



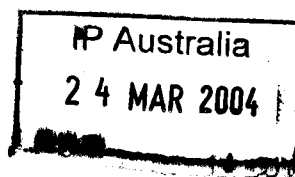
DEPARTMENT OF JUSTICE
SOLICITOR FOR THE NORTHERN TERRITORY

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Our Ref: POL2004/37
Your Ref:

22 March 2004

Mr Jeff Roberts
The Advisory Council on Intellectual Property
PO Box 200
WODEN ACT 2606



Dear Mr Roberts

REVIEW OF THE RELATIONSHIP BETWEEN TRADE MARKS AND BUSINESS NAMES, COMPANY NAMES AND DOMAIN NAMES

I refer to Professor Andrew Christie's letter of 16 January 2004, seeking comments in relation to the review being conducted by the Advisory Council on Intellectual Property on the relationship between trade marks and business names, company names and domain names. I apologise for the delay in providing comments in regard to the issues raised in this review.

It is clear that the current educative measures are not working in reducing the confusion as to the legal nature of business and company names. This is only, at the margins, a result of the spilt in responsibility for company and business names between the Commonwealth and State/Territories respectively. Education still remains a key requirement in addressing any misconceptions, and better results may be achieved in the future through a co-ordinated education response from the Commonwealth, State and Territory Governments.

At this point in time it is very unlikely that extinguishing the State/Territory business names registers would result in a satisfactory state of affairs for consumers and local businesses. Whilst saying this, a central register of business names may have some merit. However it is unlikely that it will on its own alter any misconceptions as to the nature of business names and company names.

At present, a trade mark register search is encouraged when a business name is registered in the Northern Territory but there is no local office and any searches have to be undertaken interstate. A compulsory trade mark register search would result in



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practical difficulties that would far outweigh the benefits to be gained if it were to be introduced.

In relation to the introduction of a two-tier trade mark system and the issues associated with domain names, I express no opinion one way or the other at this point in time.

I hope that these observations are of some use to you at this time.

Yours faithfully



ROBERT BRADSHAW