

ip webinar: never oily, never dry kraft v bega

presented by mark metzeling
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macpherson kelley.

1. If a trade mark is worth transferring or licensing, it's worth registering it!
2. Know what IP your business has: conduct an IP audit and maintain an IP register

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never oily, never dry

Background of *Kraft v Bega*

2012



never oily, never dry

Background of *Kraft v Bega*

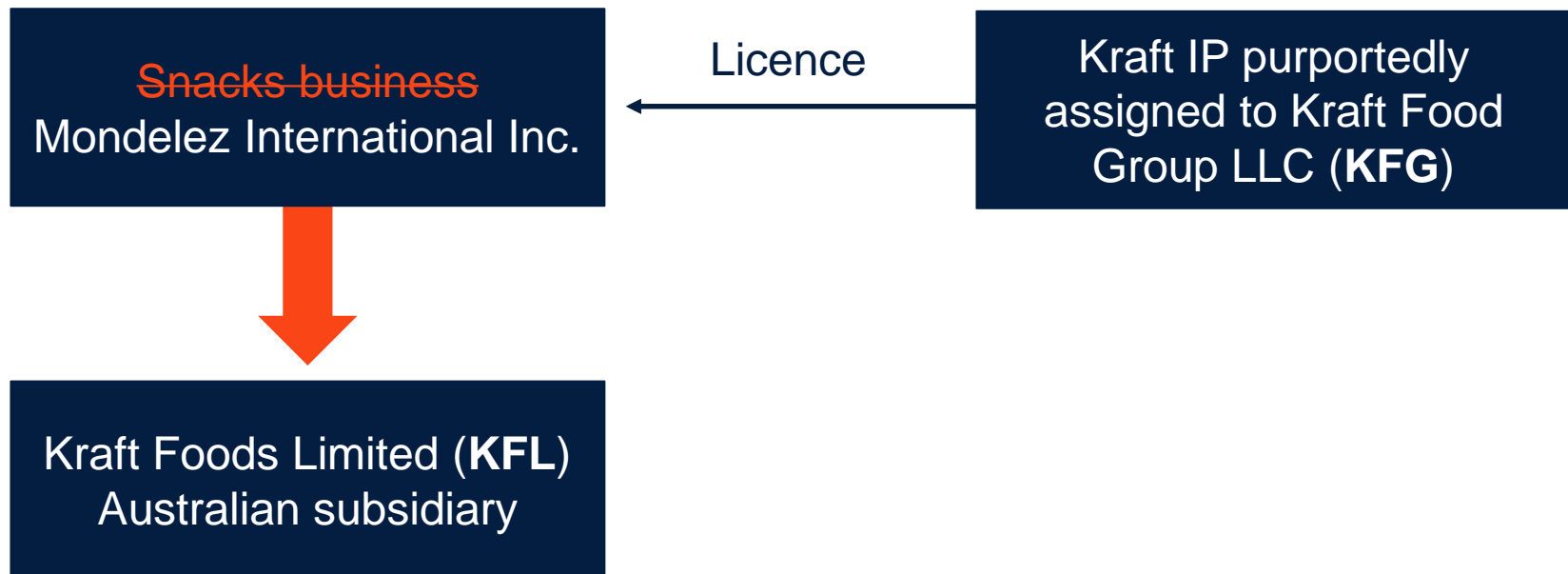
2012



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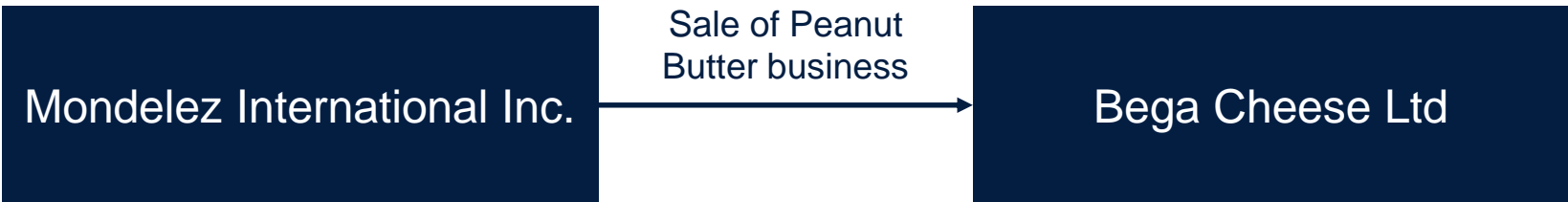
- KFL was the only “Kraft” entity to manufacture peanut butter
- Done in a manufacturing facility in Port Melbourne, Victoria
- Peanut butter sold under the Kraft brand with the associated get-up



never oily, never dry

Background of *Kraft v Bega*

2016



- Sale included:
 - manufacturing plant
 - recipe
 - associated goodwill
- Bega began selling peanut butter



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Background of *Kraft v Bega*



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2018

- Kraft began selling its own peanut butter through its subsidiary HJ Heinz Australia Ltd

2020

- The full Federal Court decided, *inter alia*
 - the unregistered trade marks were not validly assigned under Australian law in the corporate restructure in 2012; and
 - the unregistered trade marks were assigned with the business sale to Bega in 2016.

questions



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