

## Part One - Horse Naming Guidelines

The following Guidelines are provided to assist persons (Applicant) who are making an application to the Registrar of Racehorses (the Registrar) for the naming of a racehorse.

Whilst the Registrar aims to meet an applicant's first choice of name, the Registrar's final decision is discretionary.

The Registrar takes the naming of racehorses seriously and considers what is publicly acceptable as well as ensuring that the racing industry is not brought into disrepute nor that personal offence is caused through the naming of a racehorse.

**Registrar's Discretion, please refer to the Australian Rules of Racing as follows:**

### AR.1

"Registrar of Racehorses" and "the Registrar" mean RA or any agent appointed by it. "RA" means Racing Australia Limited.

### AR.18

- (a) The Registrar may refuse to register any name which for any reason he may deem undesirable.
- (b) The Registrar may cancel any horse's registered name for whatever reason he deems necessary.

## Naming your Horse

Please allow 10 working days from receipt of your application for the Registrar to process your application. Names presented on the form will be checked in order of preference for availability and compliance with these naming guidelines. Please provide at least three name choices on the application form and only include names that you really want.

To see if the names you are thinking of may be available, you can do a preliminary check using the horse name search tool located within the Registrar of Racehorses section of the RA website (<http://www.racingaustralia.horse/RoR/RegisterHorse.aspx>). It is recommended that you use all the search options available as a name considered too similar in pronunciation or spelling may not be allowed. Please note this is an enquiry system only and no guarantee is made as to the availability of a name.

### Point 1 : General

- The maximum length of a name is 18 characters, including spaces and apostrophes.
- Punctuation marks other than apostrophes are not accepted.
- Names may be rejected if they are difficult to pronounce or read.
- Names where the meaning or origin cannot be satisfactorily substantiated will not be accepted.
- Any name, the use of which would be contrary to law, will not be accepted.
- The Registrar reserves the right to reduce, extend or add a naming restriction at any time.
- Names cannot be reserved.

### Point 2 : Time Restrictions

- a. A name cannot be repeated for 17 years after the birth of a horse with the exact same name or for 20 years after the year of birth of the youngest named produce of a horse with the same name.
- b. Where a horse is named and never races due to it dying or retiring and that horse does not go to Stud the name lapses and may be repeated 3 calendar years after the death or retirement of the horse where such a notification is lodged in accordance with AR64J (4).
- c. Where an Australian Bred Horse is named overseas, the name is automatically restricted in Australia in accordance with Point 2 (a) above.
- d. Where the Australian Bred Horse named overseas has not raced in Australia, will not race in Australia, has not gone to stud in Australia or Overseas, will not go to Stud in Australia or Overseas at the discretion of the Registrar the name may be repeated 3 calendar years after the last officially recorded race start of the horse where such information can be verified with the racing authority through which the horse was

originally named, or any country of subsequent export.

The name of a horse becomes available for consideration on 1st August of the year of any naming restriction expiring.

### Point 3 : International Restrictions

- All New Zealand bred foals named in New Zealand but not registered in Australia are reserved for 5 years from their year of birth and appear on the name search with Restriction Type as Current but without a list number or owners names. Australian bred foals exported un-named and then named overseas have their overseas name reserved and appear as pending on the name search until they return to Australia and are registered at which time the seventeen year restriction from year of birth will apply. If a horse is bred in New Zealand and later registered in Australia a longer restriction will apply.
- Names for overseas bred horses must be available in the horse's country of birth as well as being available in Australia.
- Names with a Restriction Type of IP (Internationally Protected) or Permanent cannot be used.

### Named International Horses - International Restrictions

- Where the registered name of a visiting horse is already a registered name in Australia and the Australian horse has raced or if the Australian name is similar sounding the visiting horse may be required to change its name for racing purposes in Australia in accordance with the Naming Guidelines and AR18. Such an example would be placing "My" in front of the international horse's name.

