM
- Strandbags failed to prove first use of COLORADO (word alone) as a TM on backpacks
- Colorado Group entitled to maintain registration of COLORADO for backpacks
- Colorado Group’s proprietorship for backpacks does not extend to bags, wallets, purses and belts - not the same kind of articles as backpacks
- Strandbags is proprietor of COLORADO for handbags
- Strandbags’ proprietorship extends to wallets and purses - same kind of goods as handbags

***Colorado Group v Strandbags Group* [2006] FCA 160, FCA 880**

Finkelstein J on TM infringement:

- Colorado Group's COLORADO TM limited to backpacks
- Strandbags infringed by sale of backpacks
- Strandbags did not infringe by sale of handbags, purses or wallets - not goods of the same description as backpacks
- No infringement in respect of retailing services other than for backpacks

***Unilever v Nestle* [2006] FCA 782**

- Nestle owned registered TM GO ON . . . for ice-cream, coffee, chocolate etc
- Unilever used “GO ON... treat yourself” for ice cream promotion
- Nestle threatened infringement proceeding against Unilever
- Unilever applied to Federal Court for cancellation: ss 88 and 41

***Unilever v Nestle* [2006] FCA 782**

Bennett J:

- Slogans to be assessed like any other TMs with regard to capacity to distinguish
- No use of TM prior to filing date
- GO ON . . . is not descriptive of ice cream, but that fact does not mean it has an inherent capacity to distinguish
- Not sufficient that TM has potential to acquire distinctiveness
- Inherent distinctiveness relates to essential permanent and intrinsic characteristic of TM

Unilever v Nestle [2006] FCA 782

Bennett J:

- GO ON . . . was part of an exhortation to try the product and no more likely to be taken as distinguishing the goods than “indulge” or “treat yourself”
- GO ON . . . was a common exhortation used by other traders
- Thus GO ON . . . was not inherently adapted to distinguish
- Even if GO ON . . . were to some extent inherently adapted to distinguish, Nestle did not intend to use it as a badge of origin for purposes of s.41(5)
- TM cancelled

UGH-BOOTS - *Deckers Outdoor Corporation v B&B McDougal [2006] ATMO 5*

- McDougalls applied for removal of Deckers' TM UGH-BOOTS for 3 years non-use
- Deckers relied upon:
 - alleged sales to Australia from website www.uggaustralia.com
 - SMH advertisement



GENUINE UGH BOOTS® FROM
THE LEADER IN LUXURY SHEEPSKIN
FOOTWEAR AVAILABLE AT
WWW.UGGAUSTRALIA.COM

UGH-BOOTS - *Deckers Outdoor Corporation v B&B McDougal [2006] ATMO 5*

- Witnesses for McDougalls said they ordered but never received goods from that website
- Website only permitted orders from USA, Canada and UK
- Website did not use exact TM UGH-BOOT
- Evidence of dictionary definitions of UG, UGG and UGH
- Some dictionary entries referred to TM status
- Evidence that dictionary editors relied on claims by TM owners
- No dictionary entry for UGH-BOOTS
- Evidence of Yellow Pages entries for UG, UGG and UGH BOOTS

UGH-BOOTS - *Deckers Outdoor Corporation v B&B McDougal [2006] ATMO 5*

Hearing Officer Thompson:

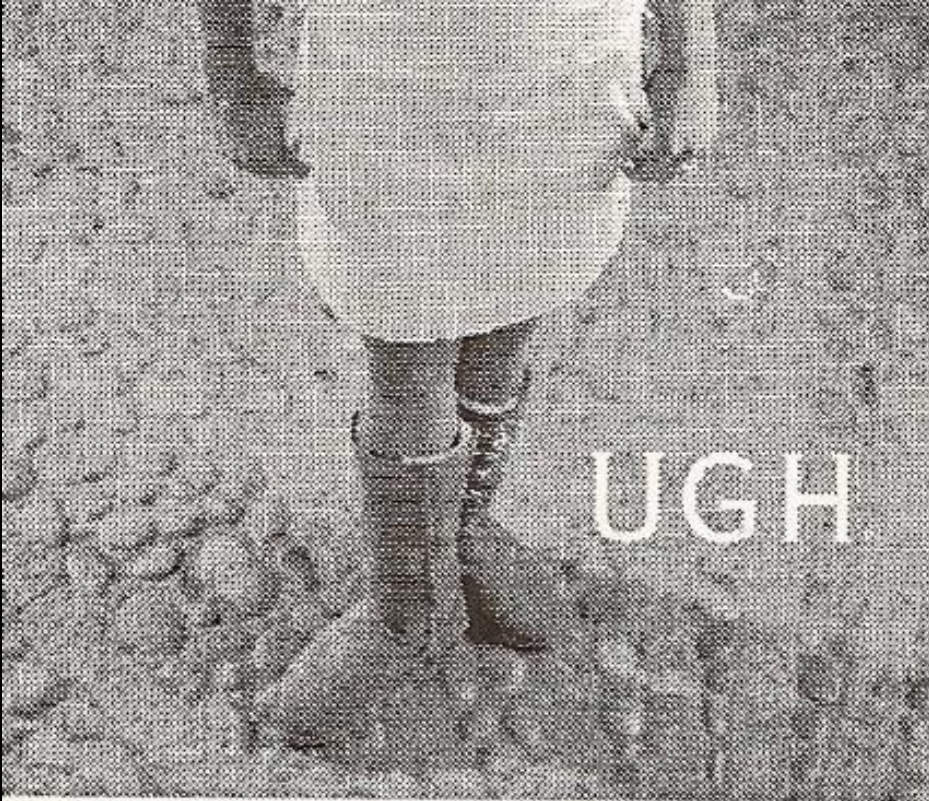
- Deckers' website not specifically aimed at purchasers in Australia, thus TM not used in Australia (*Ward v Brodie*)
- Dictionary definitions are not binding and should be viewed within the totality of the evidence
- UGH BOOT(S), UG BOOT(S) and UGH BOOT(S) are interchangeably used to describe style of boots and thus lack any inherent capacity to distinguish

UGH-BOOTS - *Deckers Outdoor Corporation v B&B McDougal [2006] ATMO 5*


Hearing Officer Thompson:

- Any TM status of UGH-BOOTS must derive from hyphen
- Omission of hyphen, or misspelling, changes identity of TM to a generic term
- Uses of generic terms by Deckers are not uses of its registered TM UGH-BOOTS
- Thus, no use of registered TM UGH-BOOTS in SMH advertisement
- Deckers had not demonstrated other exact use of UGH-BOOTS
- TM removed

UGH-BOOTS - *Deckers Outdoor Corporation v B&B McDougal [2006] ATMO 5*



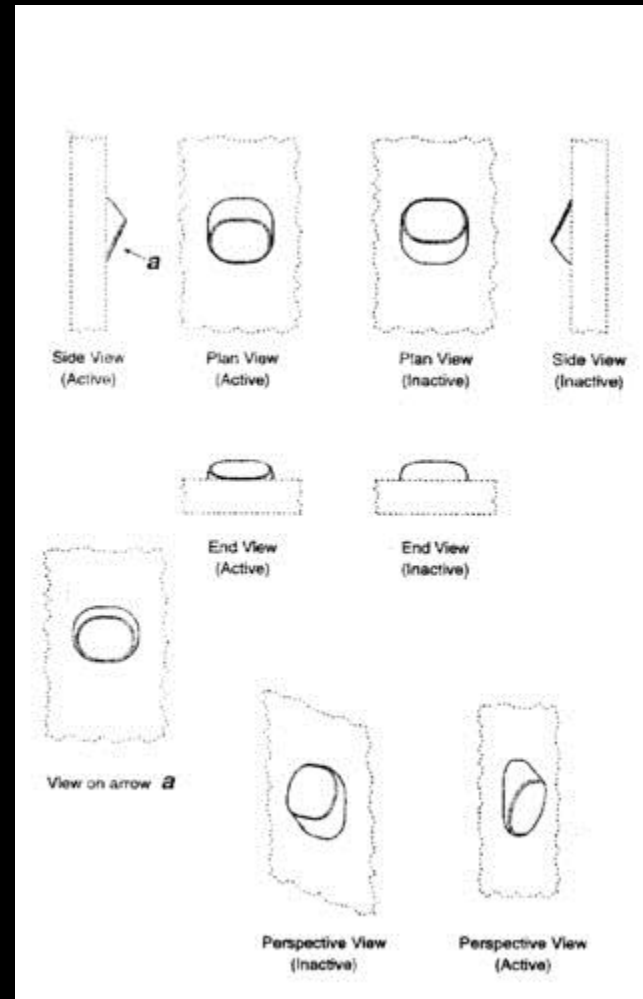
UGH

UGG®
australia


GENUINE UGH BOOTS® FROM
THE LEADER IN LUXURY SHEEPSKIN
FOOTWEAR AVAILABLE AT
WWW.UGGAUSTRALIA.COM

Clipsal Australia Pty Ltd [2005] ATMO 64

- Clipsal sought registration of shape of electric switches, for electric switches etc



Clipsal Australia Pty Ltd [2005] ATMO 64

Hearing Officer Thompson:

