

LAND ROVER OWNERS' CLUB

OF GIPPSLAND
AUGUST 2020 NEWSLETTER



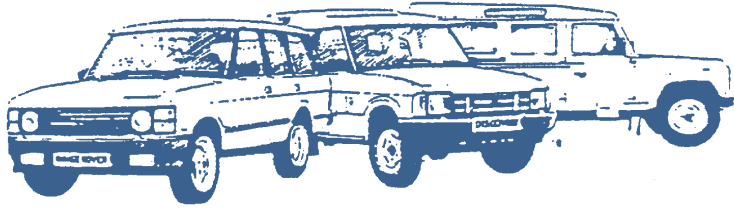
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LAND ROVER OWNERS' CLUB OF GIPPSLAND

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Note from the LROCG President.

Halfway through the second lockdown and trying to see that light at the end of the tunnel, but it's not there. By the time you read this we may be closer to the end of this lockdown and a light may be switched on now but it would seem that a vaccine is the only way to get back to normal. I must say it is interesting watching the public opinion about how quick the vaccine is being developed, and therefore not safe, and the growing groups that will not willingly be vaccinated. It is a dilemma for many.

I am starting to think about our November get away and will have called Rod by the time you read this to suggest he makes some plans for the trip. My understanding is Mallacoota is still the destination, so give it some thought as I am sure there will still be the need for some form of restrictions which will no doubt affect our activities such as only having groups of 20. Rod would normally ask the park to allocate sites for us and then get each of us to contact the park and pay a deposit. If a deposit is required, I will ask Rod to ensure a full refund is offered if restrictions prevent us travelling. As the cup weekend is a popular holiday, and like us people are looking for the opportunity to get away from home, there may be a high demand so early planning may be a good idea.

September would normally see our AGM taking place but as you would be aware the committee has taken the action to delay the meeting till late November, and at the moment we can't be sure what form it will take. You may like to give some thought to how we can do it with the type of restrictions we are most likely to have, up to 20 in one place if we're lucky. I know others have used Zoom very effectively and while the platform had some issues in the early day's they did address them to improve security. We could possibly combine Zoom with a group meeting. More on this as we get closer to the end of November. Do give some consideration to volunteering for a position on the committee and if you would like to discuss any roles please give me or any of the committee members a call.

Later in this issue you will find a first hand report on the new Defender driven by the MacRae and Harlow family's written by Alan MacRae with minor input from myself. Charlie is very excited about the car and with good reason. It is interesting to note that you can't order a diesel at this time, and the word on the street is that a larger 3lt diesel is coming.

I will finish this report with a few thankyou's. To those who have renewed their membership, thank you. To John our Treasurer who has been active keeping on top of the accounts, to Eric who has found time to keep producing great news letters, to Charlie for some banking and to Greg for his trips down memory lane - thank you all.

Stay Covid safe.

Regards

Alan Harlow

LROCG President

This month's cover; Charlie Calafiore showing off the all new Land Rover Defender which has arrived at Gippsland Land Rover



Spring is in the air

Land Rover Owners Club of Gippsland 2019-- 2020 Committee

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Driving The New Land Rover Defender – at last!

I have been waiting a long time for the New Defender. In 2005, during a visit to the British Motor Vehicle Heritage Centre at Gaydon, UK I saw a concept for Defender replacement. It looked perfectly fine to me but, obviously not to Land Rover because it never entered production. So began my thirst for a more modern replacement for the Defender.



Defender Concept Gaydon UK 2005

On retirement in 2010, I purchased a Defender 110 Wagon with the intention of trading it on a new Defender in about 2014.

In 2011, Land Rover exhibited a concept Defender replacement called the DC100. This car was quite controversial amongst “diehard” Defender enthusiasts and a draft letter to Land Rover complaining about the DC100 was circulated by Patrick Sutcliffe for comment. Patrick, based in Sydney, had the privilege of being involved in meetings with Land Rover Australia to represent Land Rover owners, particularly the club scene. Shaun Johnson gave me a copy of the letter and I took the opportunity to respond. The letter I wrote at that time (November 2011) follows and this letter shows what, at that time, I was looking for in a replacement Defender:



DC 100

“Shaun/Patrick

While I agree with most of the points Patrick has expressed in the draft letter, I think that the following are also important considerations:

Strong Chassis – I can’t agree that a chassis is a “must have” requirement. However, I agree that whatever the vehicle platform is, it must be strong and the vehicle must have good wheel articulation, good ground clearance (at least 335mm under the diffs) and a good turning circle. I would prefer the vehicle retains live beam axles.

Body Design - The Designers have to design a vehicle which complies with current standards eg pedestrian safety, air bags etc and it is unhelpful to say that the front of the vehicle should be “square” because the previous models were. The body design should be “uncomplicated” and should be robust and reflect the vehicle’s heritage. The Brits, especially LR and Jaguar, have been pretty good at achieving this. Front and rear overhang should be minimal.

