



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

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Details of Filing

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Important Information

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Form 27B

Note: see rule 44.02.3.

S49/2025

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

No S49/2025

BETWEEN:

KATIE JANE TAYLOR
Appellant

KILLER QUEEN LLC
First Respondent

KATHERYN ELIZABETH HUDSON
Second Respondent

KITTY PURRY INC
Third Respondent

PURRFECT VENTURES LLC
Fourth Respondent

RESPONDENTS' CHRONOLOGY

Part I: The Respondents' Chronology includes additional relevant factual information not in the Appellant's Chronology. The Respondents' Chronology shows that information and the corresponding references in underlining. This chronology is in a form suitable for publication on the internet.

Part II: Chronology

Date	Event	Reference
2002	Katheryn Hudson, the Second Respondent, adopted "Katy Perry" as her stage name <u>to avoid confusion between her and actress Kate Hudson.</u>	CAB 19, [3], <u>CAB 23 [28],</u> <u>CAB 392 [206],</u> <u>CAB 394 [214]</u>
<u>2004</u>	<u>Ms Hudson performed background vocals for the song "Old Habits Die Hard" by Mick Jagger featured on the album "Alfie", which won the 2005 Golden Globe Award for best original song.</u>	<u>CAB 23 [30]</u>

Date	Event	Reference
<u>24/05/2005</u>	<u>Ms Hudson’s single “Simple” featured on the soundtrack to the movie “Sisterhood of the Travelling Pants”, which grossed over \$1.3 million in Australia and ranked number eight on its opening and second weekends in cinemas.</u>	<u>CAB 24 [33]-[34]</u>
<u>11/2005</u>	<u>Ms Hudson collaborated with band Payable On Death on its single “Goodbye for Now” and features in the music video for the song.</u>	<u>CAB 24 [35]</u>
<u>2006</u>	<u>Katie Taylor, the Appellant, starts using her birth name “Perry” at age 25. She previously used her stepfather’s last name “Howell”.</u>	<u>CAB 21 [12]-[16]</u>
<u>01/2006</u>	<u>Ms Hudson performed “Goodbye for Now” with the band Payable On Death on “The Tonight Show with Jay Leno”.</u>	<u>CAB 24 [35]</u>
<u>19/12/2006</u>	<u>Ms Taylor registers the business name “PALMS” in respect of her prospective fashion and clothing business.</u>	<u>CAB 26 [46]</u>
<u>02/2007</u>	<u>Ms Taylor leaves her position as a menswear fashion sales manager at David Jones to set up her business, working casually as a receptionist.</u>	<u>CAB 22 [19], CAB 27 [49]</u>
<u>04/2007</u>	<u>Ms Hudson changed record company to Virgin and activity associated with Ms Hudson’s career increased from this time.</u>	<u>CAB 30 [61]-[62]</u>
<u>05/04/2007</u>	Katie Taylor, the Appellant, applied to register the business name “Katie Perry” in respect of her fashion and clothing business, using her birth name.	CAB 21 [12], CAB 26 [46]-[47]
<u>02/05/2007</u>	Ms Taylor registered a domain for her business at www.katieperry.com.au (the Domain).	CAB 342 [9]
<u>29/08/2007</u>	Ms Taylor attended an IP Australia course at which she learnt about the process for, and importance of, applying for trade marks for her business.	CAB 27 [52]

