

Request for Expedited Examination of a Trade Mark Application

Customer Information

Note this is not an e-form

Personal Details of Customer

(* denotes mandatory fields)

*Name	CSG Limited	ACN/ARB/ABN	123989631
*Address	Level 16, 344 Queen Street, Brisbane		
	Country (if not Australia)	State	Postcode
		QLD	4000
Role of Customer	<input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Agent <input type="checkbox"/> Opponent <input type="checkbox"/> Other (please specify)		
2nd Name (if required)	ACN/ARB/ABN		
Address			
	Country (if not Australia)	State	Postcode
Role of Customer	<input type="checkbox"/> Applicant <input type="checkbox"/> Agent <input type="checkbox"/> Opponent <input type="checkbox"/> Other (please specify)		
	<input type="checkbox"/> Additional customer details attached		

(ONLY COMPLETE IF YOUR CORRESPONDENCE ADDRESS NEEDS UPDATING)

Correspondence Address (if different from the above)

MUST BE AN ADDRESS IN AUSTRALIA (can be a PO Box)

Address				
	State	Postcode		

OR

Agent Details (only complete if you are being represented by an Agent authorised to act on your behalf)

Name	DLA Piper Australia (Attorney Code: FX)			
Address	Level 17, 140 William Street			
	Melbourne	State	VIC	Postcode 3000

Address for service of documents in Australia (if same as first address please print "as above")

*Address	See Agent Details, above			
	*State	*Postcode		

Telephone	(03) 9274 5000	Fax	(03) 9274 5111
Mobile Number			
Email Address	belinda.pritchard@dlapiper.com		
Customer Reference	SCB:TLT:0515242:0515251		



Australian Government
IP Australia

Trade Marks Act 1995 - Regulation 4.18

Request for Expedited Examination of a Trade Mark Application

Note this is not an e-form

Enter in numeric order and use block letters

Trade Mark No(s) (if known)	In the name of	Date Application(s) Filed
1447982	CSG Limited	13-Sep-2011
1447983	CSG Limited	13-Sep-2011

If trade mark no.(s) is not known, provide a description of the trade mark(s), attach a representation of trade mark(s), provide a receipt no(s) or pre-filings no(s) if filed online.

Notes on Expedition

If the applicant thinks he/she will be seriously disadvantaged because of the time taken between filing the application for registration and examination, a request may be made to have the application examined sooner.

Because of the need to assess requests for expedited examination on their individual merits, it is very difficult to set down definitive detailed criteria. However, the following is provided as a guideline only of what might justify a grant of expedited examination or what may not be acceptable.

Examples of where a request for expedited examination might be granted:

- * some court action is expected or under way, or
- * the applicant might be severely or irreparably disadvantaged in the market place (for urgent commercial or other reasons).

Examples of where a request for expedited examination might not be granted:

- * the applicant's request had no supporting reasons
- * the reason provided did not show that there was a particular commercial or other reason likely to cause severe disadvantage which might warrant "special" treatment ahead of other earlier applications.

Important: The attached declaration over the page must be completed outlining reasons for expedition.

Note: no fee applies to the filing of this form.





Australian Government
IP Australia

Declaration

For Expedited Examination of Trade Mark Application

I,
(insert name of person making declaration)

of
 State Post Code
(insert the address of person making declaration)

do declare as follows: -

If you are making the declaration for the purposes of a business or on behalf of another person complete whichever of the following is applicable

1. I am making this declaration in my capacity as

(state your position or office held and address of the place of business)

or I am making this declaration on behalf of another person

(insert name and address of other person)

2. I request the expedition of examination of trade mark application because:
(insert trade mark number or description)

The Applicant urgently seeks registration of the trade marks so that it may enforce its rights under the
Trade Marks Act 1995.

If you require more space attach as many A4 sheets of paper as required. Sign and date the last sheet attached and write the name of the person signing.

I make this declaration conscientiously believing the statements contained in this declaration to be true in every particular

(Signature of person making declaration)
Date
Place

Before me,
(Signature of person before whom declaration is made)
(Title and capacity of person before whom declaration is made)

Name (print)
DLA Piper Australia
140 William Street, Melbourne
An Australian Legal Practitioner within the meaning of the Legal Profession Act 2004

Note: A declaration may be made before a magistrate, a justice of the peace, a commissioner for affidavits, a commissioner for declarations, a notary public, a patent attorney, a diplomatic or consular officer or a person before whom a statutory declaration may be made under *Statutory Declarations Act 1959* or the law of the State, Territory or foreign country where the declaration is made.