Cabin Design – The current cabin is too cramped for all passengers. The passenger compartment could be 100mm wider overall. There is insufficient leg and shoulder room for larger people. I have been told by LR that this is to prevent people being thrown around the cabin when off-roading but I have yet to meet a non LR enthusiast Australian who accepts this. I also note there is a company selling pliable door handles so that the door handle does not protrude into the knee, so the lack of width must be obvious to more people than just Australians. There is insufficient front seat travel for larger framed people. Adults in the second row seating find that they are sitting too high to see out the door windows and their knees are in the front seat. This annoys many of the passengers I have carried. Consideration should be given to the fitment of other devices in (and on) the dash and around the cabin eg UHF/HF radios, auxiliary switches, caravan brake controller, rear vision monitor, tyre pressure monitor, mobile phone, sat phone, etc

Noise Proofing – The current Defender is very noisy. The new Defender should have much more attention given to noise attenuation.

Reliability – The vehicle must be designed conservatively so that it has a high reliability and vehicle quality. The current vehicle has too many bits that “fall off” or otherwise fail. The success of the Japanese brands is based on their perceived reliability and build quality. The new Defender must excel in these features!

Dynamic Stability Control – Switchable DSC should also be on the “must have” list.

Ability to Fit a Heavy-Duty Roof Rack – Should be defined in terms of the carrying capacity of the roof. I suggest that the roof

be strong enough to allow a distributed weight of 150kg including the roof rack to be carried in off road conditions. The carrying capacity of many vehicles is de-rated for off road conditions.

Diesel Engine - I believe that the capacity of the engine needs to be of the order of 3 litres/150kW min to improve acceptance in Australia. There are too many people who dismiss the vehicle on the basis of engine capacity alone and the current engine power is barely adequate for caravanning which is another prime use for 4x4s in Australia.

Petrol Engine – I believe this is unnecessary and will increase the costs of designing and manufacturing the vehicle unnecessarily.

Snorkel – A snorkel with a cyclone should be standard or at least integrated into the design.

Large Fuel Tank – I suggest that the total fuel capacity should be sufficient to give a highway range of 1500km. I am not concerned if the vehicle was fitted with multiple fuel tanks to give sufficient range and, if pressed, I would probably contend that the vehicle should have at least two tanks. Just saying “large fuel tank” is meaningless as I am sure that the Designers of the current Defender would contend that the current tank is “large”.

Air Conditioning – Should have a capacity at least as good as the current Defender and the replacement should be better insulated to improve the capability of the system – the heat transmitted into the current cabin via the handbrake and the bulkhead under the front seats is ridiculous and negates the efficiency of the current AC.

Heating System - The current heating system control system is too primitive and provides little heat control. The new Defender must have a quality system.

Ability to Carry Two Spare Wheels Externally – The two wheels (or at least one wheel) should not be carried under the vehicle or on the rear door. Provision should be made for a separate frame that does not require the rear chassis cross member to be modified and does not require a complicated mounting system. The vehicle’s rear lighting system and tow bar system should be designed with this in mind.

Doors - Should be fitted with effective re-strainers to hold them open.

HDC – Should be standard but switchable for those who do not wish to use it.

Traction Control – Should be standard but switchable as above.

Complex Electronics - Too many people are paranoid about this! The key requirements (as I am sure that it will be required for a conforming engine) are that the electronics must be conservatively designed, easily and cheaply replaced, and are adequately protected from dust and water immersion.

Electronic Terrain Response - Should be an option.

Anti-Stall – This is the first time I have ever heard any complaints about the anti-stall feature. My experience with the feature has been good and I have used it both privately and in the open-cut coal mine where I worked. My initial response when I saw the feature on the “must not have” list is that someone is using the wrong gear. I agree that the feature makes it harder to perform a hill stall recovery but this is an uphill not downhill issue.

Towing Capacity – The current 3500kg towing capacity should be retained. The Discovery et al wedge tow bar system must not be used.

My other advice to Land Rover is to produce a “practical” vehicle range for the target markets. I am not certain that it is practical nowadays to produce a vehicle which satisfies both civilian and military applications. The use of improvised explosive devices and other roadside bombs has probably seen to that!

In the civilian market, LR has the opportunity with the new Defender to “claw back” much of the market for robust, reliable “no frills” (or at least few frills) four wheel drives. The challenge is to design a vehicle which delights the markets. Unfortunately, there are plenty of “dreamers” out there who swoon over designs which ultimately do not meet their requirements. A case in point in Australia is probably the current Defender 90 which is very popular in the UK. Every Australian LR enthusiast wants to own one but when all the “key requirement” boxes are ticked most people in Australia find that they need a Defender 110.

Few have tens of thousands of dollars to spend on a vehicle which looks spunky but does not satisfy their needs. I’m one of them – I own a Defender 110 SW because it best met my requirements – expedition work, hill country, towing a caravan, load carrying capacity, passenger capacity, security, etc, etc. I have previously owned a Defender 130 and have had 6 Discovery Company vehicles and, before I purchased the current vehicle, I considered Disco 4, Defender 130 and Defender 110 twin cab, Defender 130 and Defender 110 tray and Defender 110 Hard Top before I finally settled on the Defender 110 SW. Still miss the D130 and the Disco 3 however, but with the LR Series 2A, the LR Series 3, the D110 and the VW Golf, how many vehicle registrations can you afford!

I’m looking forward to the new Defender, but to buy one, it will have to be capable of doing what I want. My main disappointment with the DC100 is that there is not a 4 door version. The current two DC100 concepts show paths that I am unlikely to tread but the opportunity for LR to impress me remains. Sure I could “bang on” further about the DC100 body shape etc but the vehicles are concepts and have been created to promote discussion. Bring on the discussion!