Date	Event	Reference
29/08/2007	Ms Taylor designed logos and swing tags for her clothes <u>that she planned to make and sell</u> .	CAB 27 [52], CAB 30 [59]
29/08/2007	Ms Taylor engaged a third party to design business cards using the words “Katie Perry” in cursive font.	CAB 27 [52]-[53]
13/09/2007	Ms Taylor applied to register a trade mark <u>of the logo on her business cards</u> featuring the words “Katie Perry” written in cursive font <u>on a red and black background</u> in respect of “ <i>Clothing and fashion designing</i> ” (First Application).	CAB 27 [53], CAB 28-29 [55], CAB 352 [9], CAB 342 [9]
31/10/2007	Ms Taylor sent a press release to Northern Beaches Radio and New Woman with the words “Katie Perry” written in cursive, and the words “ <i>Among the designers supporting the event is Katie Perry, an innovative new Australian label</i> ”.	CAB 28 [55]
<u>11/2007</u>	<u>Ms Hudson released the single “Ur So Gay” and related music video on the social media platform MySpace. The single immediately goes “viral”, receiving publicity and successful sales.</u>	CAB 30 [63]-[65]
02/11/2007	Ms Taylor’s clothes were worn by students at Catwalk for a Cure Event at Kambala School; <u>however, the clothes were not yet in production or being offered for sale.</u>	CAB 29 [56]-[57]
<u>Late 2007</u>	<u>Steven Jensen (Ms Hudson’s manager) observed Ms Hudson’s popularity growing in Australia.</u>	CAB 32 [66]
2008	Ms Taylor <u>found a suitable production house willing to make clothes in the smaller quantities required and commenced manufacturing of clothes.</u>	CAB 29 [58], CAB 30 [59]
<u>Early 2008</u>	<u>Ms Hudson was invited to perform on the “Warped Tour”, a long-standing US outdoor rock music tour, during the US summer.</u>	CAB 32 [69]

Date	Event	Reference
<u>01/2008</u>	<u>Ms Hudson released a seven-inch vinyl version of “Ur So Gay” which was available for purchase and used by Ms Hudson as promotional merchandise.</u>	<u>CAB 32 [67],</u> <u>RBFM 5</u>
01/2008	Ms Taylor engaged a third party to build a website <u>landing page</u> for her business at the Domain. <u>There was no e-commerce facility established at the Domain.</u>	CAB 45 [114]
23/04/2008	Kitty Purry Inc (Kitty Purry), the Third Respondent, was incorporated in California; Ms Hudson, <u>using that name in the corporate documents</u> , was and is its sole director, CEO, secretary, CFO, shareholder and controlling mind.	CAB 346 [26], CAB 369-370 [110], <u>RBFM 49</u>
16/5/2008	Ms Taylor’s application to sell clothes from a stall at Paddington Markets was approved.	CAB 46 [115]
<u>06/06/2008</u>	<u>Ms Hudson’s music video for single “Ur So Gay” is played on TV program “Rage” on the ABC.</u>	<u>RBFM 6-7</u>
<u>12/06/2008</u>	<u>Mr Jensen caused an application to register “KATY PERRY” as a trade mark for apparel in class 25 in the US.</u>	<u>CAB 33 [73]</u>
<u>17/06/2008</u>	<u>Ms Hudson released the album “One of the Boys”, which ranked on international music charts and attracted media attention in Australia.</u>	<u>CAB 32 [72]</u>
20/06/2008	Start of Van’s Warped Tour in US where Ms Hudson performed <u>about 40 concerts</u> , and KATY PERRY branded clothes were sold.	CAB 33-34 [74]- [75]
<u>26/06/2008</u>	<u>Mr Jensen caused an application to register “KATY PERRY” as a trade mark for music, CDs and entertainment services in classes 9 and 41 in the US.</u>	<u>CAB 33 [73]</u>

Date	Event	Reference
<u>07/2008</u>	<u>Mr Jensen commenced discussions with Tom Donnell of Bravado International Group Merchandising Services, Inc. (Bravado) in relation to marketing and selling KATY PERRY branded clothing merchandise.</u>	<u>CAB 37 [85]</u>
07/2008	Ms Hudson's song "I Kissed a Girl" was played on Australian commercial radio; this was the first occasion on which Ms Taylor had heard of Ms Hudson.	CAB 52 [127]
<u>12/07/2008</u>	<u>Ms Taylor bought Ms Hudson's song "I Kissed a Girl", which she thought was "catchy", on iTunes.</u>	<u>CAB 52 [127], CAB 79 [191], RBFM 8</u>
<u>24/07/2008</u>	<u>Ms Hudson's single "I Kissed a Girl" was the top selling single at Big W, an Australian mass retailer.</u>	<u>RBFM 9</u>
07/2008	High volume manufacturing of Ms Taylor's clothes collection was completed, and Ms Taylor organised a photoshoot of the collection.	CAB 46 [116]
<u>30/07/2008</u>	<u>Ms Taylor received various invoices for different components of her garments (swing tags, labels and fabric) and an invoice for a cash payment of \$1,069.50 for 138 items (pants, tops and dresses).</u>	<u>RBFM 10-34, RBFM 51-52, RBFM 60</u>
02/08/2008	Date of first sales of Ms Taylor's clothes under the trade mark KATIE PERRY from her stall at Paddington Markets.	CAB 47 [118]
<u>07/08/2008</u>	<u>Ms Hudson's album "One of the Boys" is the sixth bestselling album of the week at Sanity Music, an Australian music retailer.</u>	<u>RBFM 35</u>