TXR x3
TSD x3.

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**NOTE - EVIDENCE FORWARDED
TO EXAM SERVICES**

Registrar of Trade Marks
IP Australia
PO Box 200
WODEN ACT 2606

Our reference



RLS/SZP/3150481/515242
AUM/1203624782.1

19 June 2013

Dear Registrar

**AUSTRALIAN TRADE MARK APPLICATION NOS. 1447982, 1447983 AND
1531712 IN THE NAME OF CSG LIMITED**

We refer to the Examiner's Reports dated 17 October 2011 and 20 April 2013 in respect of the following Trade Mark Applications:

TM Application No.	Trade Mark	Classes
1447982	CSG (CSG word mark)	9, 16, 35, 37, 38, 41, 42, 45
1447983	 (CSG device)	9, 16, 35, 37, 38, 41, 42, 45
1531712	 (CSG device series)	9, 16, 35, 37, 38, 41, 42, 45

(together, the CSG Marks).

EXAMINER'S OBJECTIONS

The Examiner has objected to the CSG Marks on the following basis:-

- s44 - similar to prior marks for the same or similar goods and services (classes 9,16, 35, 37, 42 only)
- specification of goods and services (classes 9, 35, 38 only)
- invalid series (CSG device series only)

SECTION 44 OBJECTION

The Applicant (CSG Limited or CSG) respectfully disagrees that the CSG Marks are deceptively similar to all of the cited marks or that the CSG Marks specify goods and services that are the same or similar to that of the cited marks.

IP Australia No. 4
19 JUN 2013
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A list of offices and regulatory information can be found at www.dlapiper.com

Most significantly however, CSG has been using the CSG Marks for many years. We **enclose** a statutory declaration made by Neil Lynch, Chief Financial Officer of CSG dated 17 June 2013, together with **Exhibits NAL-1 to NAL-18 (the Lynch Declaration)** as evidence of use of the CSG Marks.

The Lynch Declaration clearly demonstrates that:

- CSG is a leading Australian-owned print and communication solution specialist, supplying leading multi-function devices, photocopiers, printers, consumables and software solutions.
- CSG has a long history in providing CSG's goods and services under or by reference to the CSG Marks, which have been used continuously by CSG in all marketing and communications to promote CSG's business activities since at least 2001 (CSG word mark), 2007 (CSG device) and 2012 (CSG series device) (see the Lynch Declaration, paragraphs 17 to 25 and **Exhibits NAL-2 to NAL-18**).
- All use of the CSG Marks since 2001 is use of the CSG word mark.
- From at least 2007, CSG continuously and consistently used the CSG device.
- In 2012, CSG updated its logo from the form of the CSG device to the more modern form of the CSG device series. Since 2012, CSG has continuously used the CSG device series and is phasing out use of the CSG device.
- CSG has achieved significant growth in total sales over the last seven years with sales revenue increasing from \$76 million in 2006/2007 financial year to over \$202 million in 2011/2012 financial year, with \$1.2 billion sales revenue since 2006/2007 (see Lynch Declaration paragraph 25.10).
- CSG is a highly renowned and successful print and communication specialist, as evidenced by the numerous multimillion dollar high-profile multi-year service contracts with various Commonwealth and State Government entities since 2007 (see Lynch Declaration paragraph 16).
- Since 2010, CSG has been recognised by respected trade and industry partners (including Cannon, Oracle and Microsoft), receiving numerous awards in both the print and IT sectors (see Lynch Declaration paragraph 14, and **Exhibit NAL-1**).
- Since 2006/2007, CSG has spent over \$5.4 million dollars on media advertising and promotional material featuring the CSG Marks (see Lynch Declaration paragraph 25.8).
- Since 2010, CSG has spent more than \$1 million dollars on promotional activities, such as sponsorship of the Brisbane International Tennis tournament and the Sydney Swans AFL team (see Lynch Declaration paragraph 25.7).
- CSG has a strong internet presence, as demonstrated by the number of visits to the CSG website (www.csg.com.au) (see Lynch Declaration paragraph 25.9).