Regards!!!

Alan MacRae”

By 2013, when the new Defender was still only a glint in the horizon and seemed to be getting no closer, I grew impatient and, unable to find a second hand Range Rover Sport V8 diesel, I purchased an ex Land Rover company car – a Discovery 4, 3 litre turbo diesel – a TD – 155kW of power. So much more power than the 90kW in the Defender and so much more comfortable to drive. At this time, I still towed our 21’6” Jayco caravan with the Defender and I continued to do so until the Discovery had clocked up about 15,000km. How stupid! When I finally got around to putting the caravan on the back, the Discovery ate the Defender as a tow vehicle. To this day I remain in awe of its competence as a tow vehicle.

However, whilst I love the Discovery, I still yearned for the release of the New Defender.

Roll on to 2019.

Finally, after much media speculation, Land Rover announced the release of the New Defender.

Among, I am sure, many, many other enthusiasts I watched the release on-line and what disappointment! Although there was much media speculation about the engines – 2 litre and 3 litre petrol, 2 litre diesels in two configurations and 3 litre diesel, there was no 3 litre diesel. Now, if you read my letter above, you will see that the higher output 2 litre diesel produces more power than I had suggested in 2011, and, in fact, more than my Discovery 4 produces but my concern is the stress imposed on, and the consequent durability of, a 2 litre engine producing up to 177kW with a 3 tonne caravan on the back.

Still, my interest in the new model prevailed and, having purchased and assembled the Lego Technic 42110 Land Rover Defender, I settled back and awaited the release of the new vehicle in Australia.

COVID 19. Let's not dwell on that and the problems it has created with the availability of the New Defender. Sufficient to say that on the morning of 28 July 2020, Gippsland Land Rover finally received their New Defender demonstration vehicle – a

Defender 110 S with the 177kW engine, third row seats and several other extras. I beat a path to GLR to feast my eyes on the very long-awaited Defender. It was still in "Transport Mode" so a lot of features were electronically locked out or not fitted. The Defender looked good and is certainly styled differently to other vehicles. The dash is reminiscent of a Series 3 Land Rover but with an I-pad attached in the middle. Of course, the base of the front windscreen is considerably further forward than in a Series 3 and is out of reach from the driving position. The 4 cylinder engine barely looks big enough for the engine bay and the battery is nowhere to be seen under the bonnet. The engine is noticeably quiet. Turns out the battery is under the driver's seat. Seats were extremely comfortable, (don't know about the 3rd row) and the cabin is very roomy.

The vehicle was registered and available to drive on the 4th of August. Alan Harlow had made a booking for 10.00am and Helen and I joined Alan and Tonee for the drive. I wanted to go for the drive in a full car so that I could experience the car loaded and so that I could occupy a variety of seats rather than just drive so it worked out well. It was also interesting to be able to discuss the vehicle and the driving dynamics with others and to have actually experienced what they were describing.

I think it is fair to say that the vehicle has an outstanding array of capabilities and inclusions. The electronic systems which are fitted to the near base model are amazing – the Defender S model is one level above the base Defender model. There are sufficient applications to keep a Geek busy for days optimizing the displays and the vehicle settings.

We started off with Alan driving under strict instructions from Charlie not to take the vehicle offroad; Tonee occupying the front passenger seat and me

in the back. Acceleration was impressive and the ride in the back, very comfortable. I had plenty of legroom and the view out the side door windows did not include the top of the door frame as per my old Defender 110 – a great improvement! The doors are wide with relatively small window glass. The rear door soft closes – far better than having to slam it like I used to do with the old Defender 110. There is ample headroom both front and back.

We drove to Alan's to pick up his mobile phone and cord to try syncing the car to the system but found that was not so easy whilst driving so, off to collect Helen, then out to the highway and east-bound towards Rosedale. Ride was great, the cabin was quiet and conversation at normal voice levels was possible between the front and back seats. Road holding was good, and Lane Keep Assist held the car within the white lines. With care, it was almost possible to let the car drive itself.

Alan and Tonee thought the dashboard a little bland and would prefer lighter coloured seats. Helen and I don't mind the dashboard and we liked the colour and texture of the seats.

After a coffee stop in Rosedale, we all swapped seats with Tonee driving, Alan in the front, me in the driver's side rear and



New Defender 110 at Gippsland Land Rover 28 July 2020



Helen in the passenger side rear. We headed out along Rosedale-Heyfield Road in a cross wind and rain. Still a comfortable drive, but the ride was rougher due to the uneven and broken road surface. Another driver swap in Cowwarr – my turn to drive. The driver's seat went back a long way to accommodate my driving position but no complaints from the rear seat passengers. Whilst driving, Alan had commented on how the rear mounted spare tyre compromised the view in the rear vision mirror and we discussed the desirability of optioning the ClearSight interior rear view mirror but, being used to driving a Defender 110, I didn't think the view was terribly compromised. With the narrow road pavement, I found the Lane Keep Assist required some getting used to. I am not used to a



vehicle fighting to bring itself back into the centre of the lane and I found some applications of the "assistance" a little disquieting on the narrow road. I am sure that this is something that I would quickly get used to. Maybe, like so much else on the car, you can probably switch it off, but I never looked. In the new estate outside Traralgon we found a hill (bitumen, of course) and tried out low ratio. No problems with the car pulling itself up the hill at 2km/hr on idle. Plenty of acceleration with a gentle application of the throttle. Another driver change with Alan again taking over and me as the front passenger seat. The front seats are beautifully supportive, more so than the rear seats and I would rate the front seats as even more comfortable than the rear.



