

## ***Abstract***

### **‘Fairness on the home front: “Anzac” as trade mark, 1915 –’**

**Dr Catherine Bond**

**Faculty of Law, UNSW Sydney**

Following the landing of Australian and New Zealand Army Corps – A.N.Z.A.C. – troops at Gallipoli, Turkey, on 25 April 1915, that acronym, and a more casual form, ‘Anzac’, came to dominate the Australian and New Zealand war vocabularies. In the months after the landing, traders in both countries began to rename their businesses ‘Anzac’; sell goods featuring the term in some way; and register trade marks utilising this word, across a large variety of goods and services.

Subsequently, in 1916 the Australian government prohibited the use of ‘Anzac’ in business and its registration as a trade mark in Australia. One of the motivations behind this latter restriction was to ensure that no one person was granted a monopoly over the term, but it also had a significant impact on returned soldiers, raising questions about the fairness of applying these provisions against those who had helped ‘create’ the significance of the term.

Nearly a century later, however, this motivation is in stark contrast with the actions of the Australian government over the past 15 years. On the one hand, in conjunction with New Zealand, the government successfully applied to WIPO to have the word ‘Anzac’ protected pursuant to Article 6*ter* of the Paris Convention. On the other hand, the Australian government itself has registered the term as part of multiple trade marks, to be featured on goods commemorating the centenary of the Gallipoli landing.

This paper considers the fairness of these actions of the Australian government, from the initial restrictions in 1916 through to its conduct today. It utilises principles from trade mark case law and theory to illustrate how this behaviour is both in contrast to and at odds with traditional trade mark doctrine, and what might be done to remedy this situation.

## ***Biography***

Dr Catherine Bond is a Senior Lecturer in the Faculty of Law, UNSW Sydney, Australia. Catherine teaches undergraduate and postgraduate intellectual property courses and her research focuses primarily on historical intellectual property issues. She has published widely in leading Australian and international law journals, on topics ranging from Crown copyright, to plain packaging of tobacco products, to the introduction of a patent system in the *Game of Thrones* world of Westeros. Catherine’s first book, *Anzac: The Landing, The Legend, The Law*, which explores the hundred-year history of the regulation of the word ‘Anzac’ in Australia and internationally, was published by Australian Scholarly Publishing in 2016.