

Assignment of Common Law Trade Mark

Between Party A and Party B

Date:

This precedent is suitable for the sale of an unregistered (common law) trade mark. Include a description of the Trademark(s) in the Schedule, and attach any graphical representations to Annexure A

THIS DEED dated this day of 2020

PARTIES

(ACN/ABN) of (**Assignor**)

OF THE FIRST PART

AND

(ACN/ABN) of (**Assignee**)

OF THE SECOND PART

RECITALS

- A. The Assignor has been conducting the business of [include name and brief description] at [insert address].
- B. The Assignor has been using and claims to be entitled to use the trade mark particularised in the Schedule to this Deed ("trade mark") in Australia a copy of which is reproduced in the Annexure to this Deed.
- C. The Assignor has agreed to assign to the Assignee the trade mark on the terms in this Deed.

TERMS

1. DEFINITIONS & INTERPRETATION

a) Definitions

In this Deed, unless otherwise indicated by the context:

- i) Business Day means a day that is not a Saturday, Sunday, public holiday or bank holiday in the state in which the subject matter of this agreement is to be performed [Sydney, Brisbane, Melbourne etc];
- ii) Business Hours means from 9.00 am to 5.00 pm on a Business Day;
- iii) Person includes a natural person, body corporate, partnership, joint venture, association or other incorporated or unincorporated legal entity;
- iv) Ineffective means void, illegal or unenforceable;
- v) Trademark means a registered trademark as defined under the Trade Marks Act 1995 (Cth) (the Act);
- vi) 'The Trademark' and 'Marks' means the words and / or graphical representations set out in the Schedule and Appendix to this Deed.

b) Interpretation

In this Agreement, unless otherwise indicated by the context:

- i) the singular includes the plural and vice versa; words importing a gender include the other genders;
- ii) other grammatical forms of defined words or phrases have corresponding meanings;
- iii) use of a term denoting subject matter which comprises more than one part or aspect includes a reference to each or any part or aspect of the subject matter;
- iv) a reference to a clause, part of a clause, schedule or annexure is a reference to that clause, part of a clause, schedule or annexure to