After dropping Helen off we returned to Gippsland Land Rover and spent the best part of an hour with Charlie exploring the settings and electronic features on the vehicle. Boy, is this vehicle comprehensively equipped! The ability to sync your phone and use Apple Carplay or Android Auto was a great feature to control the audio system.

I revisited Gippsland Land Rover after the Land Rover towbar gooseneck arrived. The gooseneck comes in a plastic case which includes a lockable hitch-pin, a 50mm towball, four shims and a setscrew to reduce/eliminate rattle. The shims bolt to the gooseneck using the setscrew and it is possible to shim in both the vertical and horizontal planes as/if required. Maximum nose weight on the hitch is 350kg. The reversing camera which doubles as a tow hitch camera was well placed for an easy hook up. This is further supported by the 360° Parking Aid cameras, the 3D Surround Camera and the clear view cameras which simulate the absence of the bonnet and front mudguards and show a view of the front wheels will be of great value when on tracks with ruts and rocks.

I noted that the dynamic roof loading on the New Defender 110 is 168kg (static is 300kg).

Short of the engine capacity, one other significant item from my 2011 list that was not achieved is fuel tank capacity. Tank capacity is 85 litres but I would have settled for 100.

My overall assessment of the vehicle? Extremely impressive!

Thanks Charlie, Gippsland Land Rover and Alan and Tonee Harlow for the opportunity to drive the New Defender!





Alan MacRae revisited Gippsland Land Rover when more “good gear” was fitted to the new Defender



A young executive was leaving the office late one evening when he found the CEO standing in front of a shredder with a piece of paper in his hand. "Listen," said the CEO. "This is a very sensitive and important document here and my secretary has gone for the night. Can you make this thing work for me?" "Certainly," said the young executive. He turned the machine on, inserted the paper and pressed the start button. "Excellent, excellent!" said the CEO, as his paper disappeared inside the machine. "I just need one copy."

New Land Rover Defender: the ultimate restomod?

Engineers say the urban jungle is the hardest environment for autonomous cars, with multi-directional traffic and a host of hazards from veering cyclists to random roadworks to a car door suddenly opening. But the actual jungle? It'll be a piece of cake in comparison, if you're driving the new Land Rover Defender that is.

We're criss-crossing the forests, gravel tracks and muddy climbs of Eastnor Castle in Herefordshire, at the wheel of the 2020 Defender 110 (priced from £45,240). Admittedly Eastnor is a home fixture having acted as development hell for generations of Land Rovers, but the new flagship effortlessly glides over terrain to make lesser 4x4s tremble.

Meet the autonomous 4x4

Make no mistake, the off-road automaton is the one doing most of the driving. At times, I have my hands on the light, easygoing steering, but I know its position is totally out of whack with the oddball direction in which the front tyres are pointing. Yet the Defender continues to drive us forward in a resolutely straight line, while I try to get the steering angle to match up.

Activate Hill Descent Control and set 5mph as your downhill speed, and the 4x4 will crawl down at the prescribed rate while you win a game of dare by keeping your foot off the brake pedal. All the while you gently buck and sway in your towering seat position, thanks to the giving suspension.

Into the mud

At the outset we selected the low ratio gearbox for extra lowdown grunt, and the second highest of four air suspension settings, adding an extra 75mm of clearance. Now we're choosing Mud and Ruts from the Terrain Response settings (a touch fiddly with the switches, so just press the icon on JLR's new-generation touchscreen with much improved graphics).

Ahead is the most challenging section: a narrow, muddy channel akin to traversing a bowl of porridge atop a table with two broken legs.

The grey slurry covers the Goodyear All Terrain rubber (these aren't purely off-road tyres but for mixed use), and I'm thankful for the side cameras as to help me avoid scraping the £840 Gondwana Stone metallic paint along the bank. In these gullies, I find these cameras more useful than the Clearsight Ground View, which assembles a view of the terrain obscured by the nose of the car. It would be helpful if we were clambering over rocky boulders though.



ON-ROAD

OFF-ROAD

TOWING

Into a sharp, slippery, downhill left-hander. I'm fearful that the tyres might lose their grip and the Defender slide helplessly sideways, just as I did off-roading a Mk3 Range Rover. Not today. Fleetingly I sense the electronic safety systems braking the rear-left wheel to aid traction (wheels can be locked within 150 milliseconds), but the Defender clings to its line resolutely. No drama, oh farmer.

Sadly there's no chance to test Terrain Response's new sixth setting, for wading. Sonar can monitor the depth of the water you're fording, and cope with up to 900mm of the wet stuff (more than any other 4x4 on sale). Today's off-roading barely scratches the surface of the new Defender's capability (though the overhanging branches do their best to scratch the paintwork). After all, Land Rover says the new Defender is the toughest, most capable SUV it's ever engineered.

And onto the tarmac

It's also very capable on road, in a way its iconic predecessor could only dream of. The steering is light and responsive, immediately triggering the contrasting memory of driving the Rugby World Cup Defender back in 2015, where I scrummaged with the old car's heavy and ponderous steering to the bemusement of my passenger, Rugby World Cup winner Jason Robinson.