### Point 4 : Similar Names

- The registration of a horse name may automatically prevent other similar names from being registered, or re-registered in the case of an existing name whose restriction has expired or which may be due to expire in the future. The Registrar reserves the right to register or not register a name which is the same or similar to another name based on factors including but not limited to the age and sex of both horses, the likelihood that the horses' race careers could overlap, past race performance, breeding status, the number of years since the horse had its last race start and the degree of similarity between the names.
- The singular or plural version of an existing name will be considered if there is a 10 year age gap between the existing name and new name. The registrar may reduce this time frame after giving consideration to variables which may include the fate of the horse, if unraced or an Australia bred horse named overseas but not registered in Australia. The same applies to words when "THE" or "A" is added or the new word ends with "D" or "S".
- In the case of Internationally Protected names singular or plural versions will not be allowed

### Point 5 : Unacceptable Names

The Registrar will use its discretion under AR18 to refuse the following names for registration.

#### Offensive Names

- Names which, either on their own or in the context of the sire and/or dam's name:
  - are suggestive, scandalous or have a vulgar or obscene meaning;
  - are considered in poor taste;
  - may be offensive or appear to be designed to harass, humiliate or disparage a specific individual or a religious, political, ethnic or other group; and
  - which have the potential to create controversy under current social standards, will not be accepted. This applies to words written in English and other languages.

## Point 6 : Use of Numbers

- Names made up entirely of numbers e.g. ONE, TWO, THREE, FIRST, SECOND, THIRD, SEVENTY EIGHT, will not be accepted for registration.

## Point 7 : References to Persons

- Except at the discretion of the Registrar, names that are or could be the name of a person whether that person is living or not, will not be accepted. This includes but is not limited to combinations of first names and surnames e.g. JOHN SMITH and HAROLD HOLT, stage, screen and pen names e.g. MARILYN MONROE, nicknames e.g. CHOPPER REID and FATTY ARBUCKLE. Two first names may be considered provided that they are not construed as an obvious given name and surname e.g. BETTY SUE. Consideration will also be given to the use of names of ancient historical figures e.g. TUTANKHAMUN.
- Running a first name and surname together without a space or changing the spelling slightly will not be accepted.
- Initials accompanying a surname will not be accepted.
- The Registrar reserves the right to refuse names which may identify a person (public figure or otherwise).

## Point 8 : Letters and Grammar

The Registrar encourages the correct use of grammar.

- Single letters and abbreviations such as FBI, UFO, X RAY, COMPANY B etc. Will not be accepted. Single letters such as "A" and "I" are acceptable as they are deemed to be words.
- The Registrar may refuse to register a name containing multiple words run together if it is difficult to decipher. For ease of pronunciation and to avoid confusion the Registrar encourages the use of spaces between words.

## Point 9 : Brands and Company Names

The Registrar reserves the right to refuse names:

- that have a commercial, artistic or creative significance including but not limited to the names of well-known organisations, companies and brands;
- are registered company or business names; or
- are registered trade marks, pending applications to register trade marks and common law trade marks.

The Registrar will consider accepting the name of a charity as a Proposed Name for a horse only if the charity has provided its written consent and that the Proposed Name does not include a commercial entity's name or commercial branding references.

The proposed name must not have the potential to cause any perceived conflicts with any known race name in Australia or overseas nor racing sponsorship interests.

## Point 10 : Racing References

Names that may cause conflict with wagering or racing terms and/or that have the potential to cause confusion for racing administration and racegoers will not be accepted. Examples include:

- Features of a racecourse such as MOUNTING YARD or FINISHING POST
- Wagering terms such as TRIFECTA
- Names of race meetings such as GOLDEN SLIPPER

The Registrar of Racehorses reserves its right to refuse any name submitted on an application to register a racehorse under the Australian Rule of Racing 18.

The Registrar of Racehorses (Registrar) is owned and operated by Racing Australia Limited (RA). The Registrar is an entity as defined in the Australian Rules of Racing. In performing the duties of the Registrar, the Registrar is governed by the Australian Rules of Racing as determined by the Australian Racing Board.

## Part Two - Review of Decisions by the Registrar

The following rules of the Australian Rules of Racing are relevant:

### AR.1

“Registrar of Racehorses” and “ the Registrar” mean RA or any agent appointed by it. “RA” means Racing Australia Limited.

