



HIGH COURT OF AUSTRALIA

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Details of Filing

File Number: S140/2025
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Registry: Sydney
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Filing party: Appellants
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Important Information

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IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

BETWEEN:

ZIP CO LIMITED
First Appellant

ZIPMONEY PAYMENTS PTY LTD
Second Appellant

and

FIRSTMAC LIMITED
Respondent

APPELLANTS' CHRONOLOGY

Part I: CERTIFICATION

This chronology is in a form suitable for publication on the internet.

Part II: CHRONOLOGY

No.	Date	Event	Reference
1	20 September 2004	The Respondent (Firstmac) has been the registered owner of Australian trade mark registration no 1021128 for ZIP in relation to class 36 ‘financial affairs (loans)’ (Firstmac Mark) since this date.	Core Appeal Book (CAB) 12, 164 Primary Judgment (PJ) [2] Full Court Judgment (FCJ) [22]
2	Early 2005	Firstmac first launched ‘original ZIP home loans’.	CAB 18, 166 PJ [19] FCJ [32] (row 1)
3	Mid-2012	Mr Larry Diamond began to think about establishing a business based on digital/online short term lending to consumers.	CAB 40 PJ [63]-[64]

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No.	Date	Event	Reference
4	Second half of 2012	Mr Diamond considered that the names 'ZIP' or 'ZAP' might be good brands for a digital short term consumer lending business. He preferred 'ZIP' and decided it would be a good idea to also use the word 'money' (ie 'ZIP MONEY').	CAB 40-41, 89-90 PJ [65]-[66], [242]
5	About November 2012	Mr Diamond and Mr Peter Gray met to discuss business opportunities, including short term digital lending. Mr Diamond had the name 'ZIP' in mind because it had connotations with fast movement.	CAB 41, 166 PJ [68] FCJ [32] (row 2)
6	19 November 2012	Mr Diamond registered the domain name zipmoney.com.au.	CAB 41, 62, 166 PJ [70], [140] FCJ [32] (row 3)
7	Early 2013	Mr Gray undertook internet searches in relation to the name 'ZIP' reasonably frequently during this period. None of them returned results for Firstmac's home loans. Mr Diamond also searched the internet in relation to the name 'ZIP' on a number of occasions in the course of planning and developing the business, none of which returned results for Firstmac's home loans.	CAB 42, 48-49, 158, 160, 167 PJ [72], [95]-[97] FCJ [4], [13(1)], [32] (row 4)
8	First half of 2013	Messrs Gray and Diamond began developing a preliminary business model, pitching it to potential retailers and seeking capital. At this time they were using the names 'ZIP' and 'ZIP MONEY' to refer to the business.	CAB 42, 167 PJ [73]-[74] FCJ [32] (row 4)
9	About June 2013	By this date, Messrs Gray and Diamond decided they definitely wanted to use the names 'ZIP' and 'ZIP MONEY' for the business.	CAB 42, 158-160, 167 PJ [75] FCJ [5], [13(2)], [32] (row 5)
10	24 June 2013	The Second Appellant (Zipmoney Payments) was incorporated as 'Zipmoney Pty Ltd'.	CAB 39, 167 PJ [61] FCJ [32] (row 6)

No.	Date	Event	Reference	
10	11	About 24 June 2013	Mr Gray undertook further internet searches in relation to the name ‘ZIP’, none of which returned results for Firstmac’s home loans. He continued to undertake searches throughout 2014 and 2015.	CAB 42 PJ [76]
	12	After about June 2013	Messrs Gray and Diamond commissioned the design of logos that could be used for the business, including the following logos:  	CAB 43-44 PJ [80]
	13	August 2013	By this date, Zipmoney Payments had used ‘ZIP’ and ‘ZIPMONEY’ in presentations to merchants.	Appellants’ Further Materials 4
20	14	19 and 20 August 2013	Zipmoney Payments filed trade mark application nos 1575528 and 1575717 for the following logos in class 36:  	CAB 44, 159-160, 167 PJ [81] FCJ [9], [13(3)], [32] (row 9)
30	15	3 September 2013	Zipmoney Payments obtained a credit licence from ASIC which allowed it to engage in credit activities.	CAB 42-43, 167 PJ [77] FCJ [32] (row 10)
	16	October 2013	Zipmoney Payments received adverse examination reports from IP Australia in relation to its trade mark applications.	CAB 44-45, 159-160, 167 PJ [84] FCJ [9], [13(4)], [32] (row 11)
40	17	Late November 2013	Zipmoney Payments partnered with its first retail merchant, Chappelli Cycles, and its credit and payment services were available to consumers in Australia.	CAB 43, 55, 159, 167 PJ [78], [117] FCJ [8], [32] (row 12)
	18	Early 2014	Firstmac ceased offering ‘original ZIP home loans’ to new customers but continued to service existing loans.	CAB 19, 25-26, 168 PJ [23], [32] FCJ [32] (row 14)

No.	Date	Event	Reference	
10	19	February 2015	Zipmoney Payments’ trade mark applications lapsed.	CAB 48, 168 PJ [94] FCJ [32] (row 17)
	20	September 2018	Firstmac launched new ZIP home loans.	CAB 31, 171, 202 PJ [42] FCJ [32] (row 48), [129]
	21	8 March 2019	Firstmac (via its solicitors) sent a letter of demand to Zipmoney Payments.	CAB 105, 171 PJ [296] FCJ [32] (row 51)
20	22	20 June 2019	Firstmac commenced Federal Court of Australia proceeding no NSD 1004 of 2019 against the Appellants for trade mark infringement.	CAB 69, 171 PJ [164] FCJ [32] (row 55)
30	23	15 August 2019	The Appellants filed: (a) a defence which raised s 122(1)(f) and (fa) of the <i>Trade Marks Act 1995</i> (Cth) as a defence to Firstmac’s trade mark infringement claim; and (b) a cross-claim seeking cancellation of the Firstmac Mark under s 88(1)(a) of the <i>Trade Marks Act 1995</i> (Cth).	CAB 124 PJ [371]
40	24	29 May 2023	The Federal Court (Markovic J) delivered the PJ.	CAB 5
	25	6 June 2023	The Federal Court (Markovic J) made orders giving effect to the PJ.	CAB 140
	26	4 July 2023	Firstmac filed a notice of appeal.	CAB 148
	27	19 March 2025	The Full Court (Perram, Katzmann and Bromwich JJ) delivered the FCJ and ordered that the appeal be allowed.	CAB 154, 229
	28	27 May 2025	The Full Court (Perram, Katzmann and Bromwich JJ) made final orders giving effect to the FCJ.	CAB 230
	29	4 September 2025	This Court granted the Appellants special leave to appeal.	CAB 248

No.	Date	Event	Reference
30	18 September 2025	The Appellants filed a notice of appeal with this Court.	CAB 250
31	25 September 2025	The Respondent filed a notice of contention with this Court.	CAB 253

Dated: 23 October 2025



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