The new Defender 110's air-suspended ride feels relaxed and extremely comfortable, generating some progressive lean through corners; the original Land Rover would bounce and roll in a most ungainly fashion. And the brakes are so sharp they take some getting used to; in the original they were just plain blunt.

On the motorway you can now hear yourself think, with wind noise remarkably pared back considering the frontal area and just the underlying hum of the D240 diesel for company. It revs smoothly but is garrulous under heavy load. Everything has

been finessed in the wind tunnel, from the optional snorkel integrated into the windscreen pillar to the chamfered side cargo boxes.

The 237bhp diesel delivers adequate performance – 9secs from stop to 62mph – though that's still SIX seconds quicker than its 2.2-litre turbodiesel forebear. While the eight-speed automatic transmission responds smartly to kickdown, you'll need a decent stretch for overtaking. Hardly surprising in a spacious, all-wheel drive vehicle that weighs at least 2.2 tonnes, more with myriad accessories and packs and an optional locking rear diff to funnel power to the wheel with most traction when off-road. All of which ratchet up the price: the test car is £64k, with options including black roof, £2625 20-inch rims, electric tow bar and a couple of grand of off-roading kit.

The ultimate restomod

The Defender is the third reincarnation of famed 4x4s, following the reborn Jeep Wrangler and Mercedes G-class. Car's latest issue has the first comparison test of the three, all of which have bucketloads of charm. But while the Jeep and Mercedes play-it-safe by being painstaking facsimiles of what's gone before (both in design terms and their body-on-frame chassis), the Defender takes the essence of the original Land Rover and successfully future-proofs it.

The chassis is an aluminium-intensive monocoque, which Land Rover claims offers three times the rigidity of a ladder-frame design: you immediately notice the superior refinement and sharper handling from the lower centre of gravity. The technology feels very leading edge, with connected features such as suggesting parking spots at your destination and over-the-air software updates, and surround cameras to compile pin-sharp images of your surroundings. Technical details of a plug-in hybrid will soon be announced; good job as the diesel engines' carbon emissions and fuel consumption are unsatisfactorily high (rated at 199g/km of CO2 and 37mpg).

Ultimately all this tech and driveability is wrapped in a brilliant piece of design. The iconic two-box silhouette is there, even riding on steel wheels should you wish, but with the chunky charm of the indestructible-looking Tonka Toys I loved as a kid. Layer on ultra-cool details such as the glowing rings of the rear lamps, the body coloured square interrupting the glasshouse and the ultra-confident single bar grille, and you have a splendid fusion of old and new.



The interior is even more

pleasing, Land Rover's best since the Mk3 Range Rover's. There's something of the Norman Foster school of industrial design in the magnesium beam that runs across the dash, mixing the structural and the aesthetic, with extra function baked in as a storage shelf and mounting point for the grab handles and touchscreen. There are exposed screw heads, flashes of exterior body colour, plastic floor mats covering a plastic floor and Alpine skylights above the rear seats. Plus little features to delight your inner adventurer: a boot with optional 3-pin plug socket and ride height toggles to make hitching your trailer simple.

So the new Defender does it off-road. And on-road. It marries the spirit of yesterday with a contemporary design and technology fit for tomorrow. It's the ultimate restomod, and I found it pretty irresistible.

Court upheld UK IPO's decision to refuse applications for majority of goods and services sought

Jaguar Land Rover Limited v Ineos Industries Holdings Limited.

On appeal, Jaguar Land Rover Limited has lost its legal battle to protect various models of the Land Rover Defender four-by-four as trade marks in the United Kingdom. The UK High Court upheld the UK Intellectual Property Office hearing officer's decision to refuse the applications for the majority of goods and services sought on the basis that they lacked distinctiveness. Background

The applications overcame non-distinctiveness and descriptiveness objections at the examination stage but were subsequently opposed by Ineos Industries Holdings Limited. Ineos Automotive Limited, an offshoot of petrochemical giant Ineos, is scheduled to release its own four-by-four vehicle, the Grenadier, in 2022. Reports have described the Grenadier as being inspired by historic utilitarian four-by-fours such as the Defender.

Ineos opposed Jaguar Land Rover's applications to protect the shape of the Defender models on multiple grounds, including the fact that the marks:

* are incapable of distinguishing goods or services as those of a particular undertaking (Section 3(1)(a) of the Trade marks Act 1994);

* lack distinctive character (whether inherent or acquired) and are descriptive (Sections 3(1)(b)-(d)); and

* were applied for in bad faith in relation to vehicles other than four-by-four vehicles (Section 3(6)).

UK IPO Decision

The hearing officer refused the applications for a significant majority of the goods and services for which registration was sought, including motor vehicles, toys, jewellery and vehicle parts and accessories, but not for a miscellaneous range of goods in Classes 9, 14 and 28 (including webcams, televisions, statues of precious metals and balloons). The hearing officer found that the marks lacked inherent distinctiveness for goods and services related to (land-based) motor vehicles and that the marks had not acquired distinctiveness for any of the goods or services. He also held that the applications had been made in bad faith for non-four-by-four vehicles.

The Appeal Decision

Jaguar Land Rover appealed to the UK High Court on the basis that the hearing officer had incorrectly applied the legal tests for determining whether the marks were distinctive.