### AR.18.

- (a) The Registrar may refuse to register any name which for any reason he may deem undesirable.
- (b) The Registrar may cancel any horse’s registered name for whatever reason he deems necessary.

A person may contact the Registrar to:

1. query why his or her requested horse name was rejected by the Registrar, or to object to the rejection (SCENARIO A); or
2. lodge a complaint about a horse name that the Registrar has accepted (SCENARIO B).

In each scenario, the Registrar will follow the procedures set out below, which may include escalation to the Naming Review Committee. The Naming Review Committee generally comprises the following seven members of the Australian thoroughbred horseracing industry: the Operations Chief Executive Officer of RA, the Chief Financial Officer of RA, the Manager Owners & Breeders Services, the Team Leader Owners & Breeders Services, the nominated Member of the RA Leadership Team and the two nominated Member of the RA Teams. However, the Registrar reserves the right to vary the composition of the Naming Review Committee if necessary. The composition of the Naming Review Committee is always intended to enable the Naming Review Committee to assess requested horse names and discuss the application of the published Horse Naming Guidelines from multiple points of view.

These procedures are designed to ensure that: (a) objections, queries and complaints are handled in a fair, consistent and professional manner; (b) any person with an objection or complaint is provided with an opportunity to present his or her case; and (c) objections, queries and complaints are escalated at appropriate times and in an appropriate manner.

Applicants must keep all correspondence and discussions between the Applicant and the Registrar, or between the Applicant and the Naming Review Committee, strictly confidential. Applicants must not disclose the details of any such correspondence or discussions to any third party. By engaging in either of the processes outlined below, Applicants will be deemed to have acknowledged, accepted and agreed to be bound by this paragraph.

### Application Process for SCENARIO A

1. The Applicant may telephone the Registrar on (02) 8072 1900, or send an email with the subject heading ‘APPLICATION TO QUERY HORSE NAME DECISION’ to [registrationreview@racingaustralia.horse](mailto:registrationreview@racingaustralia.horse), and provide the following information:
  - (a) the name, email address and telephone number of the Applicant;
  - (b) the horse name for which the Applicant applied and any other necessary details about the choice of horse name such as background to why the choice of name was submitted; and
  - (c) any information the Applicant thinks that the Registrar should have considered when deciding the reject the horse name.
2. An officer or employee of RA will respond by explaining the ground(s) on which the Registrar rejected the horse name in accordance with the published Horse Naming Guidelines. The employee or officer may need to discuss the matter with his or her supervisor first, who may decide to overrule the decision of the Registrar based on the additional information provided by the Applicant.
3. If the Applicant is not satisfied with the explanation provided or decision made by the officer or employee of RA, the Applicant may apply for the original decision of the Registrar to be reviewed by the Naming Review Committee.
4. The Applicant will be given the opportunity to provide any additional information or arguments that the Applicant thinks the Naming Review Committee should take into account when deciding whether to affirm or overrule the original decision of the Registrar.

5. The Naming Review Committee will then review the original decision of the Registrar, and any decision made by the officer or employee of RA, in accordance with the published Horse Naming Guidelines and in light of any further information provided by the Applicant. Applicants should allow approximately 5 business days for the Naming Review Committee to come to a decision, although this process may be expedited in urgent circumstances.
6. The Registrar or the Naming Review Committee will communicate its decision to the Applicant by telephone or email, and disclose the ground(s) for rejection if the Naming Review Committee has decided to affirm the original decision of the Registrar. The decision of the Naming Review Committee will be final, and neither the Registrar nor the Naming Review Committee will enter into any further correspondence with the Applicant in relation to the matter.
7. At any point in the appeal process, the Registrar or the Naming Review Committee may request additional information from the Applicant before a decision can be made. The Registrar or the Naming Review Committee may, in its discretion, obtain the opinions or advice of other parties, including (without limitation) legal counsel, the Principal Racing Authorities, industry associations and language experts, to ensure that any decision made is informed, reasonable and legally justified.

