

File Number : T1416981
Current Marking : EVID BACK TO OWNER
Location : DISCOVERY
Date : 28/06/2014



phillips ormonde fitzpatrick
intellectual property

TXR
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**NOTE - EVIDENCE FORWARDED
TO EXAM SERVICES**

31 October 2011

Telephone Contact : Anita Brown
Speed Dial 527

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

Dear Madam

Grant Ready Pty Ltd
Australian Trade Mark Application 1416981
Mark : GRANTREADY
Class : 36
Our Ref : 910227



We refer to the examiner's report dated 20 July 2011.

The examiner objected to registration of this application on the basis of section 41 grounds.

We attach the Statutory Declaration of Adrian Spencer, CEO and Director of the Applicant dated 27 October 2011 ("**the Spencer Declaration**") in support of this application.

The Spencer Declaration establishes that the GRANTREADY trade mark has been in use in Australia since 9 January 2006 and that the services claimed under this application have been provided continuously since that date throughout Australia.

Paragraphs 6-9 and 12-20 of the Spencer Declaration attest to the extensive use and promotion of the services offered under the GRANTREADY trade mark.

We submit that the sales figures and the promotional and advertising expenditure as outlined in the Spencer Declaration in relation to the GRANTREADY trade mark are considerable especially in light of the specialised nature of the services offered under the mark.

In light of the evidence of use of the trade mark made to date, we submit that the trade mark has become distinctive of the Applicant's services and that this application should be accepted for registration.

Respectfully
PHILLIPS ORMONDE FITZPATRICK

AJB:JM
Enc:

STATUTORY DECLARATION
Statutory Declarations Act 1959

IN THE MATTER OF Australian Trade Mark
Application 1416981 GRANTREADY in class
36 in the name of Grant Ready Pty Ltd

STATUTORY DECLARATION

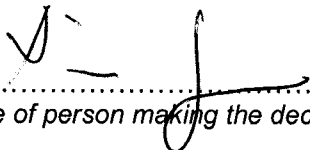
I, Adrian Spencer of Suite 5, 79-83 High Street South, Kew 3101, Victoria, Australia make the following declaration under the *Statutory Declarations Act 1959*:

1. I am the Chief Executive Officer and a Director of Grant Ready Pty Ltd and have held this position for 5 years and 9 months.
2. As a result of my role with Grant Ready Pty Ltd ("**the Applicant**"), I am familiar with the services provided in Australia under the trade mark GRANTREADY.
3. The GRANTREADY trade mark is used in conjunction with a range of services including workshops and seminars to educate clients of funding, grant writing and review, government services, data analysis and grant strategies. The Applicant is the primary supplier of services under the trade mark.
4. The trade mark GRANTREADY has been used continuously in all Australian States and Territories since 9 January 2006.
5. The Applicant company was registered in December 2005. Now shown to me and marked **Exhibit AS-1** is a copy of the certificate of registration of the company.
6. The GRANTREADY trade mark has been promoted on banners, flyers, advertising, business cards, stationery and the websites. It has been advertised in magazines, posters, pamphlets, promotional DVD's, banners, brochures and websites.

7. The mark is also promoted through the website <http://www.grantready.com.au>. Now shown to me as **Exhibit AS-2** are copies of current and historical WebPages.
8. Now shown to me and marked **Exhibit AS-3** are examples of presentations given or service proposal letters sent to potential new clients showing use of the mark GRANTREADY.
9. The Applicant has also been responsible for writing weekly articles for the BRW Magazines since January 2010. In addition to this, the Applicant has written weekly articles and been referenced in the following magazines:
 - i. Nett.com.au and
 - ii. Smart Company.
10. Now shown to me and marked **Confidential Exhibit AS-4** is a table setting out the retail sales value and volume of services provided under the GRANTREADY trade mark.
11. Now shown to me and marked **Confidential Exhibit AS-5** is a table setting out the advertising and promotional expenditure on the services offered under the GRANTREADY trade mark.
12. Now shown to me and marked **Exhibit AS-6** are copies of newsletters dated April 2006, May 2008, January 2009, September 2009, December 2009 and January 2010 which promote the services offered under the trade mark. These were sent to approximately 2,000 email addresses.
13. Now shown to me and marked **Exhibit AS-7** is a copy of my business card dated July 2009. This promotes the services offered under the GRANTREADY trade mark.
14. Now shown to me and marked **Exhibit AS-8** are copies of the Applicant's various letterheads.
15. Now shown to me and marked **Exhibit AS-9** are copies of articles which have appeared in the magazine, Smart Company Magazine, and on the website www.smartcompany.com.au.
16. Now shown to me and marked **Exhibit AS-10** are copies of articles referring to the GRANTREADY trade mark.

17. Now shown and marked **Exhibit AS-11** are copies of brochures promoting the services offered under the GRANTREADY trade mark. These have been circulated to approximately 2,000 people.
18. Now shown to me and marked **Exhibit AS-12** is a copy of a business card promoting the services offered under the GRANTREADY trade mark dated April 2008.
19. Now shown to me and marked **Exhibit AS-13** is a copy of the Applicant's Christmas card which shows the GRANTREADY trade mark. This was sent to approximately 200 people.
20. Now shown to me and marked **Exhibit AS-14** are copies of invoices relating to services provided under the GRANTREADY trade mark. These invoices each bear the GRANTREADY trade mark.
21. Now shown to me and marked **Exhibit AS-15** are reports by Google Analytics for the Applicant's websites www.grantready.com.au, www.business.grantready.com.au, and www.community.grantready.com.au. These indicate that there has been significant levels of traffic to these sites which have webpages bearing the GRANTREADY trade mark.
22. I consider that because of the use made of the GRANTREADY trade mark to date that the GRANTREADY trade mark has come to distinguish the Applicant's services.

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*, and I believe that the statements in this declaration are true in every particular.



.....
Signature of person making the declaration

Declared at 1:45 pm on 27 of October, 2011.

Before me N. Theohari CPA 165278

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*.