Inherent distinctiveness

Both parties had submitted expert evidence on the features of the shapes, their technical functions and how they differed from the norms of the sector (passenger vehicles generally, not four-by-fours specifically).

The hearing officer found that elements of the designs that appeared important to Jaguar Land Rover's expert

may appear unimportant to average consumers, and while some elements of the Defender designs were unusual, the designs as a whole did not significantly depart from the shapes used in the passenger car market. Therefore, the marks were not distinctive.

Jaguar Land Rover argued that the hearing officer's approach was flawed in:

- * not providing reasons for rejecting its expert evidence;
- * finding that the unusual elements of the designs were only minor variations from the norm; and
- * not considering statements of certain people in the motor industry.

The court dismissed the ground of appeal, finding that the hearing officer had given detailed consideration to the evidence submitted by Jaguar Land Rover, and that as an expert himself on what consumers perceive (by virtue of his position in a specialist tribunal) he was entitled to find as he did.

Acquired distinctiveness

To demonstrate that the marks had acquired distinctiveness, Jaguar Land Rover had to show that a significant proportion of relevant average consumers would perceive the marks alone as indicating that the goods originated from Jaguar Land Rover – in other words, that they acted as a badge of origin. A number of factors are taken into account when considering acquired distinctiveness, including the scope of the mark's use, market share and marketing spend.

Jaguar Land Rover submitted survey evidence of the public's perception of the marks, together with expert evidence on how these surveys should be interpreted. Despite Ineos failing to challenge the conclusions of Jaguar Land Rover's expert, the hearing officer found that the marks had not acquired distinctiveness. Jaguar Land Rover argued that the hearing officer had been wrong to consider certain other factors before turning to the survey evidence, apparently causing him to take an unduly negative view of this evidence. Jaguar Land Rover also argued that the hearing officer had been wrong to reach his own conclusions on the survey evidence, rather than accepting those of Jaguar Land Rover's expert.

The court rejected both arguments, noting that the hearing officer was under no obligation to consider the survey evidence in the first place. The court emphasised that it is the role of the hearing officer to reach their own conclusions on all evidence before them and that they cannot be criticised for not automatically accepting an expert's opinion.

The court therefore dismissed Jaguar Land Rover's appeal and upheld the hearing officer's decision to refuse the applications for the majority of goods and services.

The judgment highlights (once again) the difficulties that brand owners can face when seeking to register shape marks as trade marks. Even though the Land Rover Defender has been described as an iconic design and is extremely well known among the UK public, the designs were still not considered to be legally distinctive enough to qualify for UK trade mark protection (other than for very limited goods). This is clearly a blow for Jaguar Land Rover in protecting its Defender designs ahead of Ineos' planned launch of its own four-by-four, which is said to have been strongly influenced by the Defender design.

The judgment is also a reminder on the treatment of survey evidence when assessing the distinctiveness of a mark – while surveys may assist in the UKIPO's assessment, the hearing officer is not obliged to take them into account, and therefore an applicant should consider carefully the benefit (or otherwise) of carrying out a survey to support a claim to acquired distinctiveness, before incurring the time and cost of preparing one.



Step aside Amazon, you could soon order 'everything' using Tata's super app

India's Tata Group is reportedly looking to roll out a "super app" that will pit it against rivals, including Amazon and billionaire Mukesh Ambani-controlled Reliance Industries, in one of the world's fastest-growing e-commerce markets.

The new digital platform, which is scheduled to launch in India in December or January, will bring together Tata's various consumer businesses under one channel, offering health care, food and grocery ordering, and insurance and financial services among others, according to the Financial Times.

"It will be a super app, a lot of apps in apps and so on... We have a very big opportunity," Natarajan Chandrasekaran, chairman of Tata Sons, the holding company of the \$113 billion Tata Group, told the FT. So-called super apps — such as multi-service platform Meituan Dianping HK:3690, and Tencent's HK:700 WeChat, which has more than 1 billion users worldwide — are one-stop portals where users can access a variety of approved third-party services, like ordering food delivery, paying bills or hailing a cab.

Although they have been growing rapidly in emerging markets such as China and Southeast Asia, they have yet to gain traction in India or the West. In April, Facebook spent \$5.7 billion to buy a 9.99% stake in Jio Platforms, the digital arm of Reliance Industries. The move was designed to bring India's 400 million WhatsApp users into closer partnership with hundreds of millions of India's grocers and small businesses. Three months later, Google parent Alphabet invested \$4.5 billion for a 7.7% stake in Jio. Tata, which also owns Tata Motors and its luxury-car unit Jaguar Land Rover, Tetley Tea and Corus (formerly known as British Steel), has fallen behind rivals on its consumer internet offerings.

