

From: [MDB-TMHeadstart](#)
To: [Stonebridge Wines](#)
Subject: RE: IP Australia TM Headstart Correspondence - Assessment Results [SEC=UNCLASSIFIED]
Date: Wednesday, 29 July 2015 11:41:43 AM
Attachments: [image001.png](#)
[image002.png](#)

Dear Craig and Lisa

Thankyou for your email.

If you wish me to consider your evidence of Honest Concurrent Use **you must first pay the Part 2 Fee**. Once that has been done, after a review of the application and an additional search of the database, you will then receive a formal examination report in the mail. You will then have 15 months in which to address the issues, including through attempting to provide sufficient evidence of use.

Due to the fast turnaround nature of TM Headstart **I am unable to consider these kinds of submissions unless the Part 2 fee is paid**, converting the and the TM Headstart request to a standard application.

Also, as indicated in the results report, your **TM Headstart request will discontinue** after 11:59pm 5 August **2015** if the part 2 fee is not paid by that time, or a major amendment requested and paid for which would grant a further 5 days for me to re-assess the trade mark and consider the proposed changes.

The Part 2 Fee, and TM Headstart Amendments, can be submitted via [eServices](#)

Also, information regarding supplying evidence of use under section 44 of the *Trade Marks Act* 1995 can be found at the following link to or website:

http://www.ipaustralia.gov.au/get-the-right-ip/trade-marks/trade-mark-application-process/examination-process/evidence_of_TM_use/

You will note that the evidence will need to be supplied in declaratory form, and contain examples of trade mark use supporting your declaration. As indicated above, I cannot consider any of this evidence unless the Part 2 Fee is paid.

In terms of amendments after the part 2 fee is paid, as per the results report “minor amendments that do not extend the scope of your claim” can be allowed. Some examples of allowable amendments after the part 2 fee are:

- refinement t the range of goods claimed that do not broaden the scope; or
- minor changes to the representation of a trade mark which do not affect the identity of the trade mark; or
- addition of endorsements to limit the geographical origin of the goods, such as required under the section 42 and 43 issues being discussed in the results report.

I hope this information is of assistance.

Regards

James McPhail

Phone: 02 6225 6187

TM Headstart



Email: tmheadstart@ipaaustralia.gov.au

Phone: 1300 65 10 10



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Please note: From February 2014 all service requests to IP Australia must be submitted via the eServices channel at <http://www.ipaustralia.gov.au>
Service Requests sent by email to IP Australia will not be accepted after this date.
We encourage all customers to begin using the eServices channel as soon as they are able.

Visit us at <http://www.ipaustralia.gov.au>

From: Stonebridge Wines [mailto:stonebridgewines@bigpond.com]
Sent: Wednesday, 29 July 2015 11:07 AM
To: MDB-TMHeadstart
Subject: RE: IP Australia TM Headstart Correspondence - Assessment Results [SEC=UNCLASSIFIED]

Hi James

Further to our application regarding using Stone Bridge in our trade mark name, & why we believe there is no conflict with the Stone Bridge Wines of Clare Valley Name

- There are other registered trade marks using the name Clare, or using another region (ie Padthaway, Eden) in their trademark
- There are other trade marks using the same word in their title ie Browns.
- We have been growing grapes, producing wine, & growing our business since 1998
- We purchased the Clare property in 1993. It was called Stone Bridge at the time. After the original stone bridge over the winter creek. This gave us the idea for our wine label.
- Our registered company names are: Stone Bridge Wines Pty Ltd & Stone Bridge Wines Australia Pty Ltd
- We have a web domain as stonebridgewines.com.au
- We have a facebook page called Stone Bridge Wines
- A liquor licence & export licence as Stone Bridge Wines
- After planning & producing since 1998, we released our first commercially available wines in 2005. We have now grown to produce [REDACTED].
- We only use grapes from the Clare Valley in our production, & have no intention to use grapes from another region. Our philosophy is to make wine from grapes

from our region only.

- We opened our cellar door in 2008. Extending to a alfresco restaurant 6 months later. We offer a unique experience & have forged an undeniable reputation.
- We have been listed in Halliday's Wine Companion as a 4.5 star winery since 2008
- [REDACTED]
- We don't feel there is any confusion between us & Stonebridge Estate in WA. We are 2 vastly different businesses. As we understand it they produce less than 10 tonnes & predominately produce sparkling wines. We have never had anyone comment or compare us to them.
- We didn't realise we had to trademark a name, as we had registered the name as a company. And believed we then had the name Stone Bridge Wines. (until watching Shark Tank recently where it was discussed!)- hence our application.
- Our wine labels are unique. All our wine labels clearly state Stone Bridge Wines, Clare Valley & depict a stylised bridge.

Thank you for considering our application for the **Stone Bridge Wines of Clare Valley** trademark.

Your report indicates the part 2 payment is to be made prior to 5th August. The site states no amendments can be made if this is paid. Do we go ahead with the payment, or wait for further correspondence from you after you have read our response above? Please don't hesitate to contact to discuss further.

Kind Regards

Craig & Lisa Thomson

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From: tmheadstart@ipaaustralia.gov.au [<mailto:tmheadstart@ipaaustralia.gov.au>]
Sent: Wednesday, 29 July 2015 9:39 AM
To: stonebridgewines@bigpond.com
Subject: IP Australia TM Headstart Correspondence - Assessment Results
[SEC=UNCLASSIFIED]

Dear Stone Bridge Wines Australia Pty Ltd

Trade Mark Number: 1709795

Please read the attached Results report regarding your recent TM Headstart Request. The report contains important information including the **discontinuation date** for your TM Headstart Request (i.e. the **final date** for payment of the Part 2 fee).

What to do next: After reading my report, if you are happy with your trade mark and the details please log on to IP Australia's eServices Portal and select " **TM Headstart Request Part 2 fee**" to convert your TM Headstart Request to a trade mark application.

If you wish to **AMEND** your request please log on to IP Australia's eServices portal and select " **TM Headstart Amendment**". Follow the prompts to either **add** class/es of goods and or services to your TM Headstart Request or to **amend** the representation of your request. I will contact you within 5 business days with the updated results of your assessment. *Additional fees will be payable for any additional classes or changes to your representation, please discuss the requirements for amending your TM Headstart request with me before submitting an amendment.*

Please note TM Headstart payments can only be made by credit card online. If you have difficulty making your payment please contact our Customer Service Centre on 1300 65 10 10.

Any response to this report should be lodged via eServices, however if you have any questions regarding your request or the process you may **reply email to** tmheadstart@ipaaustralia.gov.au

James McPhail
TM Headstart
Trade Marks Examination
IP Australia

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