- The shape is used by persons in the electrical trade to distinguish Clipsal's goods
- That conclusion assisted by the facts that the TM is unique and designed by the owner, although those facts not determinative
- When switch is affixed to walls, the word TM CLIPSAL is inside the wall and not visible
- Persons in the electrical trade then rely on the shape of the switches to identify their trade origin

Clipsal Australia Pty Ltd [2005] ATMO 64

Hearing Officer Thompson:

- On s.41(3), the shape lacks inherent capacity to distinguish
 - Clipsal required to educate the electrical trade that the shape designates goods as Clipsal's
- On s.41(6), the shape has become distinctive because:
 - over 98% of the goods are sold within the electrical trade
 - majority of trade distinguish Clipsal's goods by shape
 - substantial sales and advertising

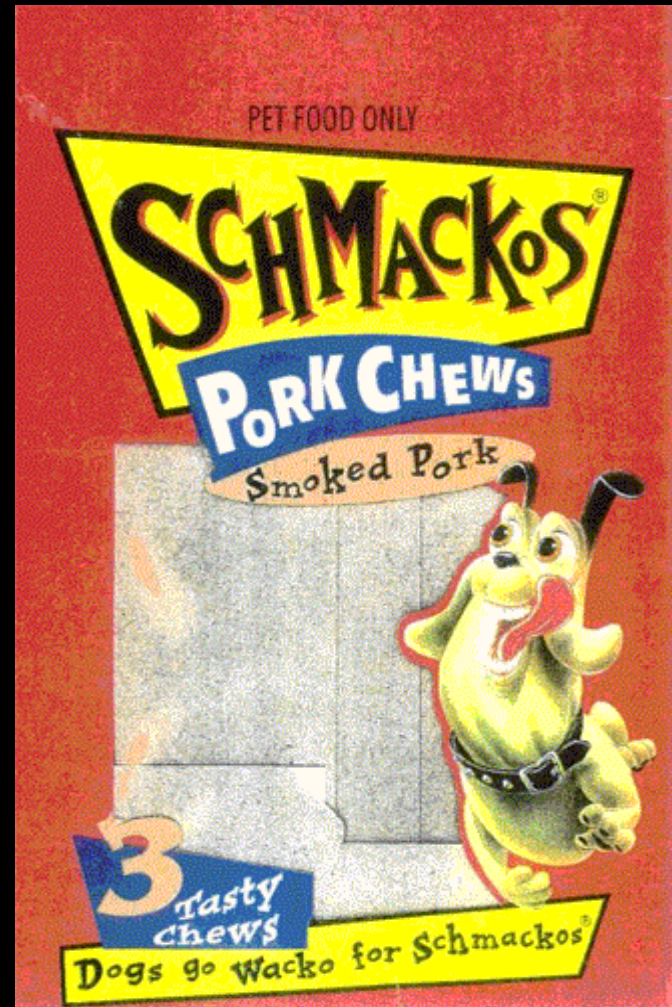
***Clipsal Australia Pty Ltd* [2005] ATMO 64**

Post script:

- Application accepted, advertised 8 December 2005
- Opposition filed on 8 March 2006 by HPM Industries Pty Ltd
- Evidence in support not yet filed
- Opposition hearing 2007?
- Federal Court Appeal??
- Stay tuned for TM Updates in 2008? 2009?
- Would this registration amount to perpetual design monopoly?

Effem Foods v Wandella Pet Foods [2006] FCA 767

- Effem was registered owner of TMs for dog food:
 - SCHMACKOS
 - DOGS GO WACKO FOR SCHMACKOS



Effem Foods v Wandella Pet Foods [2006] FCA 767

- Wandella sought registration of WHACKOS for dog food
- Effem unsuccessfully opposed, appealed to Federal Court

Moore J:

- Effem had not used GO WACKO as a common law TM
- WHACKOS not deceptively similar to SCHMACKOS
- But WHACKOS deceptively similar to DOGS GO WACKO FOR SCHMACKOS
- S 44 opposition established

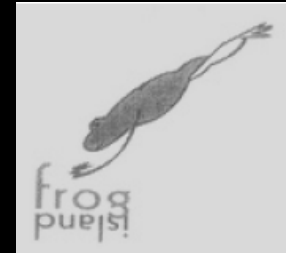
Australian Olympic Committee v ERI Bancaire Luxembourg SA [2006]
ATMO 29

- ERI applied for TM: OLYMPIC BANKING SYSTEM
- Australian Olympic Committee opposed

Hearing Officer McDonough:

- Not contrary to law, against either
 - *The Olympic Insignia Protection Act 1987*
 - S 52 of the *Trade Practices Act 1974*
- TMs not substantially identical or deceptively similar
- Opposition dismissed

S43 – FROG ISLAND wine



- Ralph Fowler Wines applied for TM for wines produced in the Mount Benson region in South Australia
- Griffin Pastoral Company opposed - it has a 'Frog Island' property and proposes to make wine there

Hearing Officer Thompson:

- FROG ISLAND has confusing connotation which suggests wines are produced at the opponent's property
- No need to show that the meaning of FROG ISLAND is known to Australians at large

Griffin Pastoral Company Pty Ltd v Ralph Fowler Wines Pty Ltd [2005] ATMO 71 (24 November 2005)

S 43 – GLENN OAKS whisky, BAVARIA beer



Hearing Officer O'Brien:

- If TM were used on Scotch style whisky, it would have confusing connotation that whisky was from Scotland
- However, not confusing or deceptive if used on bourbon

The Scotch Whisky Association v Marlon Dewitt and John Tormey [2006] ATMO 43 (30 May 2006)

Hearing Officer O'Brien:

- Confusing connotation that beer is from Bavaria
- Despite presence of "Holland"

Verbrand Bayerischer Ausfuhrbrauereien

Eingetragene Verein v Bavaria N.V. [2006] ATMO 53



Substantially identical TMs

•



v



Cinema

Food including confectionary

Hoyt Food Manufacturing Industries Pty Ltd v The Hoyts Corporation Pty Ltd [2006] ATMO 1 (6 January 2006)

•



v



Restaurant, bar etc

Peter Harburg v Paramount Pictures Corporation [2006] ATMO 15 (31 January 2006)

Substantially identical TMs



v



Both for flower retailing, delivery and arrangements.

Fresh Intellectual Properties Inc v Russell Goldman [2006] ATMO 21 (28 February 2006)



v

CLARITY

Computer software, programming services and internet domain name registration and management.

Clarity International Limited v Clarity Software Pty Ltd [2006] ATMO 20 (27 February 2006)

Not substantially identical TMs

•



v

05

Clothing etc

GTFM Inc v Peter Geoffrey Brock [2006] ATMO 13 (27 January 2006)

Deceptively similar – words and devices



Cinemas

Foods

Hoyt Food Manufacturing Industries Pty Ltd v The Hoyts Corporation Pty Ltd [2006] ATMO 1 (6 January 2006)



Fruit wines

Alcohol, brandy, liqueurs and aperitifs

Societe Jas Hennessy & Co v Paradise Estate Wines Pty Ltd [2006] ATMO 40 (22 May 2006)

Deceptively similar – words and devices



Food, drinks etc

Unilever Ltd v Taonga Nui Holdings NZ Ltd [2006] ATMO 6 (16 January 2006)



Goods, Toys and Playthings Health & fitness equipment

Geoffrey Inc v Paul Fordham [2006] ATMO 18 (23 February 2006)

Deceptively similar – words and devices



v



Paints etc

3M Company v David Guthries & Polytech 5000 Pty Ltd [2006] ATMO 76 (15 August 2006)



v



Energy drinks etc

Red Bull GmbH v Carabao Tawandang [2006] ATMO 60 (18 July 2006)

Deceptively similar – words and devices

- INTELEC ENGINEERING v INTEL

Software applications and
analogue and digital circuit design

Microprocessors



Intel Corporation v Intelec Engineering Pty Ltd [2006] ATMO 38 (8 May 2006)

- SONJA CHLOE v CHLOE

clothing, footwear, headwear

clothing, excluding footwear

Chloe SA v Lin Australia Pty Ltd [2006] ATMO 10 (20 January 2006)

- MIND YOUR OWN FINANCIAL PLANNING

- v MIND YOUR OWN BUSINESS

MYOB Technology Pty Ltd v Slick Solutions Pty Ltd [2006] ATMO 47 (19 June 2006)

Not deceptively similar - words

- PENFOLDS GRANGE (wine) v TENFOLDS GRUNGE (wine)

Hearing Officer Thompson: “an obvious parody that, to my mind, sets it completely apart”
Southcorp Limited v Morris McKeeman [2006] ATMO 48 (19 June 2006)

- GLUCODIN (glucose food preparation) v GLUSULIN (food additives)
Nurofen Limited v Use Techno Corporation [2005] ATMO 68 (21 November 2005)

- PARAIISO (lychee liqueur) v PARADISO (alcohols and brandy)
Societe Jas Hennessy & Co v Louis Royer SA [2006] ATMO 42 (26 May 2006)

