

Monday February 04

Complaints Division
ASIC
PO Box 4000,
Gippsland Mail Centre
Vic 3841

Cc : Chief of Staff Australian Financial Review

To whom it may concern,

I am director of several companies, one of which manufactures a chemical free computerised water conditioner proving itself to be a breakthrough salinity solution, called HYDROSMART INTERNATIONAL Pty.Ltd. Our website is www.hydrosmart.com.au .

We were looking at various market strategies to take our project forth and determined that we could take our product further if we had a separate marketing company with a good name to move the product. We conducted the necessary business and company searches that ASIC advise one undertakes, to verify the all clear status of a company name.

This was completed at the Adelaide ASIC offices several weeks back and we were advised by ASIC personnel that by paying \$ 330 to transfer the name across from one of my other companies : Aquaco Environmental Technologies Pty.Ltd to : VIRGIN WATER Pty.Ltd, we had immediate entitlement to trade under that company name as it was legally available and our payment and application forms would secure the right to use that name in Australia and elsewhere.

As ASIC are the Federal Department which one assumes is the final voice in the rights to take on corporate identity and is charged with the responsibility to monitor abuses of the identities by the Government, I was most surprised and disappointed when having paid my money to ASIC, Virgin Enterprises Limited contacted us via their international Solicitors around 4 weeks later to advise us to cease and desist, as we were in great jeopardy of a legal battle with a very expensive law firm if we were to trade under the name Virgin Water in Australia.

In the letter they eloquently state the case for their Trade Mark entitlement to take up legal actions against breach of Trade Mark law over corporate naming rights within Australia.

It has cost us \$ 330 to transfer the name plus a great deal of wasted time and effort to enact that process and it will now cost \$ 330 to transfer away from that name to avoid legal action by V.E.L , involving more wasted time and effort. Thus a small bill of \$ 660 from ASIC. However, we are now also at risk of VIRGIN Enterprises Limited's legal team pursuing us for legal costs and have great expense of wasted graphic artists design costs, publishing costs for our literature all in the name VIRGIN WATER which will come into the several thousands of dollars.

Why then do you proceed to keep the information sharing of another Australian Federal Department (IP Australia) from being accessed in the searches to determine if the name for an Australian entity is AVAILBLE and "USABLE" . Is it that the Federal government department's ASIC makes great revenue in charging fees which it knows are for unusable company names, when the information is cross checked with IP Australia ?

Your reply may like to take the lines of it is our (the directors) legal liability to determine all such scenarios, however as a small operator with limited legal knowledge it would seem that a great many other Australians are inconvenienced by this great anomaly of political multi-layered red tape which took Richard Branson's International law firm to make patently clear in bullet points in less than one page (please see include copy of the letter) .

Why do you not put searches together under Trade Marks, Company and Business Names ?

I am sending in with this letter my application form and cheque for \$ 330 to change the name BACK TO WHAT IT WAS SEVERAL WEEKS AGO. I could also send ASIC my invoices for artwork and printing costs which come to an additional several thousand dollars for what is now useless literature as the name VIRGIN is protected in Australia under Trade Mark law, apparently.

I ask that the cheque accompanying this letter for \$ 330 to transfer the name back to AET be returned un-presented and state that it was my experience that ASIC's willingness to charge and take money for an un-tradable name was what caused all this mess in the first place thus the initial payment of \$ 330 should also be refunded to my company to ease the inconvenience of this debacle.

Respectfully Yours

Paul Pearce
Managing Director
Virgin Water Pty.Ltd soon to be Aquaco Environmental Pty.Ltd
Aquaco Australia Pty.Ltd
Hydrosmart International Pty.Ltd