



Australian Government

IP Australia

CERTIFICATE OF REGISTRATION DESIGN

Design number: 202313512

The Registrar of Designs has registered the design represented on this certificate and certifies that the following particulars have been entered in the Register of Designs.

Name and address of owner(s):

Ezzy Fit Pty Ltd of 82 Crotona Road Capalaba QLD 4157 Australia

Product to which the design is registered:

A Hollow Sleeper

Name of designer(s):

Rolf Bytschewsky

Date of filing:

1 June 2023

Date of registration:

2 February 2024

Term of initial registration:

Five years commencing on 1 June 2023

Statement of newness and distinctiveness:

Newness and distinctiveness resides in the overall impression of the parallelogram shape and configuration of a hollow sleeper as illustrated in the representations. When considering the scope of the monopoly the internal structure of the sleeper is to be disregarded

NOTE: This Design Registration cannot be enforced unless and until it has been examined by the Registrar of Designs and a Certificate of Examination has been issued. See sections 73(3) and 77(3) of the Designs Act 2003, set out on the reverse of this document.



Dated this 2nd day of February 2024

Registrar of Designs

DESIGNS ACT 2003

The Australian Designs Register is the official record and should be referred to for the full details pertaining to this IP Right.

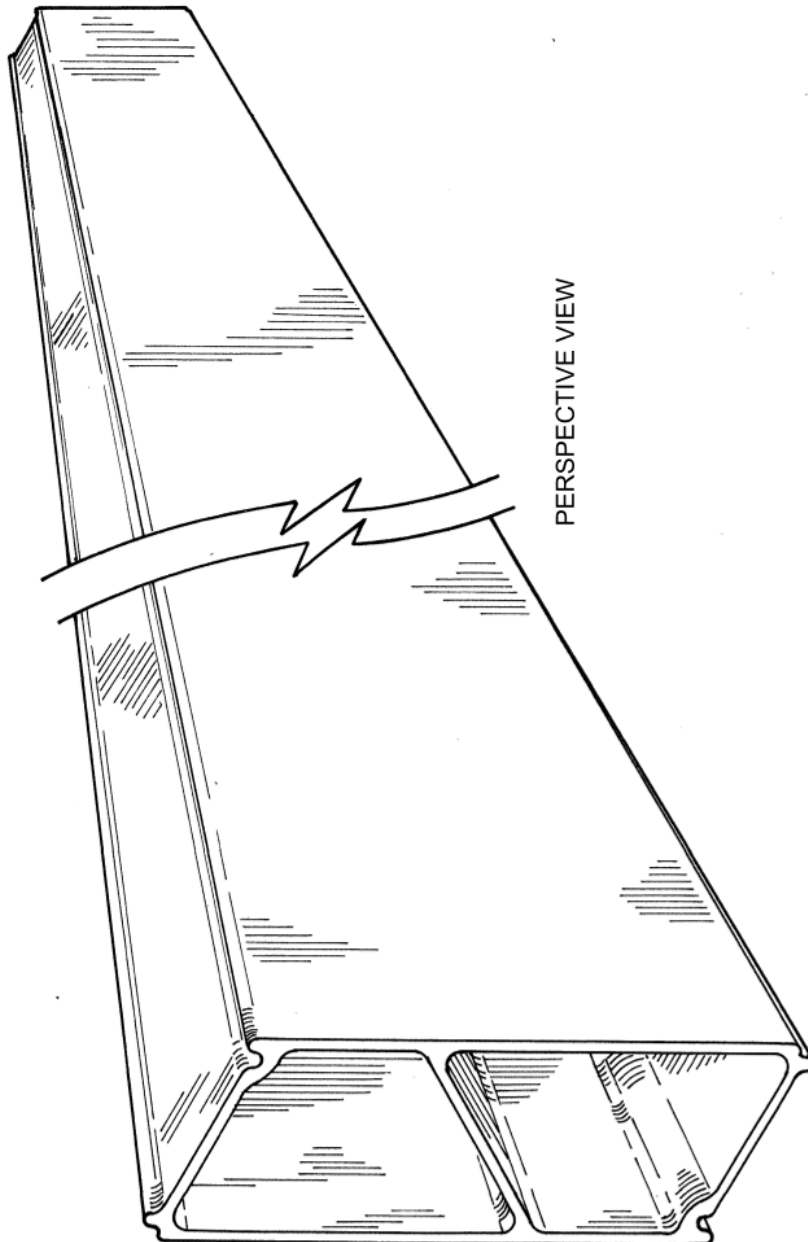


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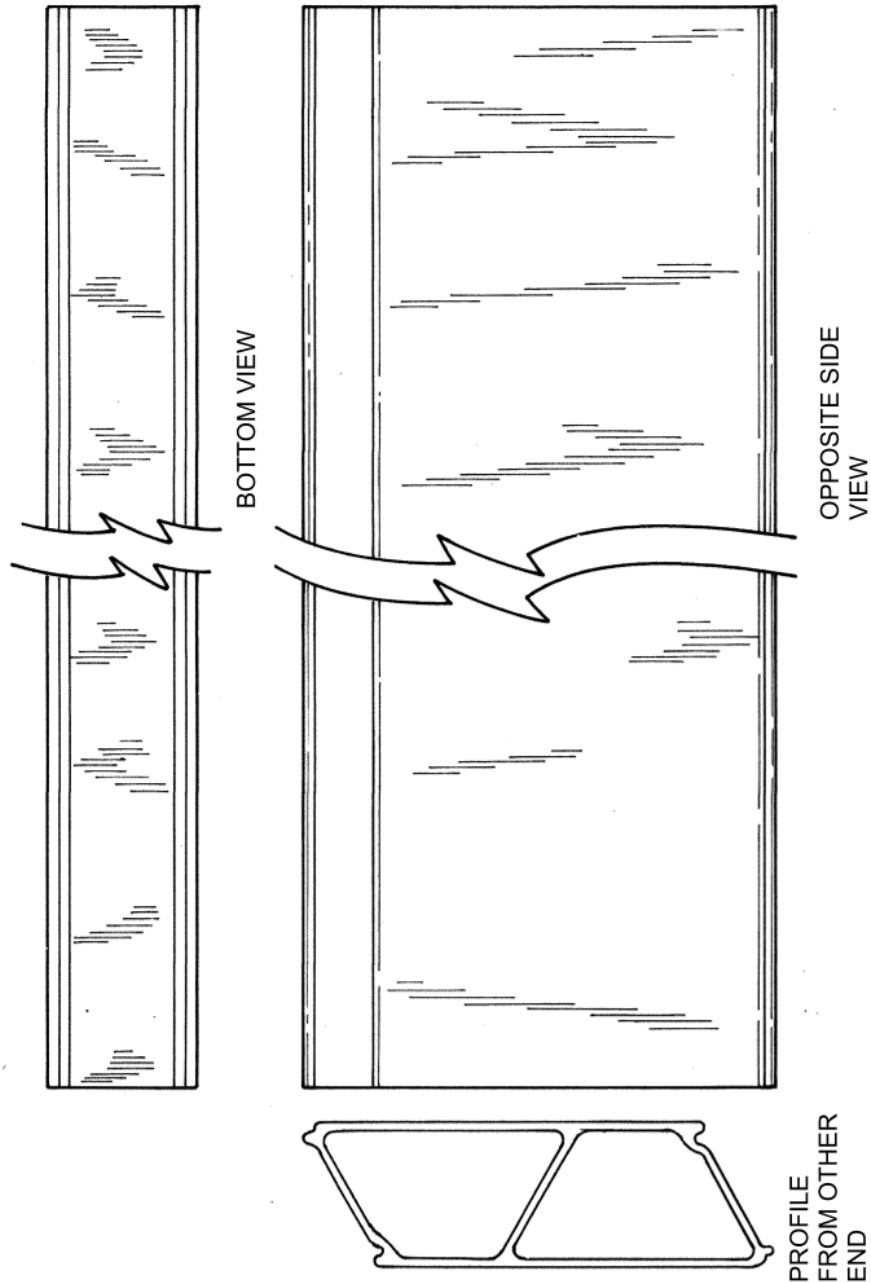