The cited marks have the following priority dates:-

No	Priority Date
928810	09/08/2002
928819	09/08/2002
1382628	31/08/2010
1434540	10/06/2011
1116182	02/12/2011

The evidence of use submitted by CSG shows prior use of the CSG word mark and CSG device mark for all but the first two citations, and in respect of those first two citations it demonstrates long term honest concurrent use. In respect of the CSG device series the evidence shows honest concurrent use, which while not as long in duration is significant in terms of advertising and marketing and sales of goods and services.

The CSG device series is also a 'refresh' of CSG's logo that forms the CSG device mark. The purpose of a 'refresh' is to modernise the logo while maintaining the identity, and consumer recognition, of the old logo. As such the mark of the CSG device series contain all the same essential features as the CSG device and are also similar in many less essential features. As such we respectfully submit that the use of CSG device mark should be taken into account when considering the use of the CSG device mark

We respectfully submit that in light of the significant evidence of use the objections raised under section 44 should be withdrawn.

Commercially sensitive information

The information disclosed paragraphs 25.7.1, 25.8.3 and 25.10 of the Lynch Declaration, and the corresponding paragraphs of this submission, is commercially sensitive and confidential to the Applicant, relating to its business affairs within the meaning of section 43 of the *Freedom of Information Act 1982 (Cth) (FOI Act)*. Disclosure may cause significant damage and harm to the Applicant.

Accordingly, the information disclosed in these paragraphs, and the corresponding paragraphs of this submission, should be maintained as confidential and are exempt from release in respect of any application under the FOI Act.





SERIES OBJECTION (Application No. 1531712 only)

The Examiner has objected to the registration of Application No. 1531712 (CSG's device series) on the basis of it not being a valid series in accordance with section 51 of the Trade Marks Act. CSG respectfully disagrees.

Section 51 of the Trade Marks Act allows the registration of two or more marks in a single application if the following considerations are met:

1. the trade marks resemble each other in material particulars - that is, the main identifying features of the marks must be the same or similar; and
2. the trade marks differ only in respect of the colour of any part of the trade mark (or other attributes that are not relevant here).

Application No. 1531712 for CSG's device series comprises the following marks:

			
Mark 1: CSG device in colour	Mark 2: CSG device in grey-scale	Mark 3: CSG device in black and white	Mark 4: CSG device in white with black background

Consideration 1: All marks must resemble each other in material particulars

As shown in the table above, the CSG device series comprises four identical marks that differ only in respect of colour. The marks are identical in size and shape, each comprising identical shading and patterning that give the marks a three-dimensional affect. This three-dimensional presentation of CSG in capital letters is the dominant feature of the marks.

Consideration 2: Differing attributes of the marks

As shown in the table above, the marks that make up the CSG device series are identical trade marks, that differ only in respect of colour - Mark 1 is CSG presented in colour, Mark 2 is CSG presented in grey-scale, Mark 3 is presented in black and white (Mark 3), and Mark 4 is presented in white on a black background.

CSG respectfully submits that each of the marks that make up the CSG device series have the same identifying features and therefore resemble each other in material particulars. Further, the CSG device series comprises marks that differ only in respect of colour. CSG submits that the CSG device series is therefore a valid series under section 51 of the Trade Marks Act.

FORMALITIES OBJECTIONS

The Examiner has also objected to the CSG Marks on the basis of a lack of clarity in the specification of goods and services.

CSG respectfully requests that the specification of services for the CSG Marks be amended as follows:

Class 9:	Computer software including tailored software solutions; operating system software; application software; Internet accessible downloadable software and portals; apparatus for processing and storage of information; computer based training apparatus; computer programs
Class 16	Newsletters; printed training booklets; printed manuals and documentation; documented project methodology; printed materials, including instruction manuals, process descriptions and user guides; printed materials relating to computer programs; printed computer hardware and software manuals
Class 35	Business consulting and advisory services, including the provision of contractors; project management services; advertising; business management; management of office machines and apparatus including management of printer fleets; business administration; demonstration of goods; software selection and implementation; service desk, help desk and technical services solutions; computerised data processing; preparing and writing business reports; provision of information relating to business; retail and wholesale services including retail and wholesale services relating to telecommunications equipment, electrical and electronic equipment, office machines including photocopiers, print hardware and associated consumables, photographic, cinematographic and optical, but excluding sale of bicycles and related clothing and accessories; business consultancy relating to the administration of information technology; installation, maintenance and repair services relating to office machines and equipment; agency services, including for the leasing, hire and rental of office machines, printers, copiers and print hardware
Class 37	Computer support services (installation repair and maintenance of computer hardware and peripherals); repair and installation services, including installation, repair, service and maintenance of telecommunications apparatus, office machines, copiers, photocopiers, printers, facsimile machines, scanners and multifunctional products; information technology services (computer and computer peripherals installation and maintenance), but excluding maintenance and repair of windshields and motor vehicles, and excluding the installation of windshields and anti-dazzle devices for vehicles; installation, maintenance and repair services relating to office machines and equipment;
Class 38	Communications services including rental and leasing of telecommunications equipment and office machines
Class 41	Computer training services, business training services; organizing and conducting seminars and conferences; library services; conducting training seminars and workshops
Class 42	Technological services and research and design relating thereto; computer and it consultancy services; computer programming and maintenance of computer software; installation of computer programs; configuration of computer networks; materials testing and quality control; provision of integrated technology solutions and services; design, development, management, configuration and installation services relating to computer software, computer systems, computer hardware and computer networks; software support and



	<u>maintenance services; internet accessible non-downloadable software and portals; software selection and implementation; service desk, help desk and technical services solutions;</u>
Class 45	Licensing software and computer hardware to third parties

CSG respectfully submits that the above amendments to the specification of goods and services are sufficient to clarify any ambiguity in the specification of goods and services.

CSG further submits that the narrowing of the specification of services in classes 35 and 37 is sufficient to overcome Cited Marks 1382628 and 1434540.

Conclusion

CSG respectfully submits that:

- the substantial evidence of use and promotion of the CSG Marks is sufficient to overcome the objection raised on the basis of section 44 of the *Trade Marks Act 1995* (Cth);
- Application No. 1531712 (CSG device series) is a valid series under the Trade Marks Act; and
- the above amendments to the specification of goods and services is sufficient to address the formalities objections (and the relevant cited marks).

Consequently CSG respectfully requests that each of the objections raised be withdrawn.

Yours sincerely

ROBYNNE SANDERS
Partner
DLA PIPER AUSTRALIA

Direct +61392745539

Robynne.Sanders@dlapiper.com

Enc



COMMONWEALTH OF AUSTRALIA
TRADE MARKS ACT 1995

IN THE MATTER of Australian Trade Mark
Application Numbers **1447982**, **1447983** and
1531712 in Classes 9, 16, 35, 37, 38, 41, 42, 45
in the name of CSG Limited (the **Trade Marks**)

STATUTORY DECLARATION

Statutory Declarations Act 1959

I, **NEIL ALAN LYNCH**, Chief Financial Officer of 252 Montague Road, West End, Queensland 4101, do solemnly and sincerely declare as follows:

- 1 I am the Chief Financial Officer of CSG Limited (ACN 123 989 631) (CSG, the Applicant), a company incorporated in Australia and I am responsible for the financial operations of CSG including signing off on the financial aspects of all major projects and responsibility for the financial reports of CSG. I have held this position since October 2011.
- 2 I have access to the records of CSG and I am duly authorised by CSG to make this declaration.
- 3 I make this declaration from my own knowledge and belief, except where indicated to the contrary. Where I have obtained information from others, I believe such information to be true and correct.
- 4 CSG is seeking registration of the following trade marks in Classes 9, 16, 35, 37, 38, 41, 42, 45 :
 - (a) Application No. 1447982 for CSG (CSG word mark);
 - (b) Application No. 1447983 for  (CSG. device); and
 - (c) Application No. 1531712 for  (CSG series)

(collectively referred to in this declaration as the **Trade Marks**).
- 5 I understand that the Australian Trade Marks Office has raised an objection to the acceptance of the Trade Marks under section 44 of the *Trade Marks Act 1995* (Cth).
- 6 CSG regards the information disclosed in this Statutory Declaration in paragraphs 25.7.1, 25.8.3 and 25.10:

NA

- (a) as valuable confidential information the disclosure of which would adversely affect its business activities; and
- (b) as being information relating to its business affairs within the meaning of section 43 of *the Freedom of Information Act 1982 (Cth)*.