- McKIDS, McBABY (clothing etc) v MCBRAT (clothing etc)
McDonalds Corporation v McBratney Services Pty Ltd [2006] ATMO 71 (2 August 2006)

Not deceptively similar – words and devices

• **KIDSMART, KIDSTART**

v



Henkel KgaA v Sanostra Enterprises Pty Ltd [2005] ATMO 65 (7 November 2005)



Edible Oil &
Oil products v



Virgin Enterprises

Virgin Enterprises Limited v Virgin International Pty Limited [2006] ATMO 3 (16 January 2006)



Alcoholic beverages

v



Alcoholic beverages

Diageo Australia Limited v Spirits International NV [2006] ATMO 7 (19 January 2006)

Not deceptively similar – words and devices

•



V

**MELALEUCA...THE
WELLNESS COMPANY**

Technogym SpA v Melaleuca Inc [2006] ATMO 8 (20 January 2006)

•



V

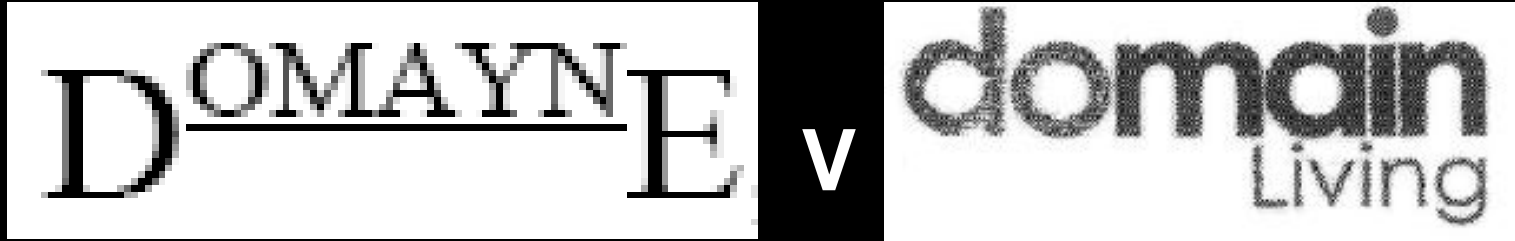
SLURPEE

Frozen beverages, ice drinks, syrups and concentrates.

7-Eleven, Inc v Harry Petridis & Simon Wittaker [2006] ATMO 12 (31 January 2006)

Not deceptively similar – words and devices

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Retail and wholesale bedding, furniture and home wares etc

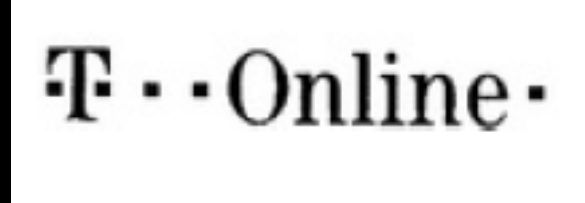
Harvey Norman Retailing Pty Ltd v Domain Furniture Pty Ltd [2006] ATMO 22 (28 February 2006)

Not deceptively similar – words and devices



On-line Celebrity gossip

v



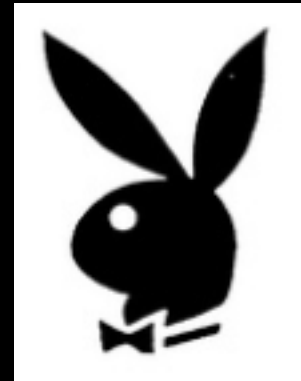
Publishing of on-line journals etc

Deutsche Telekom AG v E! Entertainment Television Inc [2006] ATMO 33 (10 April 2006)



Bottle holders etc

v



Kitchen utensils, bottle openers etc

Playboy Enterprises Inc v Auszan Pty Ltd [2006] ATMO 9 (20 January 2006)

Not similar goods or services

- Publishing books, magazines, journals, manuals etc on-line

v

Providing gossip, celebrity news and entertainment on-line

Deutsche Telekom AG v E! Entertainment Television Inc [2006] ATMO 33 (10 April 2006)

- ESKY ice chests, coolers v THE ESKY retail sale of alcohol

Nylex Corporation Pty Ltd v Pencray Pty Ltd [2006] ATMO 28 (31 March 2006)

- Wine bottle holders, mugs, bottle holders

v

wines, spirits and liqueurs

Playboy Enterprises Inc v Auszan Pty Ltd [2006] ATMO 9 (20 January 2006)

Stay tuned . . .

- Amendments to TM Regulations consequential to Intellectual Property Laws Amendment Act 2006
- High Court appeal: BP v Woolworths
- TMO opposition decisions on bad faith
- Clipsal switch shape TM opposition