Date	Event	Reference
<u>08/2008</u>	<u>After the deadline for payment of the registration fee for the First Application had passed, it occurred to Ms Taylor that she had not yet paid the fee. She called IP Australia and was informed that she could still register her mark, but that she would have to pay late fees in addition to paying the registration fees.</u>	<u>CAB 44 [106]</u>
08/2008	Ms Taylor was informed by her friend Mr Farhang that applying for a word mark in class 25 would give her better protection than the First Application, and Ms Taylor decided to make such an application and to let the First Application lapse to save money.	CAB 44 <u>[106]</u> - [107]
<u>09/2008</u>	<u>Ms Taylor likely knew music artists sold clothes bearing their name at concerts.</u>	<u>CAB 57 [138]</u>
<u>04/09/2008</u>	<u>The Herald Sun, an Australian mainstream newspaper, reported that “chart-topping...Katy Perry has announced an Australian tour” in respect of Ms Hudson’s promotional tour in Australia, prior to her arrival in Australia.</u>	<u>CAB 43 [102],</u> <u>RBFM 36-38</u>
<u>12/09/2008</u>	<u>Tickets for Ms Hudson’s promotional tour in Australia went on sale.</u>	<u>CAB 43 [102]</u>
<u>16/09/2008</u>	<u>Mr Jensen informed the Bravado team of approved KATY PERRY branded clothing merchandise designs and that he would like to get the merchandise “out in... Australia... quickly”.</u>	<u>CAB 39 [93]</u>
<u>21/09/2008</u>	<u>Prior to Ms Hudson’s arrival in Australia, The Daily Telegraph, an Australian mainstream newspaper, reported on Ms Hudson’s promotional tour and related media endorsement opportunities while in Australia, noting that “if she were to mention a product in an interview, her fee is \$130,000”.</u>	<u>CAB 43 [102],</u> <u>RBFM 39</u>

Date	Event	Reference
29/09/2008	Ms Taylor applied for the KATIE PERRY mark in respect of “clothes”, trade mark no. 1264761 (Designer’s Mark) – this is the Priority Date.	CAB 339 [3]
Early 10/2008	The Bravado International Group Merchandising Services, Inc. (Bravado) webstore for Ms Hudson at katyperry.shop.bravadousa.com (Bravado Website) became live and publicly available, <u>with products available to purchase outside the US, including Australia, over the phone and available to be shipped “worldwide”, but was directed to the world, not Australia specifically. The Bravado Website was linked to Ms Hudson’s business domain katyperry.com.</u>	CAB 41 [96]– [98], CAB 235-236 [686]–[688], CAB 344 [16]
10-14/10/2008	<u>Dates of Ms Hudson’s promotional tour, during which she appeared on major TV, Press and Radio media platforms in Australia for interviews and performances, and performed in Sydney and Melbourne for the first time as a promotion for her album “One of the Boys”, but no clothes were sold at those concerts.</u>	CAB 43 [102]– [103]
20/10/2008	<u>Oscar Landa, a friend of Ms Taylor’s brother, posted on her Facebook page: “now that there is a singer “Katie Perry”, what’s happening with your branding?...you can’t have a label with the same name as a singer”.</u>	<u>CAB 52-53 [128]</u>
11/2008	<u>Having previously operated her business from home, Ms Taylor rented a storage unit.</u>	<u>CAB 48 [120]</u>
18/11/2008	An updated Bravado merchandising proposal was provided to Ms Hudson, setting out the terms for the distribution and sale of merchandise.	CAB 42 [99]
Early 12/2008	<u>Ms Taylor’s website at the Domain featured an e-commerce online store.</u>	<u>CAB 48 [122]</u>