7 The confidential information should be maintained as confidential and is provided on the basis that it must not be disclosed to any other parties other than with the express written consent of CSG and subject to appropriate undertakings of confidentiality.

Applicant's background

8 CSG is a publicly listed Australian owned print and communication solution specialist, supplying leading multi-function devices, photocopiers, printers, consumables and software solutions. Incorporated and listed on the Australian Stock Exchange in 2007, CSG's service offering includes cloud and software solutions, managed print services, consumables and service, production printing equipment, telephony and communication solutions and business finance.

9 The original CSG business was established in 1988 as a Xerox Business Centre, which provided sale and service (under contract) of document management solutions and telecommunications services, including providing integrated voice, print and data solutions to small and medium enterprises.

10 In 2001, the company that operated the Xerox Business Centre changed its name from Dynamic Images Pty Ltd to Connected Solutions Group Pty Ltd and won its first Northern Territory Government outsourcing contract. This company created the name "CSG" (an acronym for Connected Solutions Group). I understand the company was commonly referred to as CSG from that date, including when company representatives answered the phone and when referring to the company during communications with customers relating to sales or services.

11 In 2007, CSG expanded its service offering to include managed services and technology solutions, including Enterprise Resource Planning (ERP), Customer Relationship Management (CRM), business intelligence, cloud, consulting, information management, and extended its operations to all Australian States and Territories. From 2007 and continuing to date, CSG established strong alliances with Canon Australia, Hewlett Packard, Fujitsu, Microsoft, Cisco Systems and Telstra, with which it partnered to secure large Government ITC outsourcing contracts in the Northern Territory, Queensland, New South Wales, Victoria. In about 2007 CSG also became the leading provider of voice, print and data solutions to small and medium enterprises in Queensland and Western Australia.

12 Following the sale of CSG's technology business to NEC Australia in 2012, CSG continues to operate in all states of Australia offering print, communication and print software solutions, and in March 2013 launched its finance business in Australia named CSG Finance.

13 CSG has a number of trading subsidiaries, each of which use the name CSG for the goods and services provided by that entity. CSG subsidiaries include:


13.1 CSG Communications Pty Ltd;


- 13.2 CSG Enterprise Print Services Pty Ltd;
 - 13.3 CSG Print Services Pty Ltd;
 - 13.4 CSG Finance Pty Ltd;
 - 13.5 CSG Finance Australia Pty Ltd; and
 - 13.6 CSG Finance Group Receivables Pty Ltd.
- 14 Since 2010, CSG has received numerous industry awards over the years in both the print and IT sector. Some of these include:
- 14.1 2012 Canon Solutions Partner of the Year;
 - 14.2 2011 Oracle Partner Business Intelligence Partner of the Year;
 - 14.3 2011 Microsoft Dynamics CRM Partner of the Year;
 - 14.4 2011 Microsoft Dynamics Public Sector Solutions Partner of the Year;
 - 14.5 2010 Oracle Asia Pacific Applications Partner of the Year; and
 - 14.6 2010 Oracle Asia Pacific Identity Management Partner of the Year.
- 15 Attached and marked **Exhibit NAL-1** are examples of awards received by CSG bearing at least one of the marks and associated media releases.
- 16 CSG has also been awarded numerous multimillion dollar high profile multi-year contracts all of which gained significant industry attention. Some of these include:
- 16.1 2007 – Northern Territory Department of Education Managed Services Contract;
 - 16.2 2008 – Northern Territory Government Desktop and Server Contract;
 - 16.3 2009 – The Ultranet Contract for Victorian Department of Education. This was worth more than \$60 million and the largest IT contract awarded in 2009;
 - 16.4 2010 – University of Melbourne Managed Print Services Contract;
 - 16.5 2010 – Department of Treasury and Finance Managed Print Services Contract;
 - 16.6 2010 – Renewed Whole of Government Northern Territory Government Contracts;
 - 16.7 2011 – University of Sydney Managed Print Services Contract;
 - 16.8 2011 – Managed Services Contract for Australian Tax Office and Lockheed Martin; and
 - 16.9 2013 – Queensland Department of Education, Training and Employment contract for managed print services.

