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NEWSLETTER NO 3.

Dear Clubs,

Although the Probus community is normally in recess this time of year, it has been especially gratifying to receive such positive comments from Clubs around NZ. Below are a few examples from our mailbox:

Dear Graeme, I'm writing personally to thank you and your team in establishing , with Rebus, a foundation on which we may rebuild what remains of the former "Probus" world in NZ.

It is difficult to accept that through mismanagement and wrong decisions PNZL has in many ways killed Probus in NZ and without major further expenditure the Clubs affiliated to it will not regain the name "Probus". A sad situation

Hi Graeme,

Wow, at last a positive course of action I feel confident to discuss with our Club members when next we meet.

Congratulations to you and your colleagues on taking this action. What a mess recent events have been within PNZI!!! To think after all the work you and the other Steering Committee members put in, the Chairman just gave in to PSPL.....With every good wish for Rebus in future.

Greetings Graeme, Your contact was a breath of fresh air. Well done. If you are able to send me a copy of your constitution... that would be great.... Many thanks, and good luck.

Hello Graeme: I guess that there has been and will be a lot of hard work to be done in the change in Probus from PSPLtd. It seems as if PNZInc missed the bus over an appeal against the Australian organisation. Your new organisation has secured a name and seems set to light up New Zealand

Hi Graeme, Your letter was a breath of fresh air and I will do what I can personally to drive affiliation to REBUS through our membership . It will be a little way off however as we have a break followed by an AGM

FNZI's Update 5 January.

We have no wish to get into a protracted debate over claims made by FNZI in its latest letter which seeks to dismiss the accuracy of the contents of earlier communications from **Rebus**. However, this is the second attempt to discredit both myself and **Rebus**. Our committee absolutely stands by our account of events. ***We have neither the wish to deceive nor the necessity to do so.***

A key issue for us is the FNZI Chairman's capitulation to the proposal put forward by AJ Park on behalf of PSPL, for FNZI to withdraw its objection to the trademarking of the Probus name in favour of PSPL. It was our contention that this decision was taken without consultation with Council members – let alone affected Clubs. The terms of that offer dated 4 November, required final acceptance by the 27th November, failing which it was to be withdrawn and legal action commenced. That amounted to nothing less than extreme coercion and did not provide sufficient time for consideration and consultation. As we previously said, it should have been rejected unless PSPL were willing to reconsider the time constraints.

Even Sally Peart, acting for FNZ, was under the mistaken impression that Clubs had been contacted and had given their approval.

QUESTION. If PSPL felt confident about the outcome in arguing the case with the Intellectual Property Office, why did they feel the need to offer FNZI \$15,000 to withdraw its objection? And why place such a tight timetable for acceptance?

ANSWER. We think that is obvious. It was a bluff and PNZI's Chairman fell for it hook line and sinker. An experienced negotiator in the commercial world would have smelt a rat and acted accordingly. Had PNZI been in any financial difficulty and unable to pay the costs awarded against it from the High Court hearing, perhaps the \$15,000 could have been seen in a different light. It is our understanding that PNZI had sufficient uncommitted funds on hand to have comfortably paid this account, with plenty left for any further litigation fees. We believe that any SOS to Clubs for additional assistance, if that were necessary, would also have been well received.

We reiterate that there was no necessity for FNZI to throw away our rights to the continuous use of the name. History will now never record what the outcome may have been. If we had lost, at least we would have gone down fighting!

To support our contention that the decision to accept PSPL's offer was solely that of the Chairman, please read the ***Statutory Declaration*** which is attached, completed by Russell Tether, who on the 27 November (prior to his dismissal) was still a Council member and along with other Council members, learnt for the first time that acceptance had already occurred. Further evidence of the Chairman's failure to consult with his Councillors was contained in an email from a Councillor to Sec Jim Taylor, ***accidentally*** sent to our Club Secretary. In it, the Councillor complained about correspondence not being seen by Councillors on a timely basis and in particular, the all-important offer from AJ Park which is at the heart of this matter. (Copy available)

We hope that this will be the end of this type of correspondence. **Rebus** instead, wishes to focus on the fuss-free, non-political structure we can provide for those Clubs who will be required to not only change their names, but give consideration to whether their best interests are currently being well served by FNZI (or PSPL).

As Clubs resume for the 2016/7 year, your **Rebus** committee stands ready to answer all your questions and hopes you will give careful consideration to what we can offer.

Best regards,

Graeme McIntosh (Chairman)