



Federal Court of Australia

District Registry: South Australia Registry

Division: General

No: SAD226/2024

REDARC ELECTRONICS PTY LTD (ACN 099 971 794)

Applicant

AUSTRALIAN MOBILE RADIO PTY LTD (ACN 003 284 222)

Respondent

ORDER

JUDGE: Justice O'Sullivan

DATE OF ORDER: 21 October 2025

WHERE MADE: Adelaide

THE COURT NOTES THAT the parties have reached a confidential settlement and have executed a Deed of Settlement and Release. The Deed of Settlement and Release is to be placed in an envelope marked confidential and is not to be opened save by order of the Court

ACKNOWLEDGEMENT:

The respondent acknowledges that during the period 1 July 2023 until 20 October 2025 by:

1. using and reproducing the applicant's photographs as set out in Schedules D, E and F of the statement of claim, the respondent infringed the applicant's copyright in respect of the photographs in contravention of s 38 of the *Copyright Act 1968* (Cth);
2. using the applicant's registered Trade Marks, Australian registered trade mark numbers 988987, 1756106 and 2116251, in relation to third party products, the respondent infringed the applicant's Trade Marks in contravention of s 120 of the *Trade Marks Act 1995* (Cth);
3. including the respondent's Redfleet logo and name as a watermark on photographs of the applicant's products, the respondent engaged in misleading and deceptive conduct by representing that there was an association between the applicant and the respondent when that was not in fact the case, in contravention of s 18 of the ACL under the *Competition and Consumer Act 2010* (Cth); and
4. representing that third party products in photographs on the respondent's website were products of the applicant when that was not in fact the case, in contravention of s 18 of the ACL under the *Competition and Consumer Act 2010* (Cth).



UNDERTAKING:

The Respondent undertakes to the Court that it will cease, on and from 3 November 2025:

1. using a watermark with the Redfleet logo or name on photographs which contain images of the Applicant's products;
2. using, publishing, reproducing or adapting the photographs referred to Schedules D, E and F of the statement of claim;
3. selling the applicant's products in bundles or packages with third party products;
4. creating substantially identical photographs to the product photographs of Redarc by recreating the scene depicted by these photographs; and
5. "cutting" photographs from Redarc's website, social media or other promotional material and "pasting" those photographs on AMR's website, social media or other promotional material.

THE COURT ORDERS BY CONSENT THAT:

1. The trial is vacated.
2. The parties have liberty to apply.
3. In the event that neither party exercises its right to apply pursuant to order 2 above within three months, the proceedings are otherwise dismissed with no order as to costs.

Date orders authenticated: 21 October 2025


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.