



TREASURY WINE ESTATES

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MEDIA RELEASE

Treasury Wine Estates wins against Rush Rich in Federal Court of Australia

Treasury Wine Estates (TWE) today announced that it has won its case against “copycat operator” Rush Rich in the Federal Court of Australia with the Court finding that Rush Rich* had infringed each of TWE’s Australian trade marks for PENFOLDS, BEN FU and 奔富, marks. The Court has also made orders to restrain the Rush Rich companies from using 奔富, BEN FU and PENFOLDS on wine in the future and to pay TWE \$A375,302.34 in compensation.

The case was brought by TWE in February 2018 in response to Rush Rich’s attempt to exploit TWE’s iconic Penfolds brand, including the unauthorised use of TWE’s PENFOLDS, BEN FU and 奔富 trade marks (奔富 being the Chinese transliteration of Penfolds).

This positive outcome affirms TWE’s leadership in protecting its IP rights against copycat and counterfeit operators. The Company continues to invest strongly in this area through a dedicated brand protection team, which implements a comprehensive online and offline strategy and works closely with local authorities in Australia and China and partners to enforce against bad faith operators.

The Australian decision also supports the recent decision of the Shanghai Pudong Court, which upheld TWE’s unfair competition claim against Rush Rich’s Chinese group entities (Rush Rich International Trading Inc., Ltd. and East Bright Sunshine (Jinjiang) Import & Export Co., Ltd, both also respondents in the Federal Court of Australia proceeding). The Court found the following in favour of TWE:

- The good fame and reputation of TWE’s Penfolds wines and the corresponding relationship of Penfolds and Ben Fu are recognised and upheld.
- Rush Rich’s various claims in relation to the Australian wine industry, for example, that they are “the largest and most famous winery in Australia” and “the symbol of Australian wine”, are false and misleading and constitute unfair competition.

- Rush Rich has acted in bad faith to mislead consumers in to believing that they had a relationship with the Penfolds brand.

In addition, the Chinese Court ordered that the relevant Rush Rich entities:

- Immediately stop any activities that constitute unfair competition.
- Make a public statement in the mainstream magazine, China Wine, as well as on its official WeChat account, noting the outcome of the decision and apologizing to TWE.
- Pay 2,000,000 RMB (approximately \$A426,000) in compensation to TWE (including damages and costs).

These cases are an example of TWE's zero tolerance approach to infringing behaviour and its willingness to take legal action to protect its brands in Australia and elsewhere. The outcome of these proceedings should send a strong message to other copycat operators that their attempts to exploit and infringe TWE's intellectual property rights and reputation will not be tolerated.

** Australia Rush Rich Winery Pty Ltd, Australia R&R Group Pty Ltd, Rush Rich International Trading Inc., Ltd and Eastern Tomorrow (Jinjiang) Import and Export Co., Ltd (**Rush Rich**)*

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