Date	Event	Reference
<u>End of 2008</u>	<u>Ms Hudson’s singles “I Kissed a Girl” and “Hot n Cold” charted at numbers 6 and 16 respectively in the “End of year chart – top 100 singles in 2008” published by Australian Recording Industry Association (ARIA), and numbers 4 and 5 respectively in the list of top selling songs on iTunes for 2008.</u>	<u>CAB 34 [76], RBFM 53-56</u>
<u>01/2009 – 11/2009</u>	<u>Following the release of the album “One of the Boys”, Ms Hudson embarked on a world concert tour, “The Katy Perry: The Hello Katy Tour”, performing across 20 countries.</u>	<u>CAB 83 [201]</u>
<u>05/2009</u>	<u>Steven Jensen (Ms Hudson’s manager) became aware of Ms Taylor’s application for the Designer’s Mark.</u>	<u>CAB 344 [18], CAB 393 [211]</u>
<u>08/05/2009</u>	<u>Ms Hudson filed a notice of opposition to the registration of the Designer’s Mark out of time, with an application for an extension of time to file a notice of opposition.</u>	<u>CAB 55 [133]</u>
<u>06/2009</u>	<u>Mr Jensen authorised Ms Hudson’s US lawyers to instruct her Australian lawyers to attempt to resolve the dispute with Ms Tylor on the basis of a mutually satisfactory co-existence arrangement. Mr Jensen became aware of further information about Ms Taylor, including that she had no connection to the music or entertainment industry. He considered there was no likelihood of the public confusing Ms Hudson’s merchandise with clothes designed by Ms Taylor and thought if this occurred, it would benefit Ms Taylor because of Ms Hudson’s popularity.</u>	<u>CAB 60 [146]</u>
<u>Between 05-08/06/2009</u>	<u>Ms Taylor received a cease and desist letter from Fisher Adams Kelly dated 21 May 2009, Australian trade mark attorneys acting for Ms Hudson, in relation to the Designer’s Mark.</u>	<u>CAB 53-55 [131]</u>

Date	Event	Reference
<u>13/05/2009</u>	<u>Ms Hudson performs the single “Waking Up in Vegas” on TV program “American Idol” in LA, USA.</u>	<u>CAB 83 [202]</u>
<u>16/06/2009</u>	<u>Following Ms Taylor’s discussion with journalist, Lara Sinclair, at The Australian, the article “US popstar rocks fashion designer’s world” is published. The article quotes fashion publicist, Trish Nicol, on Ms Hudson having “a feminine fashion style that would lend itself to a label of her own”.</u>	<u>CAB 56 [136]-[137]</u>
<u>16/06/2009</u>	<u>Ms Taylor becomes aware of Ms Hudson’s intention to launch a clothing line, following receipt of an email from Caroline Thompson which mentions “Katy Perry herself said back in March she was looking at launching her own clothes line”.</u>	<u>CAB 57 [139]</u>
<u>17/06/2009</u>	<u>Tom Kalikajaros posts on “Support for Australian designer Katie Perry” Facebook group created and read by Ms Taylor, listing Ms Hudson’s available clothing merchandise.</u>	<u>CAB 63 [148]-[150]</u>
<u>23/06/2009</u>	<u>Ms Taylor engaged Nicholas Karandonis and his firm Power PR to manage her brand’s publicity.</u>	<u>CAB 76 [185]</u>
<u>26/06/2009</u>	<u>Ms Hudson applied for an Australian trade mark for words KATY PERRY in respect of “apparel”, amongst other goods and services (application no. 1306481) (the Singer’s Mark).</u>	<u>CAB 64 [153], CAB 339 [3], CAB 345 [21], CAB 393 [211]</u>
<u>29/06/2009</u>	<u>Ms Taylor posted a video message on her YouTube channel for Ms Hudson, stating “I’m absolutely no threat to you whatsoever” and “I wish you all the success, but leave me to carry on my dream”.</u>	<u>CAB 65 [154]-[155]</u>

