



What is the PPSR?

The Personal Property Securities Register (PPSR) is the single, national online database of security interests in personal property in Australia.

Personal property generally includes all forms of property other than land, buildings and fixtures.

Buyers can check the PPSR to see if the valuable second-hand goods they want to buy are debt-free and safe from repossession. A search fee is \$3.40.

For a business selling on terms – such as retention of title or commercial consignment, or hiring or leasing out goods for longer terms – properly registering helps protect its interest, for instance should a customer not pay or go broke. A registration fee starts from \$6.80 for 7 years.

PPSR CASE STUDY 5/V1

Intellectual property – LaPlonk wine bottles

Scenario – wine producer ticks the ‘intellectual property’ box when registering a security interest in its wine sales ...

Concepts covered:

- intellectual property/trade mark
- wholesaling/selling on terms
- retention of title
- contract/agreement.

Winemaker LaPlonk bottles its wine in a signature bottle featuring a duckbill-shaped neck, which reduces pouring spills. The bottle is popular among restaurants and LaPlonk has protected the design as a trade mark.

LaPlonk gives 2% of its profits to conservation of threatened Australian duck species.

LaPlonk sells its wine through an exclusive agreement with a wholesaler, based on 30 days’ credit. The agreement’s terms and conditions allow LaPlonk to retain title in the wine it supplies until the goods are paid for in full.



continued next page ...

In this scenario, LaPlonk registers a security interest on the PPSR against the wholesaler's name to protect its retention of title arrangement.

LaPlonk doesn't create a separate registration against its design trade mark, even though the trade mark falls under the collateral class of 'intellectual property'.

It chooses the collateral class 'other goods', and adds an optional description in the 'free text' box which covers 'all LaPlonk's bottled wine'.

Tip

In this case, LaPlonk's registration enables it to retain title to the goods as well as to the trade mark rights incorporated in the design of the bottles.

Where intellectual property - or IP - is part of the goods subject to a security interest, the IP is implied as part of the security without having to be separately registered.

This is a general scenario intended to provide typical examples.

This scenario is not legal advice about how the law applies to your particular business and dealings.

You may wish to seek professional advice from your accountant, financial adviser or lawyer.

For more information about the Australian Government's Personal Property Securities Register (PPSR) go to:

Website: www.ppsr.gov.au

Email: enquiries@ppsr.gov.au

Telephone: 1300 007 777