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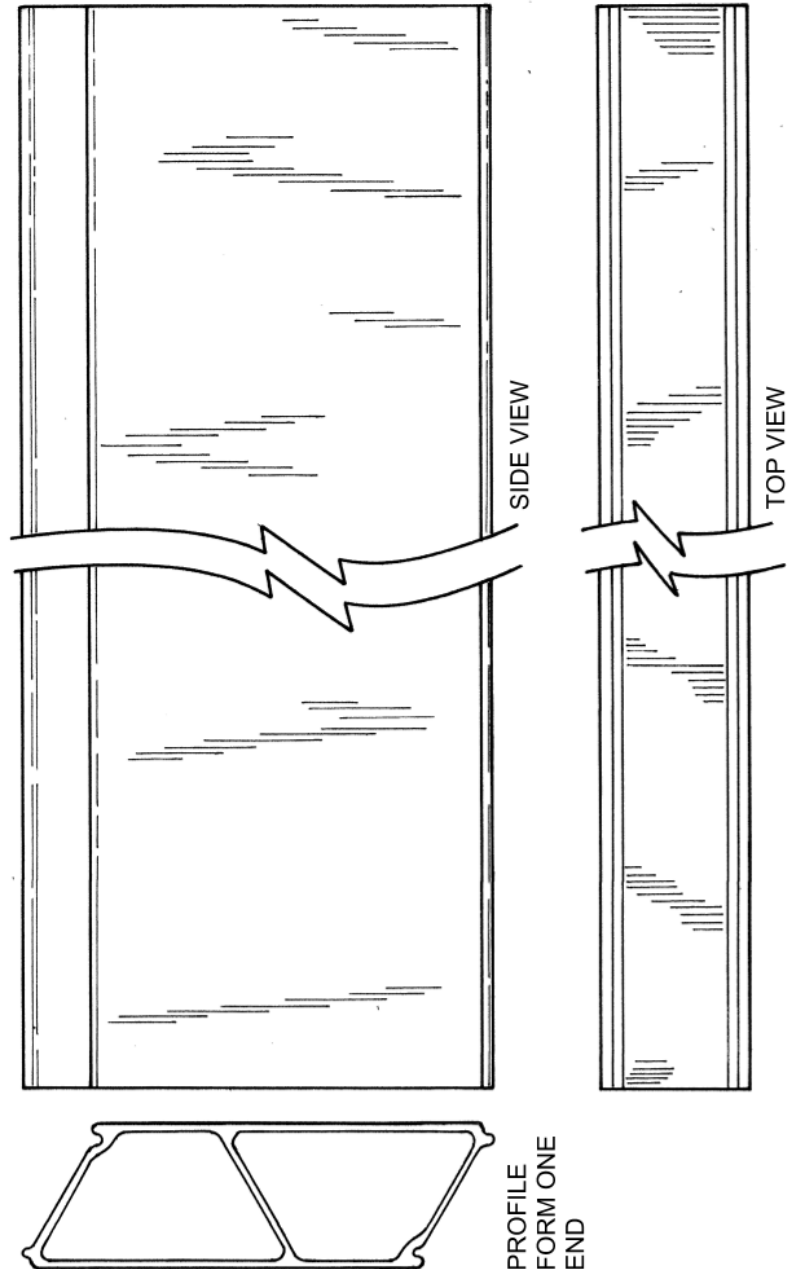


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Extracts from the Designs Act 2003

Section 73 **Infringement proceedings**

- (1) The registered owner of a registered design may bring proceedings against another person alleging that the person has infringed the registered design.
- (2) Infringement proceedings may be brought in a prescribed court or in another court that has jurisdiction in relation to the proceedings.
- (3) **However, infringement proceedings may not be brought under subsection (1) until:**
 - (a) **the design has been examined under Chapter 5; and**
 - (b) **a certificate of examination has been issued.**
- (4) If a person files an application under section 21 for registration of a design as a result of the operation of section 55, the person may only bring infringement proceedings in respect of infringements of the design occurring after the date on which the application was filed under section 21.

Section 77 **Application for relief from unjustified threats**

- (1) If a person is threatened by another person (the respondent) with infringement proceedings, or other similar proceedings, in respect of a design, an aggrieved person (the applicant) may apply to a prescribed court, or to another court that has jurisdiction to hear and determine the application, for:
 - (a) a declaration that the threats are unjustified; and
 - (b) an injunction against the continuation of the threats; and
 - (c) the recovery of damages sustained by the applicant as a result of the threats.
- (2) A threat mentioned in subsection (1) may be by means of circulars, advertisements or otherwise.
- (3) **If a certificate of examination has not been issued in respect of a design, a threat to bring infringement proceedings, or other similar proceedings, in respect of the design is an unjustified threat for the purposes of this section.**