Date	Event	Reference
01/07/2009	Holding Redlich Lawyers sent a letter to Ms Taylor offering to settle the dispute with a co-existence arrangement. This constituted a change in strategy, given Ms Hudson's application for the Singer's Mark, which could only proceed in respect of apparel with Ms Taylor's consent. Ms Taylor later refused the offer.	CAB 67-68 [160], <u>CAB 68-70</u> [161]-[165], CAB 71-72 [172]-[173], <u>CAB 393 [211]</u>
<u>05/07/2009</u>	<u>Ms Taylor gives media interviews and an article in the Sydney Morning Herald appeared in which Ms Taylor stated that she is "a victim of opportunistic lawyers", "there is no confusion between the two of us" and "her lawyers have come back to me wanting to have a more amicable settlement".</u>	<u>CAB 66 [159]</u>
<u>15/07/2009</u>	<u>Ms Taylor, through new solicitors appointed on 15 July 2009, objected to the co-existence agreement because the agreement only addressed trade mark applications in Australia and would need to address the trade mark in overseas territories. In a letter from her new solicitors of that date, it was indicated that an amended deed that "will incorporate [Ms Taylor's] instructions as to the terms that she would be willing to consider to resolve this dispute amicably" would be provided. No deed was ever provided.</u>	<u>CAB 70 [166],</u> <u>CAB 416 [322],</u> <u>CAB 420 [344],</u> <u>RBFM 40-41,</u> <u>RBFM 62-63</u>
16/07/2009	Ms Hudson withdrew the extension of time application because it was <u>in Ms Hudson's best interests to avoid further publicity and incur unnecessary legal costs and it was</u> likely to fail, and therefore her opposition to the Designer's Mark could not proceed.	CAB 70-71 [167]-[169], CAB 73 [177]- [178], <u>CAB 393 [211]</u>
21/7/2009	The Designer's Mark was entered on the Register of Trade Marks.	CAB 345 [23]

Date	Event	Reference
08/2009	Ms Hudson toured Australia, and KATY PERRY branded apparel and merchandise was sold at her concerts in Australia for the first time. Mr Jensen (her manager) was aware that such sales could constitute trade mark infringement of the Designer's Mark and that there was a substantial risk that Ms Taylor would be successful in such action. <u>However, in relation to merchandise, it did not occur to Mr Jensen that there would be any possibility that the public would be confused that clothes with the "KATY PERRY" name and brand on them were Ms Taylor's clothes or otherwise associated with Ms Taylor. No contact was received from Ms Taylor. Ms Hudson had no intention to divert trade from Ms Taylor and no contact occurred on behalf of Ms Taylor to Ms Hudson's lawyers at the time.</u>	CAB 73-74 [178], CAB 74-76 [181]-[183], CAB 83 [201], CAB 345 [24], ABFM 7 T314.35, <u>CAB 60 [146]</u> , CAB 230-231 [666]-[668], CAB 345 [24]
<u>08/2009</u>	<u>Following an interview with Ms Taylor, the article "I beat Katy Perry" appeared in Who Magazine, which mentions that the Katie Perry line has "picked up" since Ms Taylor "made headlines" and that Ms Taylor was a "one-time fan" of Ms Hudson.</u>	<u>CAB 79 [191]</u>
<u>06/08/2009</u>	<u>Ms Taylor, through Mr Karandonis (her PR Manager), approached Ms Hudson's team to hold a joint press conference for publicity purposes while Ms Hudson was in Australia. Mr Jensen declined.</u>	<u>CAB 77 [186]</u> , CAB 78 [189]-[190]
27/08/2009	Killer Queen LLC (Killer Queen), the First Respondent, was incorporated in California with Ms Hudson, <u>using that name in the corporate documents</u> , as its sole shareholder, director and officer, and controlling mind.	CAB 24 [37], CAB 346 [27], <u>RBFM 50</u>

