



12 January 2021



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Adverse Examination Report

MDRN Pty Ltd

GPO Box 789
Brisbane QLD 4001
Australia

Trade mark number: 2139369
Your reference: 2103006
Trade mark: SugarMamma's Financial Foreplay
Applicant name: Sass Financial Australia Pty Ltd as trustee for the Canna Campbell Family Trust

Dear Applicant,

Your application does not meet the requirements of the *Trade Marks Act 1995*. The issues currently preventing acceptance of your application are explained in the attached Adverse Examination Report number 1.

You have until **12 April 2022** to overcome all the issues otherwise your application will lapse.

Please reply to the report in writing, no later than 20 business days prior to 12 April 2022.

The trade mark examiner who produced this report is **Laura Stone** whose direct line is **+61262108475** and team contact point is +61262832211.

Things to be aware of

For information on how to respond to the Adverse Examination Report refer to [our website](#).

Your progress

- Lodgement**
Application is lodged (response within 5 working days)
- Examination**
Application is examined
- Acceptance**
Application is accepted (enters an opposition period lasting 2 months)
- Registration**
Trade mark is registered (certificate of registration is issued)
- Renewal**
Trade mark is due for renewal (renewal due every 10 years)

Need help?

Talk to Alex, our virtual assistant



For further information on this topic, visit our [website](#).

Make an enquiry or provide feedback on our [website](#).

Details of your trade mark can be viewed using our [Australian trade mark search](#) on our website.

Yours sincerely,

IP Australia

IP Australia recognises that many of our customers may be struggling with the impacts of COVID-19. We remain open for business and our staff are working from home to ensure that our services can continue. We are committed to supporting you and we are here to help you through these difficult times. We have put in place a streamlined process for extension of time requests and associated fee waivers or refunds to assist customers impacted by the COVID-19 outbreak. Please visit our [website \(www.ipaustralia.gov.au\)](#) for guidance and Frequently Asked Questions (FAQs) related to your IP Right. If you would like to discuss your particular circumstances, please [contact us](#) directly. We will continue to update our website and FAQs with the latest information.

Adverse Examination Report

The following issues have been raised under the Trade Marks Act 1995 and will need to be addressed before your trade mark can be accepted.

- Issues raised under Section 44 of the Trade Marks Act 1995.

Issues raised under Section 44 of the Trade Marks Act 1995.

Cited Trade Mark Number(s): [1762611, 2136530](#)

What are the issues with your trade mark?

Trade Mark Number(s): 1762611, 2136530

Your trade mark closely resembles the earlier trade marks because the marks share the words FINANCIAL FOREPLAY as a prominent and memorable element. I note the additional words in your trade mark, however these are not sufficient to avoid or overcome confusion in the marketplace. It is therefore likely that consumers seeing your trade mark and the earlier marks will believe them to denote a common trade source for similar goods and services.

AND

1762611

The services are similar because the earlier trade mark has various claims relating to *business and commercial management* in Class 35, and *credit, finance, money management, and debt services* in Class 36, which are similar to your claim for *financial advice* in Class 36. Moreover, the earlier trade mark has claimed *educational advisory services* in Class 41, which is similar to your claim for *business educational services* in the same class.

2136530

The goods and services are similar and/or closely related because the earlier trade mark has claimed *downloadable podcasts* in Class 9, which is similar to all of your claims in the same class, and is closely related to your claims for *podcasting services and broadcast of radio programs* in Class 38, as well as your claims relating to *production and distribution of podcasts, audio/vido recordings, audio/visual presentations, radio programs, entertainment, and electronic publication of information* in Class 41.

What you can do now

You might be able to overcome this problem if you supply evidence under subsections 44(3) or 44(4) of the Trade Marks Act 1995.

For information about evidence of use, please refer to the information titled Providing Section 44 evidence on our website, available at <https://www.ipaustralia.gov.au/trade-marks/understanding-trade-marks/trade-marks-examination-process/evidence-of-use/providing-section-44-evidence>.

DEFERMENT INFORMATION: You can request that the final date for acceptance of your application be deferred. For more information about deferment, please refer to the information sheet titled Requesting Deferment of a Trade Mark Application on our website at <https://www.ipaustralia.gov.au/trade-marks/understanding-trade-marks/trade-marks-examination-process/deferment-trade-mark/>.

If you would like to do this, please request deferment, in writing, as soon as possible. You will be notified when the application has been deferred and also when deferment ends.

You can still deal with all other problems during deferment.

Trade mark: 1762611

Trade mark details:

Trade mark:	Financial Foreplay
Class(es):	16, 35, 36, 41
Status:	Registered
Filed on:	4 April 2016
Property type:	Word
Entered on register:	27 February 2017
Registered from:	4 April 2016

Owner Details

Owner name:	Rhondalynn Korolak
Owner address:	14 Peck Tce WILLIAMS LANDING VIC 3027 Australia

Representative details:

Representative name:	The Trustee for Rhondalynn Korolak Services Trust
Representative address:	12 Peck Tce VIC 3027 Australia

Goods and services:

Class: 16	Books relating to business; Books relating to financial services; Business books; Non-fiction books; Sheets of paper in booklet form for recording work accomplishments; Sheets of paper in booklet form for recording work plans
Class: 35	Book-keeping; Advisory services for business management; Advisory services relating to business management; Business advisory services; Business advisory services relating to the management of businesses; Business management advisory services; Commercial management advisory services; Management advisory services for businesses
Class: 36	Advisory services relating to credit; Advisory services relating to finance; Advisory services relating to financial matters; Advisory services relating to financial planning; Advisory services relating to financing; Advisory services relating to money management; Debt advisory services; Financial advisory services; Financial advisory services for companies; Financial advisory services for individuals; Financial management advisory services
Class: 41	Educational advisory services

Trade mark: 2136530

Trade mark details:

Trade mark:	Financial Foreplay
Class(es):	9
Status:	Published
Filed on:	17 November 2020
Property type:	Word

Applicant Details

Applicant name:	Rhondalynn Korolak
Applicant address:	14 Peck Terrace Williams Landing VIC 3027 Australia

Representative details:

Representative name:	The Trustee for Rhondalynn Korolak Services Trust
Representative address:	14 Peck Terrace VIC 3027 Australia

Goods and services:

Class: 9	Downloadable podcasts
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