

FANATICS, LLC
v
FANFIRM PTY LIMITED
[2025] HCADisp 298
S141/2025

- 1 The applicant seeks special leave to appeal from part of the judgment of the Full Court of the Federal Court of Australia (Burley, Jackson and Downes JJ), allowing an appeal in part against the decision of the Federal Court of Australia (Rofe J) and allowing a cross-appeal.
- 2 The findings of Rofe J and lack of evidence concerning the issue of honesty under ss 122(1)(f) or (fa) (combined with s 44(3)) of the *Trade Marks Act 1995* (Cth) make the proposed appeal an inappropriate vehicle to determine the questions of principle raised concerning these defences. Moreover, an appeal would not otherwise enjoy sufficient prospects of success to warrant a grant of special leave to appeal.
- 3 Special leave to appeal is refused with costs.

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

4 December 2025