Date	Event	Reference
10/09/2009	IP Australia issued an adverse examination report for the Singer's Mark citing the Designer's Mark. Ms Hudson amended the Singer's Mark to remove class 25 goods ("apparel").	CAB 81 [194]-[195]
<u>2010</u>	<u>Ms Hudson appeared on and performed at a large number of high profile TV programs, promotional performances and live concert shows, including as a guest judge on TV program "American Idol" in LA, US.</u>	<u>CAB 84 [203]</u>
<u>09/02/2011</u>	<u>Ms Taylor posted an audio clip of a radio segment on 2DayFM of an announcer introducing Ms Hudson's single "Teenage Dream" and, in the announcement, promoting Ms Taylor's "Adelaide pants". In her post, Ms Taylor stated that the pants were available for purchase and provided the website details www.katieperry.com.au.</u>	<u>CAB 88 [220]</u> <u>RBFM 64</u>
10/02/2011	Kitty Purry as grantor entered into an agreement with Bravado in relation to the sale of "Katy Perry" branded merchandise, <u>including during "The California Dreams Tour"</u> .	<u>CAB 84-85</u> <u>[204]-[206],</u> CAB 346 [30]
<u>2011</u>	<u>Ms Hudson appeared on and performed at high profile TV programs, including the "Logie Awards" in Melbourne. No contact was received from Ms Taylor.</u>	<u>CAB 85 [207]-</u> <u>[208]</u>
<u>02/2011</u>	<u>Ms Hudson embarked on "The California Dreams Tour" following the release of her album "Teenage Dream", performing 124 shows across 21 countries.</u>	<u>CAB 85 [207]</u>

Date	Event	Reference
<u>28/04 – 15/05/2011</u>	<u>Ms Hudson tours Australia for “The California Dreams Tour”, performing 8 live concerts. In relation to merchandise, it did not occur to Mr Jensen that there would be any possibility that the public would be confused that clothes with the “KATY PERRY” name and brand on them were Ms Taylor’s clothes or otherwise associated with Ms Taylor. No contact was received from Ms Taylor.</u>	<u>CAB 85 [206]-[207].</u> <u>CAB 230-231 [666]-[667]</u>
07/11/2011	Singer’s Mark was registered (but not in class 25 for “apparel”).	CAB 81 [195]
16/12/2011	Deed of Assignment entered into between Ms Hudson, <u>using that name in the corporate document</u> , and Killer Queen LLC, assigning the Singer’s Mark and business associated with the use of that mark from Ms Hudson to Killer Queen LLC.	CAB 346 [32], CAB 356 [73], <u>RBFM 42-44</u>
<u>2012</u>	<u>Ms Hudson appeared on and performed at a large number of high profile shows, including at the 54th Annual Grammy Awards, where her single “Firework” was nominated for “Record of the Year” and “Best Pop Solo Performance”.</u>	<u>CAB 89-90 [221]</u>
<u>13/02/2012</u>	<u>Ms Hudson released single “Part of Me”, which debuted at number one on Billboard Top 100 Chart and was certified double platinum by ARIA.</u>	<u>CAB 89-90 [221]</u>
<u>20/05/2012</u>	<u>Ms Hudson won the “Spotlight Award” for being the second person (after Michael Jackson) and first female artist to have five consecutive number one singles on “Billboard Hot 100” from one album.</u>	<u>CAB 89-90 [221]</u>
<u>End of 2012</u>	<u>Ms Taylor told her husband, a lawyer specialising in litigation, of Ms Taylor’s concerns that the Respondents were infringing Ms Taylor’s trade mark.</u>	<u>RBFM 58-59</u>