### Application Process for SCENARIO B

1. The complainant may telephone the Registrar on (02) 8072 1900, or send an email with the subject heading ‘APPLICATION TO QUERY HORSE NAME DECISION’ to [registrationreview@racingaustralia.horse](mailto:registrationreview@racingaustralia.horse), and provide the following information:
  - (a) the name, email address and telephone number of the complainant;
  - (b) the horse name for which the Applicant applied and any other necessary details about the choice of horse name such as background to why the choice of name was submitted; and
  - (c) the reasons why the complainant does not think the Registrar should have accepted the horse name.
2. An officer or employee of RA will respond by explaining why the Registrar accepted the horse name. The employee or officer may first need to discuss the matter with his or her supervisor, who may decide to overrule the decision of the Registrar based on the additional information provided by the Applicant.
3. If the complainant is not satisfied with the explanation provided or the decision made by the officer or employee of RA, the complainant may apply for the original decision of the Registrar to be reviewed by the Naming Review Committee.
4. The complainant will be given the opportunity to provide any additional information or arguments that the complainant thinks the Naming Review Committee should take into account when deciding whether to affirm or overrule the original decision of the Registrar.
5. The Naming Review Committee will then review the original decision of the Registrar, and any decision made by the officer or employee of RA, in accordance with the published Horse Naming Guidelines and in light of any further information provided by the complainant. Complainants should allow approximately 5 business days for the Naming Review Committee to come to a decision, although this process may be expedited in urgent circumstances.
6. The Registrar or the Naming Review Committee will communicate its decision to the complainant by telephone or email, and disclose the reason(s) for its decision. The decision of the Naming Review Committee will be final, and neither the Registrar nor the Naming Review Committee will enter into any further correspondence with the complainant in relation to the matter.
7. At any point in the appeal process, the Registrar or the Naming Review Committee may request additional information from the complainant before a decision can be made. The Registrar or the Naming Review Committee may, in its discretion, obtain the opinions or advice of other parties, including (without limitation) legal counsel, the Principal Racing Authorities, industry associations and language experts, to ensure that any decision made is informed, reasonable and legally justified.

## Part Three - Intellectual Property Rights Application Process

The following guidelines are designed to assist a registered horse owner who requires additional intellectual property protection for the name, image, jockey silk design and any other indicia associated with that horse (the **Horse Indicia**) beyond the licence they have already been granted by RA.

The Registrar will follow the procedures set out below, which may include escalation to Intellectual Property Committee. The Intellectual Property Committee generally comprises the following three members of the Australian thoroughbred horse racing industry: the Chief Executive Officer of RA, the manager of Owners & Breeders Services. However, the Registrar reserves the right to vary the composition of the Intellectual Property Committee if necessary. The composition of the Intellectual Property Committee is always intended to enable the Intellectual Property Committee to assess additional intellectual property protection by the owner.

These procedures are designed to ensure that: owners are provided with an opportunity to present his or her case; and that applications are escalated at appropriate times and in an appropriate manner.

Applicants must keep all correspondence and discussions between the Applicant and the Registrar, or between the Applicant and the Intellectual Property Committee, strictly confidential. Applicants must not disclose the details of any such correspondence or discussions to any third party. By engaging in either of the processes outlined below, Applicants will be deemed to have acknowledged, accepted and agreed to be bound by this paragraph.

### AR.18A of the Australian Rules of Racing

1. As a condition of the registration of a horse, and in consideration for registration of the horse, each owner (including future owners) of the horse:
  - (a) acknowledges that the Registrar, the Principal Racing Authorities and race clubs use the names, images, jockey silks and other indicia of horses for the purpose of administering, promoting and reporting on thoroughbred horse racing;
  - (b) agrees that the Registrar owns all right, title or interest (including but not limited to copyright, goodwill and reputation) in the name, image, jockey silks and any other indicia associated with the horse, whether existing before or after the horse is registered;
  - (c) assigns to the Registrar – to the extent that the owner owns, by force of law, any right, title or interest (including but not limited to copyright) in the name, image, jockey silks and any other indicia associated with the horse, whether existing before or after the horse is registered – any and all such intellectual property rights;
  - (d) undertakes not to apply, or to authorise any other person to apply, to register the name, image, jockey silks or any other indicia associated with the horse as a trade mark; and
  - (e) undertakes not to assert or bring, or to authorise any other person to assert or bring, any claim of ownership of any intellectual property rights in the name, image, jockey silks or other indicia associated with the horse.
2. In consideration for the assignment and undertakings in AR.18(1), RA grants to the owner(s) a non-exclusive, royalty-free and non-transferable licence to:
  - (a) use the name, image, jockey silks and other indicia associated with the horse the subject of this form where RA owns the intellectual property in such indicia for any purpose related to racing, training, promoting and otherwise dealing with the horse, including merchandising; and
  - (b) sub-license the same to any other person.

