

Arnold Bloch Leibler defends DKSH Australia

Arnold Bloch Leibler acted on behalf of DKSH Australia Pty Ltd, the Australian subsidiary of DKSH Holdings Ltd, a major Swiss-based global market expansion service provider, in the defence of Federal Court litigation commenced by Bodum.

In the proceeding, Bodum alleged unsuccessfully that in distributing its 'Euroline' brand coffee plungers, DKSH Australia had engaged in misleading and deceptive conduct under s 52 of the Trade Practices Act 1974 (Cth) and passing off in respect of Bodum's own line of coffee plungers.

After a two-week trial in the Federal Court of Australia in 2009, Justice Middleton handed down judgment on 2 February 2010 in favour of DKSH.

In his judgment, Justice Middleton dismissed all of Bodum's claims against DKSH, stating, "I am not satisfied that the accused products ... in the way they are packaged or exposed to potential customers in Australia are sufficiently similar to give rise to the misrepresentation alleged by Bodum." He continued, "I find that DKSH's conduct is neither misleading nor deceptive, nor does it amount to passing off."

Zaven Mardirossian says, "For many years Bodum has successfully used the threat of litigation to force many wholesalers and retailers in Australia to withdraw from the coffee plunger market based on an alleged resemblance with its products. This decision makes it clear that Bodum does not have a monopoly over these plungers and paves the way for increased competition in this market".

The matter was conducted by Arnold Bloch Leibler partner, Zaven Mardirossian, and Senior Associate, Caroline Goulden.

For more information, or to arrange an interview, contact **Katie Elston**, Marketing Communications Co-ordinator, (03) 9229 9715.

About Arnold Bloch Leibler

Arnold Bloch Leibler is a leading commercial law firm with offices in Melbourne and Sydney. The firm represents a wide range of individuals and corporate clients, including high-net-worth individuals and entrepreneurs, large family businesses and blue-chip corporations. Arnold Bloch Leibler also has a dedicated pro bono practice providing advice on social, environmental and cultural issues to more than 100 charitable and not-for-profit organisations.

Arnold Bloch Leibler is particularly known for its expertise in commercial law, litigation and dispute resolution, taxation and property. The firm also has an expanding presence in trade practices law. In these areas, the firm has been involved in many landmark matters and transactions.