Date	Event	Reference
<u>2013</u>	<u>Ms Hudson appeared on and performed at a large number of high profile live concert shows, music festivals and TV programs, including in Sydney on TV program “The X Factor” and breakfast TV program “Sunrise” to promote album “Prism”. No contact was received from Ms Taylor.</u>	<u>CAB 90 [222]</u>
<u>17/05/2013</u>	<u>Ms Taylor posted an audio clip of an interview with Tim Rosso which aired on radio station Mix106.5, in which Mr Rosso creates an advertisement for Ms Taylor’s business that references Ms Hudson and her songs.</u>	<u>CAB 88-89 [220], RBFM 45-48</u>
<u>10/08/2013</u>	<u>Ms Hudson released single “Roar” which placed at number one on the Billboard Hot 100 Chart.</u>	<u>CAB 90 [222]</u>
<u>06/02/2014</u>	Kitty Purry as grantor entered into an agreement with Bravado in relation to the sale of KATY PERRY branded merchandise including the grant of licence rights in relation to the KATY PERRY name and trade mark.	CAB 91 [224]- [226], CAB 347 [35], CAB 356 [74]
<u>2014</u>	<u>Ms Hudson appeared on and performed at high profile live concert performances and TV programs, including the Brit Awards in London.</u>	<u>CAB 91 [223]</u>
<u>05/2014 – 10/2015</u>	<u>Ms Hudson embarked on “Katy Perry: The Prismatic World Tour” performing 151 live concert shows across 38 countries.</u>	<u>CAB 92 [227]</u>

Date	Event	Reference
07/11/2014- 15/12/2014	Australian leg of “Katy Perry: The Prismatic World Tour”, <u>where Ms Hudson performed 23 live concert shows</u> . KATY PERRY branded merchandise was sold at those shows. <u>In relation to merchandise, it did not occur to Mr Jensen that there would be any possibility that the public would be confused that clothes with the “KATY PERRY” name and brand on them were Ms Taylor’s clothes or otherwise associated with Ms Taylor. No contact was received from Ms Taylor.</u>	<u>CAB 91 [226]</u> , CAB 92 [227], <u>CAB 230-231 [666]-[667]</u>
12- 18/11/2014	Pop-up store opened in Melbourne selling KATY PERRY branded merchandise.	CAB 92 [228]
21- 28/11/2014	Pop-up store opened in Sydney selling KATY PERRY branded merchandise.	CAB 92 [228]
2014-2016	KATY PERRY branded merchandise was sold to customers in Australia by Target Australia Pty Ltd in its stores and online through its website.	CAB 360 [86]
2014-2017	KATY PERRY branded merchandise was sold to customers in Australia by Harris Scarfe.	CAB 180 [482]
2015-2019	KATY PERRY branded merchandise was sold to customers in Australia by Best & Less.	CAB 180 [482], CAB 361-362 [91]
<u>01/02/2015</u>	<u>Ms Hudson performed at the Super Bowl XLIX halftime show in Arizona, US, which was watched by 118.5 million viewers and was reported as the most-watched halftime show in history.</u>	<u>CAB 92 [229]</u>
<u>03/2015</u>	<u>Ms Taylor changes name to “Taylor” following marriage to Matthew Taylor.</u>	<u>CAB 21 [17]</u>

Date	Event	Reference
<u>2016</u>	<u>Ms Hudson appeared on and performed at a number of high profile live concert shows, TV programs and promotional performances, including the 51st Academy of Country Music Awards in Las Vegas, US.</u>	<u>CAB 92 [230]</u>
07/09/2016	Purrfect Ventures LLC (Purrfect Ventures), the Fourth Respondent, was incorporated in Delaware with Killer Queen and GBG USA Inc (GBG) as its initial members.	CAB 346 [28]
<u>2017</u>	<u>Ms Hudson appeared on and performed at a large number of high profile TV programs, live concert shows, music festivals and promotional appearances, including in Sydney on TV program “The Voice” and as a judge on TV program “American Idol”. No contact was received from Ms Taylor.</u>	<u>CAB 94 [235], CAB 100 [251]</u>
<u>03/07/2017</u>	<u>Ms Taylor posts on her Facebook page on which she promotes her business: “Heard my namesake is in town...Imagine if Katy Perry wore Katie Perry!!”</u>	<u>CAB 88-89 [220]</u>
<u>09/2017</u>	<u>Ms Hudson embarked on the “Witness Tour” performing 15 live concert shows across 33 countries.</u>	<u>CAB 95 [240]</u>
<u>11/10/2017</u>	<u>Mr Donnell, who had left Bravado International Group, proposes a “revised merchandising offer” for Ms Hudson with company Blackout Merch, with which Mr Jensen recommends they proceed.</u>	<u>CAB 94-95 [237]-[239]</u>
07/2018	Ms Taylor became aware of the concept of litigation funding and resolved to sue Ms Hudson for trade mark infringement. However, it took some time for Ms Taylor to obtain litigation funding.	CAB 102 [262]-[264]

