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Date: 14<sup>th</sup> April 2011

Mr Damien Codognotto  
PO Box 3091  
East Doncaster Vic 3109

Dear Sir,

I write on behalf of the Motorcycle Riders Association in the capacity of President.

We have become aware that on or about 04 March 2011 you applied to IP Australia for registration of the trademark, The MOTORCYCLE RIDERS ASSOCIATION of AUSTRALIA EST 1978 with a logo depicting an Eagle.

Our purpose in writing to you is to put you formally on notice of the following.

#### **Trademark**

Your application for registration of the trademark will be opposed on the grounds that you are not the owner of the trademark, and that the trademark is substantially identical with, or deceptively similar to, a trademark that has acquired a reputation in Australia, being that of the Motorcycle Riders Association as incorporated in Victoria ('MRA Vic'). Further, because of the reputation of our trademark, the use of your trademark would be likely to deceive or cause confusion. Accordingly we intend to oppose the registration by filing a Notice of Opposition.

#### **Passing Off**

We have also been advised that, at common law it is a tort to pass off goods or services as those of another. Without reiterating the brief history given above, the trademark you have applied for could deceive persons unfamiliar with you and your conduct by creating the impression that you are associated with or have the approval of the MRA(Vic). This tortious conduct by you could give rise to an action in damages.

Accordingly we require an immediate written acknowledgment that you will forthwith cause the abandonment of the application for trademark, and desist in any use in the trademark and the logo. We also put you on notice we are reserving our rights to take action in future if you persist in this behaviour.

Yours faithfully,

MRA(Vic) President 2011

From: Damien Codognotto OAM <d.codognotto.oam@bigpond.com>  
To: "grantad@optusnet.com.au" <grantad@optusnet.com.au>, trikenut@bigpond.com, the\_board@mrvic.org.au  
Date: Tuesday, April 26, 2011 11:16:32 AM  
Subject: TRADEMARKS & LAWYERS COST? - APRIL 20, 2011.  
Folder: Sent Mail/Damien

April 26, 2011

Motorcycle Riders' Association Victoria  
The President  
Grant Delahoy

Thank you for your letter, received April 19, 2011, regarding trademarks and lawyers and damages. I note you have not replied to our letter to you dated February 23, 2011. Copy attached.


I designed the image and prepared the artworks for the wedge tailed eagle logo and the MRA in the map of Australia logo in the 1980s and 1990s. I used both logos extensively, still do. I retained copyright but gave the Motorcycle riders' Association (MRA) permission to use those logos. That permission is hereby withdrawn which causes no problem since the MRA no longer uses either logo.

As I understand it, there are MRA's incorporated seperately in WA, SA and Victoria, with two in Queensland and three in Tasmania.

I will continue with my application to register my eagle logo as a trade mark.

The question MRA members need to ask is, by what authority do you plan to spend their funds on trademarks and lawyers to secure the exclusive use of a logo and name. And, you claim to have turned the MRA from a political lobby group to a social club. That claimed change was effected by a show of hands by less than 50 people (of a claimed 640 financial members) at the Keilor Hotel on March 18, 2011. That was not a mandate for either a fundamental change in the nature of the MRA nor to spend members' money on legal actions.

Damien Codognotto OAM  
MRA HLM #534  
Melbourne  
Tel: 03 9846 8621

  
APRIL 26, 2011

# Raynal & Associates

Barristers and Solicitors

Our reference: HR:mr10003

Your reference:

23 February 2011

**Attention: Mr. Alistair Bayston**

Bayston Group

P O Box 13004

LAW COURTS 8010

**Fax No. 9642 2262**

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Dear Sir,

**Re: Our client - Mr. Damien Codognotto**

**Your client - Motorcycle Riders Association of Victoria**

We act on behalf of Mr. Damien Codognotto, a founder President and life member of the Motorcycle Riders Association of Victoria ("MRA"). We understand that you act on behalf of the Executive of the MRA.

Our client has been advised by fellow members of the MRA that your client:

- a. Is considering a resolution to dissolve the MRA as an association;
- b. Is preparing to transfer the assets of the MRA to a new entity or organisation to be incorporated; and
- c. Has instructed you to register as trademarks the words "Motorcycle Riders Association" and its logo.

Our client is, with other members of the Association, understandably very concerned about these proposed developments.

We are accordingly instructed to request that you advise us, at your very earliest convenience, the following:

1. On what grounds and for what reason/s does your client intend to dissolve the MRA;
2. What entity or entities it is proposed the assets of the MRA are to be transferred to;

3. On what basis it is sought to register the words and logo of the MRA as trademarks when it appears the ultimate intention is to dissolve that Association; and
4. What notice, if any, the Executive of the MRA intends providing to its membership prior to a final vote on this matter being taken on 18 March 2011.

Your earliest response to this letter would be appreciated. Should we receive no response from you within five (5) days of date hereof, we record that it is our client's intention to take what steps he can prior to 18 March 2011 in order to properly safeguard the rights and interests of the members in the MRA.

We look forward to hearing from you at your earliest convenience.

Yours faithfully,  
RAYNAL & ASSOCIATES

Hugh F. Raynal