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The Trade Marks

17 As stated at paragraph 10 above, CSG is an acronym for Connected Solutions Group.

18 The logo  was created in or around June 2006 in preparation for CSG's public listing on the ASX which occurred in April 2007. Attached and marked **Exhibit NAL-2** is a copy of CSG's Prospectus from 2007 showing this logo.

19 A new logo  (and other versions of this logo in the CSG series mark) was created in December 2012 for use on CSG's marketing and promotional materials, including brochures, advertising, signage, invoices and purchase orders and more. This mark has already featured prominently on marketing and promotional items detailed in paragraph 25 below.

20 Goods and services have been supplied by reference to the CSG word mark by CSG since at least 2001 when CSG was first established. Goods and services were first supplied by reference to the CSG logo from 2007 when CSG issued its prospectus. The Trade Marks have been continuously since these dates in respect of :

20.1 Class: 9 Computer software including tailored software solutions; operating system software; application software; Internet accessible software and portals; apparatus for processing and storage of information; computer based training apparatus; computer programs



20.2 Class: 16 Newsletters; printed training booklets; printed manuals and documentation; documented project methodology; printed materials, including instruction manuals, process descriptions and user guides; printed materials relating to computer programs; printed computer hardware and software manuals

20.3 Class: 35 Business consulting and advisory services, including the provision of contractors; project management services; advertising; business management; management of office machines and apparatus including management of printer fleets; business administration; demonstration of goods; software selection and implementation; service desk, help desk and technical services solutions; computerised data processing; preparing and writing business reports; provision of information relating to business; retail and wholesale services including retail and wholesale services relating to telecommunications equipment, electrical and electronic equipment, office machines including photocopiers, print hardware and associated consumables, photographic, cinematographic and optical; business consultancy relating to the administration of information technology; installation, maintenance and repair services relating to office machines and equipment; agency services, including for the leasing, hire and rental of office machines, printers, copiers and print hardware

20.4 Class: 37 Computer support services (installation repair and maintenance of computer hardware and peripherals); repair and installation services, including installation, repair, service and maintenance of telecommunications apparatus,

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office machines, copiers, photocopiers, printers, facsimile machines, scanners and multifunctional products; information technology services (computer and computer peripherals installation and maintenance)

- 20.5 Class: 38 Communications services including rental and leasing of telecommunications equipment and office machines
- 20.6 Class: 41 Computer training services, business training services; organizing and conducting seminars and conferences; library services; conducting training seminars and workshops
- 20.7 Class: 42 Technological services and research and design relating thereto; computer and it consultancy services; computer programming and maintenance of computer software; installation of computer programs; configuration of computer networks; materials testing and quality control; provision of integrated technology solutions and services; design, development, management, configuration and installation services relating to computer software, computer systems, computer hardware and computer networks; software support and maintenance services
- 20.8 Class: 45 Licensing software and computer hardware to third parties.
- 21 Since 2007, all invoices and purchase orders, promotional materials, publications and resources, seminars and presentations, stationary and business cards, compliance materials, and sponsorship activities have featured the CSG logo in the following format - 
- 22 Since December 2012, CSG has used either the  or **CSG** (in colour, or black and white) on all of its invoices and purchase orders, promotional materials, publications and resources, seminars and presentations, stationary and business cards, compliance materials, and sponsorship activities.
- 23 Since 2007, the Trade Marks have also been used by CSG's contractor sales agents (CSG Master Agents), who are authorised by CSG to use the Trade Marks.
- 24 CSG exercises control over the quality of the goods and services bearing the Trade Marks that are offered by the CSG Master Agents.
- 25 The paragraphs below provide some examples of how the Trade Marks have been and are being used to sell and promote CSG's goods and services:
- 25.1 Brochures and Promotional Items - Attached and marked **Exhibit NAL-3** are examples of the following promotional items, publications and resources bearing at least one of the Trade Marks:
- 25.1.1 Copies of CSG brochures;
- 25.1.2 Copy of photographs showing CSG branded caps, t-shirts and drink bottles; and