Date	Event	Reference
<u>24/07 – 17/08/2018</u>	<u>Ms Hudson tours Australia for “The Witness Tour”, performing 14 live concerts shows. In relation to merchandise, it did not occur to Mr Jensen that there would be any possibility that the public would be confused that clothes with the “KATY PERRY” name and brand on them were Ms Taylor’s clothes or otherwise associated with Ms Taylor. No contact was received from Ms Taylor.</u>	<u>CAB 95 [239]-[240].</u> <u>CAB 230-231 [666]-[667]</u>
<u>2019</u>	<u>Ms Hudson appeared on and performed at a number of high profile shows, including as a guest judge on TV program “MasterChef Australia” in Melbourne.</u>	<u>CAB 98 [244]</u>
<u>05/2019</u>	<u>Ms Hudson released the single “Never Really Over”, which charted at 7 on the ARIA charts.</u>	<u>CAB 99 [246]</u>
<u>30/06/2019</u>	<u>Ms Taylor’s Business Activity Statement showed annual sales for 2019 of \$40,406, including sales of products other than clothing and products not bearing the Designer’s Mark.</u>	<u>CAB 268 [786]</u>
<u>18/09/2019</u>	<u>Ms Taylor sends a letter of demand to Ms Hudson. This is the first time Ms Taylor objects to Ms Hudson’s use of the Katy Perry Mark.</u>	<u>CAB 72 [174](2)</u>
<u>24/10/2019</u>	<u>Ms Taylor commenced Federal Court proceedings no. NSD1774 of 2019, after obtaining litigation funding from LCM Operations Pty Ltd.</u>	<u>CAB 102 [264]-[265]</u>
<u>01/11/2019</u>	<u>Interview with Ms Taylor appeared on “A Current Affair” discussing the proceedings and stating that she has “had to watch” Ms Hudson “infringe her trade mark for the past ten years”.</u>	<u>CAB 103 [266]</u>
<u>20/12/2019</u>	<u>Respondent’s Cross-claim filed relying upon, inter alia, s 88(2)(c) of the <i>Trade Marks Act 1995</i> (Cth). Relevant date for assessment of s 88(2)(c).</u>	<u>CAB 264 [774]</u>

Date	Event	Reference
30/06/2020	<u>Ms Taylor's Business Activity Statement showed annual sales for 2020 of \$11,709, including sales of products other than clothing and products not bearing the Designer's Mark.</u>	<u>CAB 268 [786]</u>
29/11/2021- 3/12/2021	Hearing of proceedings NSD1774 of 2019.	CAB 5
16- 17/02/2022	Continued hearing of proceedings NSD1774 of 2019.	CAB 5
21/04/2023	Judgment of Markovic J, <i>Taylor v Killer Queen, LLC (No 5)</i> [2023] FCA 364	CAB 5
10/05/2023	Final orders of Markovic J in NSD1774 of 2019 as to substantive issues.	CAB 299
04/08/2023	Orders of Markovic J in NSD1774 of 2019 in relation to costs.	CAB 307
22- 23/02/2024	Hearing of Full Federal Court appeal in NSD547 of 2023.	CAB 330
22/11/2024	Judgment of Yates, Burley and Rofe JJ, <i>Killer Queen, LLC v Taylor</i> [2024] FCAFC 149.	CAB 330 CAB 425
11/04/2025	Orders granting special leave to appeal.	CAB 485
22/04/2025	Notice of Appeal filed.	CAB 489

Dated: 27 June 2025



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