Australia:

GROUP SUMMARY REPORT

Developments

1. Record trade mark filing activity: 97,345 applications were filed in 2025 (+13.3% on 2024 and 9.7% above the previous 2021 peak), the third consecutive year of growth. Registrations also reached a new high of 70,614 (+5.4%).
2. Following the High Court's decision in Zip Co Ltd v Firstmac Ltd [2026] HCA 16 on honest concurrent use, IP Australia has updated its Trade Marks Manual of Practice to align examination practice with the stricter standard.
3. IP Australia identified a number of 2025 filings associated with fraudulent accounts; these have been excluded from the official filing statistics.
4. Direct national filings continue to outpace Madrid designations (third consecutive year), consistent with the global decline in Madrid use since its 2021 peak.

Statistics

Year	Number of New Applications	Average timeframe from filing up to registration (months)
2024	85,944	Not reported
2025	97,345 (+13.3%)	Not reported

*) Specific reason for increase/decrease, if any: Growth was broad-based. Resident filings rose 15.1% to 55,913 (57.4% of total), surpassing the 2021 peak, and non-resident filings rose 10.9% (42.6% of total). Service classes grew 18.5% against 10.7% for goods, tracking a 6.7% rise in household spending on services. China remained the largest foreign source (14.8% of filings, +20.6%), while filings from the US, UK, Germany and New Zealand rebounded by 4–10%.
**) Other comments, if any: Direct applications reached a record 80,133 (+15.3%) compared with 17,212 Madrid designations (+4.8%). Strongest class growth was in financial (+25.1%), construction (+24.0%), scientific and technological (+23.4%) and advertising/business services (+21.9%); clothing, footwear and headwear grew 17.4%. Leading filers were Aristocrat Technologies (domestic) and L'Oréal (international), with Chinese cross-border e-commerce firms and Canadian retailer Dollarama (following its acquisition of The Reject Shop) among notable new entrants. The Country Report does not report average pendency from filing to registration.

Cases

Taylor v Killer Queen LLC [2026] HCA 5 (KATIE PERRY)

The High Court upheld an Australian designer's KATIE PERRY registration for clothing against a challenge associated with the singer Katy Perry, confirming that reputation must be assessed in relation to the relevant goods or services, and that general celebrity fame does not of itself create a trade mark reputation in an unrelated category.

Zip Co Ltd v Firstmac Ltd [2026] HCA 16

The High Court rejected Zip's honest concurrent use defence, holding that honesty is assessed from the first act of alleged infringement by the objective standards of ordinary, decent people. Continuing use in the face of known conflicts or adverse examination reports makes the threshold very hard to meet, raising the stakes for pre-launch clearance.

	Marshall B Mathers III v Swim Shady Pty Ltd [2026] ATMO 119 Eminem's SHADY registrations in Classes 18 and 25 were partially removed for non-use. Global reputation does not substitute for genuine use in Australia; third-party use assists only where the owner exercises actual control, and de minimis sales (three items) were insufficient. The decision is under appeal to the Federal Court. *Bed Bath 'N' Table v Global Retail Brands [2025] HCA 50* The High Court found misleading or deceptive conduct in the use of HOUSE BED & BATH despite no trade mark infringement, confirming that consumer law and trade mark law are distinct inquiries, and that a trader's wilful blindness to confusion may be treated as circumstantial evidence that confusion was likely. *Republic of Peru v Registrar of Trade Marks [2026] FCA 791* In the first comprehensive Federal Court consideration of certification trade marks, the Court allowed registration of PISCO for alcoholic beverages (except beer), finding Australian consumers and traders understand PISCO as denoting Peruvian geographical origin rather than a generic term. *Black Star Pastry v Richards (No 2) [2026] FCA 383* A registration was held invalid because the application failed to name all joint owners, defeating the infringement claim. The case underscores that ownership must be correct at the time of filing and jointly owned marks must be applied for jointly.