For information about the reasons and purposes underpinning rule 18A, please refer to [www.racingaustralia.horse/AboutUs/IndustryAnnouncements-24092012-Artical08.aspx](http://www.racingaustralia.horse/AboutUs/IndustryAnnouncements-24092012-Artical08.aspx).

## Intellectual Property Rights in Horse Indicia

One of the effects of rule AR.18A is that a registered horse owner must not:

- apply to register any Horse Indicia as a trade mark;
- assert or bring any claim of ownership of any intellectual property rights in Horse Indicia; or
- authorise any other person to do either of the above.

Under rule AR.18A(2), RA grants the owner(s) of a registered horse a non-exclusive, royalty-free and non-transferable licence to use the Horse Indicia (to the extent that RA owns the intellectual property in such Horse Indicia) for any purpose relating to racing, promoting or otherwise dealing with the horse, and to sub-license those rights to any other person.

RA acknowledges that there may be situations in which a registered horse owner may require greater intellectual property protection in addition to the licence granted under rule AR.18A(2). In those situations, owners may apply to RA in accordance with the process outlined below.

### Application Process

1. An owner may send an email to [registrationip@racingaustralia.horse](mailto:registrationip@racingaustralia.horse) with the subject heading 'APPLICATION FOR INTELLECTUAL PROPERTY RIGHTS' with the following information:
  - (a) the name of the horse and any other necessary details about the horse;
  - (b) the name of the applicant and details of his or her proprietary interest in the horse;
  - (c) the Horse Indicia in which the applicant seeks intellectual property ownership (or other rights); and
  - (d) further details about the legitimate need for those rights, including all supporting documents.
2. An officer or employee of RA whose role is to process such applications will decide whether RA will grant any intellectual property rights, additional to the licence under rule AR.18A(2), to the applicant. Applicants should allow approximately 14 business days for RA to come to a decision, although this process may be expedited in urgent circumstances.
3. If the officer or employee rejects the application, RA will communicate this decision to the applicant by email and disclose the ground for rejection. If the officer or employee accepts the application, RA will communicate this decision to the applicant by email and outline the intellectual property rights that RA will grant to the applicant, as well as the conditions on which RA will grant such rights.
4. If the applicant wishes to appeal the decision on any ground, the applicant may appeal to the Intellectual Property Committee. The applicant is entitled to provide additional reasons and evidence of its legitimate need for intellectual property rights additional to the licence granted under rule AR.18A(2) before the Intellectual Property Committee makes its decision. Applicants should allow approximately 14 business days for the Intellectual Property Committee to come to a decision, although this process may be expedited in urgent circumstances. The decision of the Intellectual Property Committee will be final, and RA will not enter into any further correspondence with the applicant in relation to the application.
5. If the Intellectual Property Committee rejects the application, RA will communicate this decision to the applicant by email and disclose the ground for rejection. If the Intellectual Property Committee accepts the application, RA will communicate this decision to the applicant by email and outline the intellectual property rights that RA will grant to the applicant, as well as the conditions on which RA will grant such rights.
6. At any point in the application process, RA may request additional information and supporting documents from an applicant before the application can be processed or a decision can be made. RA will make any request for additional information and supporting documents by email.
7. Where necessary, RA will obtain legal advice to ensure that any decision made is informed, reasonable and legally justified.

This process is designed to ensure, as far as possible, that all applications are processed in a fair and consistent manner.