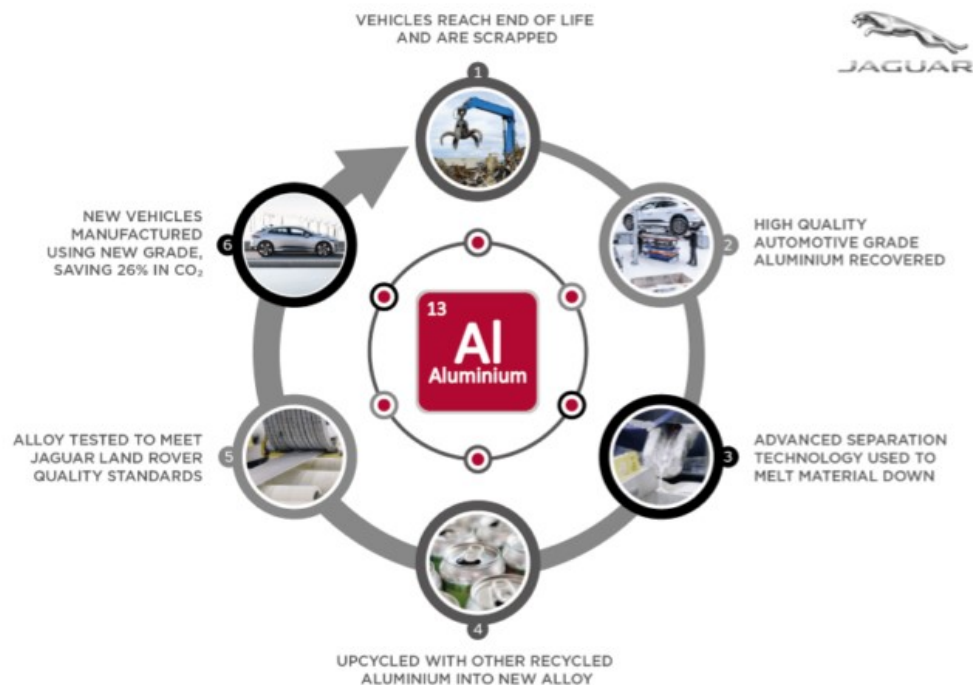
"The Tata Group, depending upon how you count, touches several hundred millions of consumers in India, if you take consumers who are walking in everyday into a Tata facility," Chandrasekaran told the FT.



Recycled aluminium cuts CO2 emissions at JLR

Everyday items of aluminium waste can be recycled into the premium cars of the future and reduce production. CO2 emissions by up to 26 per cent. This is the claim of Jaguar Land Rover whose REALITY aluminium project is using what it describes as an innovative recycling process to make use of aluminium waste from drinks cans, bottle tops and end-of-life vehicles. JLR project promises new life for old aluminium. Engineers were able to use the recycled aluminium parts and mix it with a lower amount of primary aluminium to form a new and tested prototype alloy, comparable to the existing Jaguar Land Rover grade and quality. Aluminium can be melted down and reformed repeatedly without losing quality. Post-consumer recycled aluminium appears often as drinks cans, aerosols, foil food trays and bottle tops but is not widely used for applications such as automotive manufacturing. According to Jaguar Land Rover, nearly 75 per cent of all aluminium produced in the USA and EU is still in use today while the creation of recycled aluminium uses around 90 per cent less energy than raw material production. By recovering the high-quality automotive-grade aluminium used to manufacture vehicles, Jaguar Land Rover said can re-use the premium properties as part of a blend, reducing the need for virgin aluminium in vehicle production. Typically, end-of-life vehicle scrap is exported overseas where it can be re-used for low-end applications, but new advanced separation technology has enabled it to be upcycled back into the automotive process. In a statement, Gaëlle Guillaume, Lead Project Manager for REALITY at Jaguar Land Rover, said: "This project has allowed us, for the first time, to recover premium automotive-grade aluminium from scrapped vehicles and re-use its unique properties. The potential of this on the production process is a reduction in CO2 impact as well as helping us re-use even more aluminium. "As we move into an autonomous, connected and electrified future, with the potential of shared fleets being decommissioned en masse, it could allow Jaguar Land Rover to engineer this closed loop recycling alloy into tight production schedules to further improve efficiency and environmental benefits."

The £2m recycled aluminium project, co-funded by Innovate UK and in partnership with Brunel University, is helping Jaguar Land Rover extend its aluminium closed loop and recycling initiatives as part of Destination Zero. Between September 2013 and March 2020, around 360,000 tonnes of closed-loop scrap have been processed back into the brand's light-weight aluminium intensive architecture, across all vehicle lines including the Jaguar XE.



Jaguar Land Rover's V8 to live on despite Ford shutting engine plant

Jaguar Land Rover has confirmed its supercharged V8 will live on despite Ford preparing to shut the factory where it is built. The 5,0-litre, eight-cylinder engine is currently produced by the Blue Oval brand at its Bridgend plant. However, this factory is set to close in September 2020.

Jaguar Land Rover will move the production equipment to its West Midlands site and continue producing the V8 itself.

"Manufacture of the JLR-designed V8 petrol engines previously made at Bridgend will move to the JLR Engine Manufacturing Centre, with further detail to be confirmed at a later date," the company said.

According to the report, the Bridgend factory has recently been building the V8 at a "higher rate than required" to give Jaguar Land Rover sufficient time to move the equipment.

The V8 is used in various Jaguar Land Rover products, including the F-Type R, F-Pace SVR, Velar SVAutobiography and various Range Rover and Range Rover Sport derivatives.

Sources suggest the supercharged engine will live on for the next "three to five years". Thereafter, the company is expected to start using BMW's V8 engine under a new deal.

A camouflaged Land Rover prototype has been spotted in Coventry ahead of its unveiling.

