

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 31/03/2021 5:33:47 PM AEDT and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

Document Lodged:	Originating Application - Form 15 - Rule 8.01(1)
File Number:	NSD285/2021
File Title:	BCI MEDIA GROUP PTY LTD ACN 098 928 959 v CORELOGIC AUSTRALIA PTY LTD ACN 149 251 267 & ORS
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



A handwritten signature in blue ink that reads 'Sia Lagos'.

Dated: 1/04/2021 3:31:26 PM AEDT

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Originating application

No. of 2021

Federal Court of Australia
District Registry: New South Wales
Division: General

BCI MEDIA GROUP PTY LTD (ACN 098 928 959)

Applicant

CORELOGIC AUSTRALIA PTY LTD (ACN 149 251 267) and others named in the schedule

First Respondent

To the Respondents

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing: [Registry will insert time and date]

Place: [address of Court]

The Court ordered that the time for serving this application be abridged to [Registry will insert date, if applicable].

Date:

Signed by an officer acting with the authority
of the District Registrar

Filed on behalf of (name & role of party) The Applicant
Prepared by (name of person/lawyer) Michael John Williams
Law firm (if applicable) Gilbert + Tobin
Tel (02) 9263 4000 Fax _____
Email mwilliams@gtlaw.com.au
Address for service Level 35 Tower Two International Towers Sydney
(include state and postcode) 200 Barangaroo Avenue, BARANGAROO NSW 2000



In this Application, unless a contrary intention appears, all capitalised terms have the same meaning as in the accompanying Statement of Claim.

Details of claim

On the grounds stated in the accompanying Statement of Claim, the Applicant claims:

Declarations

A declaration that each of the First, Second, Third and/or Fourth Respondents has:

1. breached the BCI Media Group's Subscriber Terms and Conditions;
2. breached the LeadManager Fair Usage Policy;
3. unlawfully interfered with the contractual relations between the Applicant and both Skill Tech and Gingold Investments;
4. infringed the copyright in the BCI Works by reproducing, or communicating to the public, in Australia, the whole or a substantial part of the BCI Works, without the licence or approval of the Applicant;
5. committed a breach of confidence using and disclosing the BCI Confidential Information;
6. engaged in conduct that is misleading or deceptive or likely to mislead or deceive in contravention of section 18 of the Australian Consumer Law (**ACL**), by making the CoreLogic Representations in trade or commerce;
7. aided, abetted, counselled or procured or was knowingly concerned in or a party to, the contraventions in order 6 (if they have not engaged thin that conduct), and are thereby a person involved in those contraventions within the meaning of section 2 of the ACL; and
8. committed the tort of trespass by unauthorised access to the BCI Servers.

A declaration that the Fifth Respondent has:

9. breached the Gingold Renewal Subscription Agreement;
10. breached the LeadManager Fair Usage Policy;
11. engaged in conduct that is misleading or deceptive or likely to mislead or deceive in contravention of section 18 of the ACL, by making the Colangelo Representations in trade or commerce;
12. aided, abetted, counselled or procured or was knowingly concerned in or a party to, the contraventions in order 11 (if they have not engaged thin that conduct), and are thereby a person involved in those contraventions within the meaning of section 2 of the ACL.



Injunctions

13. An order that each of the First, Second, Third and/or Fourth Respondents, by themselves, their servants, agents or otherwise, be permanently restrained from interfering in contractual relations between the Applicant and its customers.
14. An order that each of the First, Second, Third and/or Fourth Respondents, by themselves, their servants, agents or otherwise, be permanently restrained from reproducing and communicating to the public, in Australia, the whole or a substantial part of the BCI Works, without the licence of the Applicant;
15. An order that each of the First, Second, Third and/or Fourth Respondents, by themselves, their servants, agents or otherwise, be permanently restrained from disclosing or using any of the BCI Confidential Information in their possession;
16. An order that each of the First, Second, Third and/or Fourth Respondents, by themselves, their servants, agents or otherwise, retain a computer forensic expert to destroy any the BCI Confidential Information in their possession and verify such destruction has occurred;
17. An order that each of the First, Second, Third and/or Fourth Respondents, by themselves, their servants, agents or otherwise, be permanently restrained from in trade or commerce in Australia, from making or causing to be made:
 - a. the CoreLogic Representations; or
 - b. any representation that is substantially identical to, or to substantially the same effect as, any one or more of the CoreLogic Representations,
18. An order that the First, Second, Third and/or Fourth Respondents, by themselves, their servants, agents or otherwise, be restrained from aiding, abetting, counselling or procuring or being knowingly concerned in or a party to, contraventions of the ACL.
19. An order that the Fifth Respondent, by himself, his servants, agents or otherwise, be restrained from aiding, abetting, counselling or procuring or being knowingly concerned in or a party to, contraventions of the ACL.
20. An order that the First, Second, Third and/or Fourth Respondents be restrained from making unauthorised access to the BCI Servers.

Loss and damage

21. Damages for breach of contract.
22. Damages for inducing breach of contract.
23. Damages for interference with contractual relations.



24. Exemplary damages for inducing breach of contract and interference with contractual relations.
25. Damages, or at the election of the Applicant, an account of profits pursuant to section 115(2) of the Copyright Act 1968 (Cth).
26. Additional damages pursuant to section 115(4) of the *Copyright Act 1968* (Cth).
27. Damages for conversion or detention of infringing copies pursuant to s 116 of the Copyright Act.
28. Destruction or delivery up, at the Applicant's election, of all of the infringing copies of the BCI Works and any other material infringing those works.
29. Damages, equitable compensation or at the Applicant's election, an account of profits for breach of confidence.
30. Destruction or delivery up at the Applicant's election, of the BCI Confidential Information.
31. Damages pursuant to section 236 of the ACL.
32. Compensation pursuant to section 237 of the ACL.
33. Damages (including exemplary damages) for trespass.
34. Costs.
35. Interest pursuant to section 51A of the *Federal Court of Australia Act 1976* (Cth).
36. Such further orders as the Court sees fit.

Applicant's address

The Applicant's address for service is:

Place: care of Gilbert + Tobin, Level 35, Tower Two, International Towers Sydney, 200 Barangaroo Avenue, Barangaroo NSW 2000

Email: mwilliams@gtlaw.com.au

The Applicant's address is Suite 202, Level 2, 754 Pacific Highway, Chatswood NSW 2067 Australia



Service on the Respondents

It is intended to serve this application on all Respondents.

Date: 31 March 2021

A handwritten signature in blue ink, appearing to read "MJ Williams", with a long horizontal flourish extending to the right.

Signed by Michael John Williams
Lawyer for the Applicant

**Schedule**

No. of 2021

Federal Court of Australia
District Registry: New South Wales
Division: General

Respondents

Second Respondent: RP DATA PTY LTD (ACN 087 759 171)

Third Respondent: CORDELL INFORMATION PTY LTD (ACN 159 137 274)

Fourth Respondent CORELOGIC, INC

Fifth Respondent: ANGELO COLANGELO

Date: 31 March 2021