



TREASURY
WINE ESTATES

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MEDIA RELEASE

Treasury Wine Estates takes legal action against copycat wine producer

Treasury Wine Estates (TWE) today announced it has filed legal proceedings against 'copycat operator' Rush Rich in the Federal Court of Australia for trade mark infringements that exploit TWE's iconic Penfolds brand, including the unauthorised use of TWE's BEN FU trade mark (the Chinese transliteration for Penfolds).

The case has been initiated by TWE to stop the infringement of its rights by Rush Rich both in Australia and in China that, without such action, could significantly damage the reputation of TWE's iconic brands.

According to TWE Chief Executive Officer, Michael Clarke, so much good work is being done to build 'Brand Australia' by brand owners, as well as by the Australian Minister for Trade, Tourism and Investment – work that is being compromised by a few copycat operators whose actions are effectively 'liquidating' Brand Australia. It is therefore critical for producers, industry bodies, authorities and government to take action now to protect the long term reputation and success of Australian wine in export markets where TWE has forged significant growth for premium imported wine in recent years.

"We have become aware of a number of copycat operators that are taking illegal and unfair advantage of the success of iconic brands such as Penfolds. The infringing products and misleading claims these operators are making, and the association they falsely claim to have with our brands are unconscionable. We are putting on notice any bad faith operators in Australia - and anyone working with these operators - that this exploitation will not be tolerated," Clarke said.

Of particular concern is the issue of copycat wine which is believed to be sourced and bottled through bulk wine suppliers and third party bottlers in South Australia, and then exported under labels that copy the look and feel of Penfolds wines, infringing TWE's rights to the Penfolds and BEN FU trademarks.

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“There is no doubt that the Penfolds brand has played an instrumental role in the success Brand Australia is enjoying overseas. With this success comes the predatory behaviour of sophisticated copycat operators, which is bad for consumers, bad for Australian brand owners and bad for the Australian wine industry.

“What’s worse is that some of this copycat product is being made and labelled in Australia – we must work to put a stop to this,” Clarke said.

The case against Rush Rich is one example of TWE’s strategy to take legal action both in Australia and internationally to protect its brands against infringing products. It follows the landmark legal win in the Beijing High People’s Court in China in January 2017 that supported TWE’s lawful right to use and market the BEN FU trademark in China.

The concerns raised by Clarke are supported by industry organisations including the Winemakers’ Federation of Australia (WFA).

“Over recent years, the Australian wine industry has enjoyed huge success in overseas markets. This success relies on the integrity and quality of our wine – a reputation that is put at risk by copycat wines being exported from Australia,” WFA Chief Executive, Tony Battaglione said.

“Our strong regulatory system is pivotal to our export success. While we support individual brand owners protecting their IP rights through individual legal action, WFA will continue to work with the Australian Government to ensure we have the right regulatory measures in place to prevent copycat products jeopardising the continued export growth of Australian wines and its benefits to the broader Australian community.”

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