## What constitutes a legitimate need?

RA will grant intellectual property rights in Horse Indicia to an applicant in addition to the licence granted under rule AR.18A(2):

- where the applicant needs additional rights in order to pursue persons other than RA, the Principal Racing Authorities and Race Clubs for infringement of that intellectual property;
- where the applicant needs additional rights in order to race, train, promote and otherwise deal with the relevant horse, including by creating and selling merchandise; and
- in any other situation in which RA considers that the applicant legitimately needs additional rights.

## Grounds for Rejection

RA will reject an application where:

- the applicant is not a registered owner of the horse;
- the applicant did not own the relevant intellectual property prior to the introduction of rule AR.18A;
- RA does not hold the relevant intellectual property rights (whether because they were not effectively transferred to RA by rule AR.18A or otherwise) and therefore cannot grant them to the applicant; or
- RA decides that, while the applicant may consider it desirable to obtain intellectual property rights additional to the licence granted under rule AR.18A(2), there is no legitimate need to obtain such rights.

## Grant of Intellectual Property Rights

If RA accepts an application, RA will only grant the intellectual property rights that are absolutely necessary for the applicant to satisfy his or her legitimate need. This may involve RA assigning the relevant intellectual property to the applicant, or granting an exclusive licence of the relevant intellectual property to the applicant.

RA may grant the intellectual property rights subject to certain conditions, which may include (without limitation):

- that the applicant (and any other owner of the horse) enters into a formal legal agreement or deed with RA to effect the assignment or exclusive licence;
- that the applicant (and any other owner of the horse) assigns the intellectual property back to RA after his or her legitimate need is satisfied; and
- that the exclusive licence will expire once the legitimate need is satisfied.

## Part Five - Name Protection Protocol

| <b>Australian Registrar of Racehorses<br/>Name Protection Protocol<br/>(Within Australia)</b> |  |
|---|--|
| Permanent – Protection / Unavailable  | <p>Won the Melbourne Cup<br/>Inducted into the Australian Racing Hall of Fame<br/>Achieved the status of an outstanding champion by racing or breeding prowess</p>   |
| 99 Years – Protection / Unavailable   | <p>Australia Derby (ATC)<br/>Caulfield Cup (MRC)<br/>Cox Plate (MVR)<br/>Golden Slipper (ATC)<br/>Victoria Derby (VRC)</p>   |
| 75 Years – Protection / Unavailable   | <p>Derby (WATC) (Australian Derby before 1994)<br/>Doncaster Handicap (ATC)<br/>Epsom Handicap (ATC)<br/>Metropolitan Handicap (ATC)<br/>Newmarket Handicap (ATC)<br/>Queensland Derby (BRC)<br/>South Australian Derby (SAJC)<br/>Sydney Cup (ATC)<br/>WA Derby (WATC) (Last run 1993)</p>                                  |
| 50 Years – Protection / Unavailable   | <p>France – Prix de l'Arc de Triomphe<br/>Great Britain – Derby Stakes<br/>King George VI Stakes<br/>Queen Elizabeth Stakes<br/>Japan – Japan Cup<br/>New Zealand – New Zealand Derby (ARC)<br/>Auckland Cup (ARC)<br/>Wellington Cup (WRC)<br/>NZ Derby Stakes (Last run 1972)<br/>United States – Kentucky Derby</p>       |
| 17 Years – Protection / Unavailable   | <p>A name cannot be repeated for 17 years after the birth of a horse with the exact same name or for 20 years after the year of birth of the youngest named produce of a horse with the same name. The name of a horse becomes available for consideration on 1st August of the year of any naming restriction expiring.</p> |
| Registrar's discretion  | <p>Restrictions on a name may be extended beyond the published expiry year at the Registrar's discretion. The availability of a name is not guaranteed after a restriction has been lifted and remains at the discretion of the Registrar.</p>   |
| New Zealand Horses  | <p>Names registered in New Zealand are restricted from use in Australia for a period of 5 years after its birth. If a horse is bred in New Zealand and later registered in Australia, a longer restriction will apply.</p>   |