

I have read with interest the discussion article.

One point I would like to note is that with my company Linux Australia Pty Ltd, I performed the ASIC search and also a trade mark search. There was no trade mark registered.

Since then after costly branding etc, we have found out that there is a common law trade mark in effect and have been contacted by solicitors representing Linux Australia Incorporated.

This could obviously occur in lots of cases as there is no way of telling if a business or company in another state has been using a common law trade mark.

It would be good to have this reviewed and maybe only have registered trade marks in the future.

Also as we applied for trade mark it is now unlikely to be approved as Linux is an operating system and Australia is obviously the country. Do we still have rights to trade under the name, especially with the emergence of the other business?

We have been to lawyers at great cost regarding this, but they themselves are not crystal clear on the law.

It has been a big learning experience but one of cost and time for a start up company

Regards

Suzannah Williams  
Marketing Director

Linux Australia