- 25.1.3 Copy of photograph showing CSG signage on the CSG Plane Hangar located in the Northern Territory.
- 25.2 Invoices and purchase orders - Attached and marked **Exhibit NAL-4** is a sample purchase order used by CSG in 2009 that bears at least one of the Trade Marks.
- 25.3 Invitations to CSG events - CSG regularly co-hosts events in conjunction with major industry partners such as Cannon, Oracle and Microsoft. Attached and marked **Exhibit NAL-5** are examples of invitations to such events that CSG sends to its customers that bear at least one of the Trade Marks.
- 25.4 Seminars and presentations - Attached and marked **Exhibit NAL-6** are examples of materials used for presentations and seminars that bear at least one of the Trade Marks.
- 25.5 Stationary and business cards - Attached and marked **Exhibit NAL-7** are examples of stationary and business cards used by CSG and its personnel that bear at least one of the Trade Marks.
- 25.6 Compliance materials - The Trade Marks are used in compliance materials such as Australian Stock Exchange (ASX) announcements and associated media releases.
- 25.6.1 Attached and marked **Exhibit NAL-8** are examples of ASX announcements and media releases that bear at least one of the Trade Marks.
- 25.6.2 Attached and marked **Exhibit NAL-9** are examples of CSG's Annual Reports bearing at least one of the Trade Marks.
- 25.7 Sponsorship
- 25.7.1 CSG's has spent approximately \$2 million on the following promotional and sponsorship activities since 2006, including:
- (a) Brisbane International Tennis - CSG was a major sponsor of the annual Brisbane International Tennis tournament from 2010 to 2013. Attached and marked **Exhibit NAL-10** are copies of photographs, brochures and print outs from the tournament website (www.brisbaneinternational.com.au) that show event signage and promotional items that bear at least one of the Trade Marks.
- (b) Sydney Swans - In 2013, CSG commenced sponsorship of the Sydney Swans AFL team, as an 'Associate Partner'. Some benefits of the partnership include: ground signage at all Swans' home game matches (which reaches the audience at the games as well as an international television audience), recognition on the CSG website, a CSG box at the Swans' matches, recognition at Swans' events as an

Associate Partner. Attached and marked **Exhibit NAL-11** are examples of signage and promotion on the Sydney Swans website (www.sydneyswans.com.au) as a result of this association that bear at least one of the Trade Marks.

- (c) Chain Reaction Challenge Queensland - In 2013, CSG sponsored a team of riders who cycled around south east Queensland and northern New South Wales to raise money for the Royal Children's Hospital in Brisbane and the AEIOU Foundation for children with autism. Attached and marked **NAL-12** is a copy of materials produced as a result of the sponsorship bearing at least one of the Trade Marks.

25.8 Marketing

25.8.1 Since CSG adopted the Trade Marks, the Trade Marks have had a continuous market presence. The following paragraphs provide some examples of how the Trade Marks have been used to promote the goods and services of CSG.

- (a) Australian Press - Attached and marked **Exhibit NAL-13** are various examples of CSG's press releases and articles published in the Australian Press, all of which bear at least one of the Trade Marks.
- (b) LinkedIn - CSG's LinkedIn profile that has attracted 1,568 followers. Attached and marked **Exhibit NAL-14** is a print out of the CSG LinkedIn profile, accessed on 5 June 2013.



25.8.2 Advertisements - Attached and marked **Exhibit NAL-15** are copies of advertisements promoting CSG's goods and services bearing at least one of the Trade Marks.

25.8.3 CSG now spends approximately \$500,000 to \$1 million per annum on advertising and promoting the CSG brand, products and services. CSG's marketing spend for each year follows:

Year (FY)	Marketing Spend
2006/2007	\$103,095
2007/2008	\$217,407
2008/2009	\$287,159
2009/2010	\$300,361
2010/2011	\$543,807

Year (FY)	Marketing Spend
2011/2012	\$1,208,294
2012/2013	
- actual, to March 2013	\$537,149
- projected, to 30 June 2013	\$745,899
2013/2014 (projected)	\$1.48 million
TOTAL (including spend projections)	\$5.4 MILLION

