

**Senate Standing Committee on Environment and Communications**

**Answers to Senate Estimates Questions on Notice**

**Additional Estimates February 2017**

**Communications Portfolio**

**Australia Post**

**Question No: 67**

**Australia Post**

**Hansard Ref: Page 62, 28/02/2017**

**Topic: Cost of lost cases to taxpayers**

**Senator Hanson-Young, Sarah asked:**

**Senator HANSON-YOUNG:** I know you have had a long day and I really wanted to get to what it is that Australia Post does, and the money that is being spent on cases like this. Can you tell me how much it cost the taxpayer last time you lost one of these cases in the Federal Court?

**Mr Fahour:** I am happy to take that on notice.

**Senator HANSON-YOUNG:** Are there any other IP cases or cases that Australia Post has been engaged in in regard to opposing trademarks in the last five years? Could we have a list of those?

**Mr Fahour:** I will take that on notice.

**Answer:**

**(1) Most recent Federal Court challenge**

Between 2012 and 2013, Australia Post unsuccessfully challenged the trade mark application “Digital Post Australia” in the name of Digital Post Australia Pty Ltd. The challenge cost Australia Post approximately \$2.4 million (inclusive of GST and disbursements).

**(2) Other trade mark opposition proceedings that Australia Post has been engaged in over the past 5 years are:**

- In 2013, Digital Post Australia opposed three trade mark applications filed by Australia Post (Nos. 1480493, 1480496 and 1480632). The proceeding coincided with the Federal Court hearing and the three trade marks were subsequently registered.
- “MyPost” trade mark application number 1604611 filed by Australia Post and opposed by a third party. The opposition decision was dismissed (matter of public record) and a formal resolution to the matter was reached between the parties on confidential terms of settlement (2016).
- “PEOPLEPOST” trade mark application number 1747775 and “P Device” trade mark application number 1747776 were filed by a third party and opposed by Australia Post. The matter resolved between the parties on confidential terms of settlement (2016) and the opposition was withdrawn.

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- “Posty” trade mark application number 1698305 was opposed by Australia Post. The matter resolved between the parties on confidential terms of settlement (2015) and the opposition proceeding was withdrawn. The trade mark is registered for services not similar to the core services provided by Australia Post.
- “The Parcel” trade mark application number 1649272 was opposed by Australia Post and the matter resolved between the parties on confidential terms of settlement (2015). The trade mark was registered with amended service specification.