

6 February 2008

By Email: roger.clarke@xamax.com.au

Mr Roger Clarke
78 Sidaway Street
CHAPMAN ACT 2611

Niki Hantzis
General Counsel
Sensis Pty Ltd
222 Lonsdale Street
Melbourne VIC 3000
Australia

Telephone: 03 8653 4800
Facsimile: 03 8653 7970

Dear Roger

Use of the term "Yellow Pages"

I refer to your letter to Bruce Akhurst dated 18 January 2008. Bruce has asked me to respond on his behalf.

Over the last 12 months Sensis has implemented a program aimed at encouraging the proper use of Sensis trade marks, including "Yellow Pages®" and "White Pages®" when those trade marks are used by others on the internet to refer to Sensis products and services. The purpose of the program is to ensure that these trade marks do not become generic through continued and unchallenged misuse by others.

A vast number of operators of internet sites wish to link to the Sensis Yellow Pages® and White Pages® directory websites for the ease of reference of the user. Sensis does not wish to discourage this practice. Linking to Sensis websites provides a service to the community, and also assists in promoting Sensis' products. However, we took the view we needed to take steps to address the risk that continued misuse of our brands by those creating links to our websites might weaken the strength the Sensis brands.

As you say, your use of the Sensis trade marks "Yellow Pages®" and "White Pages®" in the context of a link to the Sensis directory websites, is quite general. I note that you include the sentence "the first commercial yellow pages in the world on the net". This use of the words "yellow pages" as a generic descriptor is an example of inappropriate use in Australia of our trade mark.



White Pages®



While in isolation, such inappropriate use of the trade mark appears trifling, the repeated and unchallenged use of the trade marks in this way may result in registration of those trade marks being lost.

I regret that you found the text of the letter inappropriate, intimidating and oppressive. I understand that it had been drafted with a view to avoiding that very result. The letter does not quote law or make claims and demands, because such a letter would, by its nature, appear overly intimidating. The letter was intended to simply convey our view that our registered trade marks were being used inappropriately and request your co operation in remedying the matter. Prompted by your complaint, however, we will review the letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Niki Hantzis". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Niki Hantzis
General Counsel
Sensis Pty Ltd