25.9 Website -

- 25.9.1 CSG registered the domain name www.csg.com.au on 21 October 1999 (CSG's Website).
- 25.9.2 CSG's Website contains the word CSG, which requires users to type the word CSG. Alternatively the user may search for CSG's Website by typing the words CSG into a search engine. Attached and marked **Exhibit NAL-16** is a copy of the results of a Google internet search using the Trade Marks as a search term, conducted on 14 June 2013.
- 25.9.3 The Trade Marks are a dominant and prominent feature of the banner, found on each page of CSG's website.
- (a) Up to December 2012, CSG's word mark and  were dominant and prominent features of the website banner. Attached and marked **Exhibit NAL-17** are examples of screen-shots from CSG's website in June 2007, accessed via the internet archive 'Way Back Machine' (<http://web.archive.org>) on 5 June 2013.
- (b) Since December 2012, CSG's word mark and  are now the dominant and prominent features of CSG's website banner. Attached and marked **Exhibit NAL-18** are screen-shots from CSG's current website, accessed on 5 June 2013.
- 25.9.4 CSG's Website is used to sell and promote CSG's goods and services, including managed print services, software solutions, photocopiers, printers, multi-function devices, consulting and professional services, communication and finance solutions.
- 25.9.5 CSG's Website receives approximately [REDACTED] hits per month. The table below shows total number of hits on CSG's Website for the 41 month period between 1 January 2010 and May 2013.

Period	CSG Website Hits
2010	
2011	
2012	
2013 (up to 31 May 2013)	
TOTAL	

25.10 Sales and Revenue - Sales figures for goods and services bearing the Trade Marks follows:

Year (FY)	Sales
2006/2007	\$76 million
2007/2008	\$132 million
2008/2009	\$197 million
2009/2010	\$277 million
2010/2011	\$222 million *
2011/2012	\$202.8 million *
2012/2013	\$91 million (July – Dec 2012)
TOTAL	\$1.2 BILLION

* restated due to sale of technology business

Reputation

- 26 I believe CSG is well known within the print and communications technology industry in Australia. CSG's position in the IT and print industry is demonstrated by the following:
- 26.1 CSG is a leading Australian print and communication solution specialist with over \$1.2 billion in sales for goods and services bearing the Trade Marks since 2007.
- 26.2 Since 2007, CSG has used the Trade Marks in extensive advertising and marketing campaigns. CSG has invested approximately \$5.4 million on advertising, marketing and other promotional activities.
- 26.3 CSG has received numerous industry awards over the years in both the print and IT sector (see paragraphs 14 and 15 above, and examples of awards at Exhibit NAL-1).

MR

26.4 CSG has also been awarded numerous large multimillion high profile multi-year contracts all of which gained significant industry attention (see paragraph 16 above for examples of such contracts).

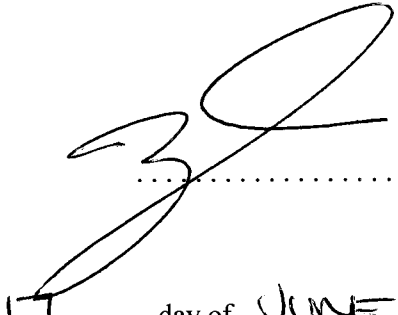
Distinctiveness

27 I am not aware of the Trade Marks being commonly used, or used at all, in Australia for goods in respect of which the applications for registration have been made, except by CSG or its authorised users.

28 CSG has a long history in providing CSG's goods and services under or by reference to the Trade Marks. I am of the view that the public will clearly associate CSG's goods and services provided under the Trade Marks with CSG.

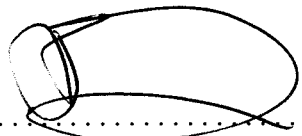
29 In my view, the Trade Marks have been continuously used in the print and communications technology industry since 2001, and due to that historic use, and CSG's or its authorised users continued future use of the Trade Marks, they are and will continue to be truly distinctive of CSG and CSG alone.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959* (Cth), and I believe that the statements in this declaration are true in every particular.



Declared at BRISBANE on 17 day of JUNE 2013

Before me:



JILLIAN GLENDA BANNAN
SOLICITOR, QLD
252 MONTAGUE ROAD, WEST END, QLD 4101

Note 1: A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years – see section 11 of the *Statutory Declarations Act 1959*.

Note 2: Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* – see section 5A of the *Statutory Declarations Act 1959*.



Australian Government

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Documents

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Designs: N
Trade Marks: Y
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No monies received with this transaction.

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