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media release

Girl Power saves the day – Arnold Bloch Leibler successfully defends Next Publishing

20 May 2005

Arnold Bloch Leibler has successfully defended Next Publishing (Next), the Australian publisher of *Rolling Stone*, in a passing-off and misleading and deceptive conduct action brought by Pacific Publications (Pacific).

Pacific sought to restrain Next from publishing *Girl Power* – an A5 magazine aimed at tween girls. The applicant claimed that it had acquired a substantial reputation in the tween market and that *Girl Power* had wrongfully exploited and copied its formula in devising and creating *Girl Power*.

Next provided expert evidence of the meaning and development of the expression ‘girl power’ and its understanding and use in the popular culture of tween girls (including entertaining the Court with the Spice Girls video, *One Hour of Girl Power*). Next’s witnesses testified to the development of the ‘girl power’ concept and magazine at Next.

Tamberlin J held that while Pacific had established a substantial reputation in the masthead and tagline of *Total Girl*, its own magazine, Pacific had not, to the exclusion of other tween magazine publishers, acquired a reputation in the other commonly used tween features: the colours pink, purple, yellow and blue; rainbow, heart and star devices; or the words ‘girl power’.

Sydney-based partner, Fiona Shand, led the Arnold Bloch Leibler team, which included Louise Treloar, Michael Dodge and Glen Selikowitz.

About Arnold Bloch Leibler

Arnold Bloch Leibler is a leading commercial law firm with offices in Melbourne and Sydney. A multiple winner at the Australian Law Awards, including winner of the 2004 Law Firm of the Year (for practices with 25 to 100 solicitors), 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 and environmental issues.

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.

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