

Public DEFENDER

John Rolfe

162

The number of people we have helped



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Please help!

I need some legal advice

Helping himself to menu

Paul asks: I own a successful restaurant on the North Shore. My menu has been copied about 70 per cent with some parts word-for-word by an ex-chef who worked for me for a short period. He has opened a restaurant in a nearby suburb. Do I have a legal claim?

Have your legal queries answered on our blog with Maurice Blackburn legal expert Rebecca Gilsenan at noon today



Rebecca replies: Unfortunately, there is no copyright in a dish itself, although there may be copyright in the written form of the recipe for the dish. So if this former staff member makes a dish he learned from you or even wrote down the recipe having seen you make it, then he is not infringing copyright.

But if a staff member photocopies a recipe you had written down (that is your recipe, not someone else's) then they may have infringed copyright. Another consideration is that if your menu could be considered to be an original literary work, it may have copyright protection.

As a copyright-protected work, if the ex-employee copied the form of words for a substantial part of your menu, your copyright may have been infringed. The final angle to consider is an employee's confidentiality obligations regarding "trade secrets" learned on the job.

Legal information is general in nature and not to be regarded as legal advice by Maurice Blackburn

# Ripped pants upset groom

Rosemarie Lentini

ANTHONY Papas spared no expense on his wedding day but his focus on quality backfired when the pants of his very expensive Hugo Boss suit tore — twice.

On January 8, Mr Papas bought a regular fit black suit from Hugo Boss's Sydney store for \$1400.

The 34-year-old said the suit fitted comfortably when he picked it up on January 20 following minor alterations.

But on his big day, it all unravelled — literally.

Thirty minutes before leaving his parents' Ramsgate house for the January 29 wedding ceremony, the seams of his trousers ripped.

"I went to sit down and the inside seam just split. The fabric split sideways," the business broker said.

"I didn't think they were too tight and neither did the shop assistant who fitted me.

"I wear pants every day for work and this has never happened to me."

Hugo Boss did not return four calls made by *The Daily Telegraph*.

Already stressed on his wedding day, Mr Papas fran-

tically called Hugo Boss's King St store asking if they could courier over a new pair.

They refused and he was forced to purchase a brand new suit over the phone for \$1995. His friend raced to the store to pick it up and the bridal party luckily made it to the church service on time.

But it didn't end there. About 8pm, the pants of his second suit also tore.

Mr Papas contacted Hugo Boss on February 16 after he returned from his honeymoon with new wife Eva.

The manager asked him to bring in both pairs of pants, which were sent to head office in Victoria "for assessment".

A manager rang Mr Papas on February 21 offering a refund for both "faulty" suits, which they paid into his account on February 28. Now, he wants an apology.

"I can only conclude the quality and workmanship were well below par, well below what I paid and would expect from a brand like Hugo Boss," he said.

"A cousin of mine was also wearing a Boss suit at our wedding. This was the third time he wore the suit and his pants ripped also."



Wardrobe malfunction: Anthony Papas and his bride Eva on their wedding day

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