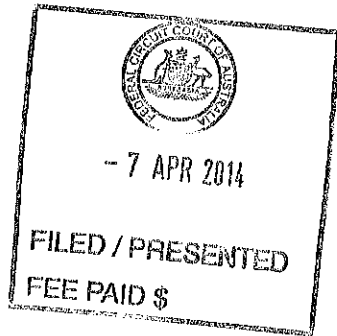


FEDERAL CIRCUIT COURT OF AUSTRALIA

REGISTRY: NEW SOUTH WALES



File number:	SYG [REDACTED] / 2014
COURT USE ONLY	
Court Location	
Court date	
Court time	

Vincent Scott Tylor
Applicant

[REDACTED] **Mercier**
Respondent

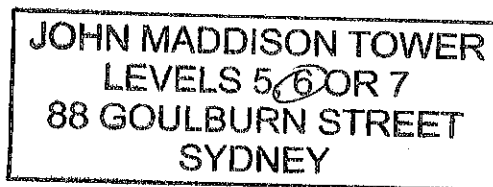
APPLICATION - General Federal Law

Type of application

This application is commenced in the Court's jurisdiction under the *Copyright Act 1968* (Cth).

First court date


This application is listed for hearing at:



Court date and time: **8 MAY 2014** at **9.30 am/pm.**

All parties or their legal representatives should attend this hearing. Default orders may be made if any party fails to attend. The Court may hear and determine all interlocutory or final issues, or may give directions for the future conduct of the proceeding.

(for) Registrar _____ **Authorised Officer**
Date: **7** /

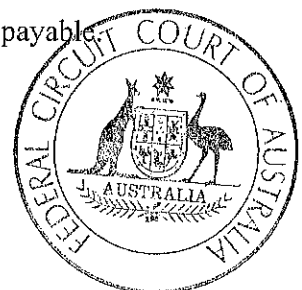


Filed on behalf of the Applicant

Prepared by:	William Peter Knight	Lawyer's code: 3323
Name of law firm:	Banki Haddock Flora	
Address for service in Australia:	Level 10, 179 Elizabeth Street, Sydney	
State and Postcode:	New South Wales 2000	
Email:	knight@bhf.com.au	
Tel: 02 9266 3400	Fax: 02 9266 3455	Attention: William Peter Knight

Final orders sought by Applicant

1. A declaration that the Respondent has infringed the Applicant's copyright in the artistic work *Poli Hali Perfect Colours* (the **Work**):
2. An order that the Respondent be permanently restrained from:
 - (a) reproducing the Work;
 - (b) communicating the Work to the public;
 - (c) authorising the reproduction of the Work;
 - (d) authorising the communication of the Work to the public;
 - (e) selling, letting for hire, or by way of trade offering or exposing for sale or hire, an article that is a reproduction in a material form of the Work the making of which the Respondents know, or ought reasonably to know, constituted an infringement of the copyright in the Work (or, in the case of an imported article, would, if the article had been made in Australia by the importer, have constituted such an infringement);
 - (f) by way of trade exhibiting an article in public that is a reproduction in a material form of the Work the making of which the Respondents know, or ought reasonably to know, constituted an infringement of the copyright in the Work;
 - (g) distributing any article:
 - (i) for the purpose of trade; or
 - (ii) for any other purpose to an extent that affects prejudicially the Applicant that is a reproduction in a material form of the Work.
3. An order that the Respondent causes the Work to be deleted from the website, including all archives, backups and other forms of storage and reproductions of the Work.
4. At the election of the Applicant, damages or alternatively an account of profits, pursuant to section 115(2) of the *Copyright Act 1968 (Act)*.
5. Additional damages pursuant to section 115(4) of the Act.
6. An inquiry as to damages for infringement of copyright or at the Applicant's election an account of profits and payment by the Respondent to the Applicant of any sum found payable.
7. Costs.
8. Interest, including interest on costs.



9. Such further or other orders as the Court thinks fit.

Grounds of Application

See attached Statement of Claim.

Signature of Applicant's lawyer

[Redacted Signature]

Signed by William Peter Knight

Lawyer for the Applicant

Date: 7 April 2014

IMPORTANT NOTICE TO RESPONDENTS

Respondent: [Redacted] Mercier

of: [Redacted]

You should seek legal advice about this application. You may file a response. If you file a response, you must file and serve the response within 14 days of receiving this application. You may also need to file an affidavit; see Rule 4.05 of the *Federal Circuit Court Rules 2001*. If you do not file a response, you must file and serve a notice of address for service before the hearing.

Form approved by the Chief Judge for general federal law proceedings pursuant to Subrule 2.04(1A) for the purpose of Subrule 4.01(1) – September 2007

