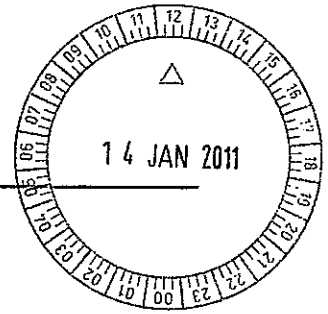


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The Muresk Old Collegians' Association Incorporated

14 January 2011

Hon Brian Ellis MLC
Chairman
Standing Committee on Environment and Public Affairs
Parliament House
PERTH WA 6000

Dear Mr Ellis

Further to my response to your invitation to comment on the issue of the Closure of the Muresk Campus, I recently discovered that Curtin University applied for four Muresk trademarks on 23 November 2010:

<http://pericles.ipaustralia.gov.au/atmoss/Falcon.Result>

It occurred to me that it was very strange for Curtin University, which will be gone from Muresk Campus at the end of 2012 if not before, to be trying to establish ownership and exclusive use of the Muresk name as well as its logo, crest and motto. Curtin University has also sought to have the WA School of Mines (WASM) name, acronym, logo crest and motto fully protected by Trademark.

About three years ago we investigated ownership of the Muresk name on IP Australia and discovered that nobody had applied for it at that time. So, to my knowledge, this will be the first application. The application is currently *Pending*, and can be opposed until 23 February 2011. After that it becomes much more difficult and expensive to apply for Curtin's ownership to be challenged and cancelled.

I believe the State Government should be opposing these applications on the grounds of prior use and ownership of them for the following reasons; and possibly other grounds.

Firstly, Muresk is a geographical place with a designated postcode, 6401. It takes its name from the original farm called Muresk by its Scottish owner Andrew Dempster because the property by the Avon River reminded him of his home in Scotland by the river Esk.

Secondly, the Muresk logo and motto were designed, and used by, the Western Australian Government for forty years before Curtin (then WAIT), took it over.

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N O U R I S H I N G T H E W O R L D W I T H O U T L O S S



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Therefore the State Government or one of its bodies should hold the trademark for the Muresk logo and motto, not Curtin University on the grounds of prior ownership.

Nor did Curtin University did invent Brand Muresk or make it into what it became, a valuable brand in Western Australian agribusiness industries. Muresk Staff, Management, Students and Graduates did that.

Thirdly, Curtin University has committed itself to leaving Muresk campus, and the term "Muresk" was deleted from the University's structure several years ago. As far as Curtin is concerned, Muresk does not exist anymore, other than as a campus that has been a geographical place since it was purchased from the Dempster Family in the 1920's. Curtin University will have only a tenuous real estate interest in Muresk from 2013 at the latest. In my opinion they have no long term interest at all in "Muresk", "Muresk Institute", "Muresk Institute of Agriculture" or "Muresk Practice With Science", other than tying up ownership of the logo as their intellectual property in order to prevent anybody else from using it. I do not think they have a moral right to do this, as they have done nothing but neglect Muresk since 2004.

I am urging you to fast track an application to oppose Curtin University's Trademark application for the Muresk name and logo, as there is only 6 weeks left to do it before Curtin University has the logo and motto fully protected for its own exclusive use. This logo and motto are the intellectual property of the WA State Government. Please do not let Curtin University steal the State Government's intellectual property by failing to act to protect it.

A Curtin University spokesperson has advised that the trademarking process would expedite the legal aspects of the transfer and remove uncertainty concerning the future use of the names and logos associated with the Muresk site at Northam, and that following the announcement of the new governance model for Muresk, Curtin would enact a transfer of the trademarked names.

Trademarking is very costly, and in my opinion it is being hastily done before CY O'Connor Institute takes over the campus and starts running its own courses at Muresk. I imagine Curtin will want to charge the WA Government a hefty fee to gain the trademark that belonged to the state government for over 40 years.

Ian Fairnie
President

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