

27 April 2018

Private International Law and Commercial Policy Unit  
Attorney-General's Department  
3-5 National Circuit  
BARTON ACT 2600  
Via email: [Hagueproject@ag.gov.au](mailto:Hagueproject@ag.gov.au)

To the Attorney General's Department

The Winemakers' Federation of Australia (WFA) is the Australian wine industry's peak industry body representing the interests of Australian wine industry on national and international issues, through a single organisation. We welcome the opportunity to provide a submission to the Consultation Paper on Recognition and Enforcement of Foreign Judgments.

The issues associated with Australia's pathways for Recognition of Foreign Judgments are highly complex and will require significant analysis, consultation and consideration before any action is taken. While noting that further analysis and consultation is required, the WFA's initial assessment of the consultation paper has identified the issue of Intellectual Property (IP) as an area of key importance.

In regard to Question 7 of the Consultation Paper:

*"Question 7 Should intellectual property matters be included or excluded in the draft Convention (see Article 5(3) and Article 2, respectively)?"*

WFA sees no commercial advantage for the inclusion of IP and believe doing so would in fact result in significant unintended consequences, not only for wine businesses but other agricultural commodities. As noted in the paper, IP is territorial and its inclusion would potentially create serious problems for Australian wine businesses particularly concerning the issues of Geographical Indications. It would allow for yet another avenue to amplify current protectionist behaviours which seek to limit our competitiveness and provide our competitors an advantage through restriction of terms. It could also be misused in this manner by trademark holders. For these reasons, **WFA strongly advocates for the exclusion of IP from the draft Convention.**

I would welcome further discussion on the topic and would be happy to expand on these comments in person.

Yours sincerely

**TONY BATTAGLENE**  
Chief Executive