

CANTARELLA BROS PTY LTD (ACN 000 095 607)
v
LAVAZZA AUSTRALIA PTY LTD (ACN 605 275 107) & ANOR
[2025] HCADisp 126
S29/2025

- 1 The applicant applies for special leave to appeal from part of the judgment of the Full Court of the Federal Court of Australia (Nicholas, Jackson and Rofe JJ) in which the Full Court dismissed an appeal from the Federal Court of Australia (Yates J) cancelling two trade mark registrations of the applicant and dismissing its application for relief for infringement of those marks.
- 2 The proposed appeal has insufficient prospect of success to support a grant of special leave and is not a suitable vehicle to determine any issue of principle or question of law of public importance.
- 3 Special leave to appeal is refused with costs.
- 4 The name of the second respondent is amended to "Lavazza Australia OCS Pty Ltd (ACN 626 604 555) (in liquidation)".

Gageler CJ
Gordon J
Edelman J
Gleeson J
Jagot J
Beech-Jones J

12 June 2025