

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

AA 173/07  
5088230

BETWEEN

Petersons Global Sales Ltd  
First Applicant

P & B Engineering Limited  
Second Applicant

AND

Karl Jacob Peterson  
First Respondent

Carl James Peterson  
Second Respondent

Member of Authority: Dzintra King

Representatives: Jenni-Maree Trotman, Counsel for Applicants  
Respondents In Person

Investigation Meeting: 11 June 2007

Determination: 11 June 2007

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**ORAL DETERMINATION OF THE AUTHORITY**

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[1] The applicants have applied for interim injunctions.

[2] As the application is to prevent the respondents from displaying a prototype saw at the Hamilton Field Days and the setting up was due to commence on 12 June it was necessary to issue an oral decision.

**Arguable case**

[3] The applicants say the respondents have taken confidential information and trade secrets and used these to develop a T-Frame saw.

[4] The respondents say they are the inventors and that they are entitled to the information and to develop the saw.

[5] There is clearly an arguable case.

### **Balance of Convenience**

[6] I need to consider the detriment that might accrue to the applicants should the injunctions sought not be granted; and the detriment that might accrue to the respondents should injunctions be granted that may subsequently be found to have not been necessary.

[7] If the injunctions are not granted the applicants may lose the rights to develop the T-Frame and future sales.

[8] The respondents would lose the opportunity to exhibit the prototype at the Field Days and the possibility of future sales arising from interest displayed during the Field Days.

### **Overall Justice**

[9] If the injunctions are not granted the applicants stand to lose the rights to develop and market the product permanently. The applicants would suffer a temporary setback.

[10] On consideration the overall justice of the case favours the applicants.

### **Interim Injunctions**

[11] The following interim injunctions are granted:

- The respondents are not to display the T-Frame saw at the Field days in Hamilton in June 2007.
- The prototype is not to be used or displayed in the public domain.

[12] The parties should consider returning to mediation.

[13] The issue of costs is reserved.

Dzintra King

Member of the Employment Relations Authority