The vehicle was spotted at the Quadrant in the city centre by eagle-eyed CoventryLive reader Darren Vel Satis. Although it's often a guessing game as to what camouflaged prototypes might be - due to their heavy 'cladding' - in this case it doesn't require too much guesswork as the camouflage is minimal. The model being tested on public roads is the next generation Land Rover Discovery. The camouflage is light, reflecting the fact that the model is undergoing a midlife makeover rather than being an all-new version.

Nonetheless Jaguar Land Rover is keen to keep the changes under wraps - for the time being at least. The partial camouflage hints at where there will be some exterior enhancements - most likely bumpers and lights - which car makers generally tend to refresh midway through a model cycle. Such cosmetic changes are the easiest way to achieve a fresh new look while staying within the vehicle's overall design blueprint.

Interior changes are also likely to be on the cards, though again they will be minimal rather than major and are likely to focus on upgrading technology and infotainment systems.

The next version of the Discovery will almost certainly get Land Rover's latest Pivi and Pivi Pro infotainment systems.

The refreshed Discovery is also likely to get some new engine options. They are tipped to be a 48-volt mild hybrid system mated to both petrol and diesel engines.

No indication has been given by the Coventry car maker regarding when the refreshed Land Rover Discovery will be unveiled but it is expected to go on sale in 2021. The current Land Rover Discovery was unveiled to the world in a glitzy celebration at Packer Hall in Meriden on September 28 2016. The occasion was marked by TV adventurer Bear Grylls abseiling from a helicopter on to a record-breaking Lego replica of Tower Bridge. Hundreds of VIP guests joined senior Land Rover staff at the event, which revolved around a giant outdoor set - the centrepiece of which was the Tower Bridge replica - the largest structure ever constructed from Lego bricks. In all 5,805,846 individual Lego bricks were used to build it, breaking the previous Guinness World Record by 470,646 pieces. Laid end to end, the bricks would stretch for almost 200 miles - from Tower Bridge all the way to Paris.



LROCG Membership renewals

Thank you to all the members who have paid their membership for 2020/21. Club memberships for 2020/21 are due from 1 July 2020. The Committee has set the fees for the coming year at \$50 per member and family. This is a reflection of the reduced Four Wheel Drive Victoria's fees due to the current Covid-19 pandemic and the affects it is having on the Australian economy as well as a reflection of the restrictions on Club activities as a result.

An unknown member deposited \$50 into the Club's bank account on 13 July. Would that person please let me know who you are so that I can update our paid members list? This is particularly important for insurance purposes. All members who haven't yet paid your \$50 fee please do so by paying into our bank account, Land Rover Owners Club of Gippsland, BSB 083-785, Account No 631148781, and please put your name in the reference area. Otherwise you can drop cash or a cheque into Charlie at Gippsland Land Rover on the Princes Highway in Traralgon. Alternately you could send a cheque for \$50 made out to Land Rover Owners Club of Gippsland and send it to PO Box 554 Traralgon Vic 3844.

Regards

John Kerr, LROCG Treasurer

From the LROCG Committee

Hope you are coping with our second lockdown well. Who said its easier if you have done it before?

As we are not able to meet under the current covid-19 restrictions, a normal AGM is not possible and I would like as many members present as is possible at the AGM so a delay was considered by the committee.

On the 19/8/2020 the LROCG Committee had an on line meeting to deal with the required AGM. The minutes of the meeting are below.

Minutes of LROCG committee on-line meeting held on the 19/8/2020.

Present:

Alan Harlow, Tonee Harlow, John Kerr, Bob McKee, Charlie Calafiore, Eric Shingles, Greg Rose, Ross Howell

Absent:

David Murray

Alan outlined the need to deal with the approaching AGM and requested a motion from the committee to deal with the current situation under the covid-19 restrictions. To clarify the situation, Alan presented the following information and requested a motion from the committee to delay the AGM.

"PART 4—GENERAL MEETINGS OF THE ASSOCIATION

30 Annual general meetings

(1) The Committee must convene an annual general meeting of the Association to be held within 5 months after the end of each financial year."

Moved by Greg Rose, Seconded John Kerr;

The Annual General Meeting of the Land Rover Owners Club of Gippsland be held when an easing of COVID - 19 restrictions allows, up to November the 30th 2020. Until that time the current committee remains in place. If the current Victorian State of Emergency and/or State of Disaster restrictions are to run beyond November 31st, an alternative method of electing a new committee be investigated and elections take place before November 31st."

Motion passed.

Meeting closed.

Alan Harlow, President LROCG.

Mallacoota Cup Week Trip

Assuming the restrictions allow, the Mallacoota Cup Week Trip will be taking place.

Rod will be confirming with the Mallacoota Caravan Park (Town Council Park) our intention to stay at the Park on Monday the 7/9/20 after the government announcement on Sunday re lifting of restrictions. Based on past restrictions you will need to be fully self-sufficient, that is have your own shower and toilet. Once confirmed an email will be sent to all club members requesting you make a reservation at the park. For those without email please give Rod a Call on 0351 342 575 for advise on booking info after the restrictions have been lifted. For those who do make a reservation please advise Rod via email, or a call, so he has an idea of the numbers attending.

Stay Co-Vid Safe

Alan Harlow

Hoody's thoughts on Co-Vid 19

So let me get this straight, there's no cure for a virus that can be killed by sanitizer and hand soap?

When this virus thing is over, I still want some of you to stay away from me.

Just wait a second – so what you're telling me is that my chance of surviving all this is directly linked to the common sense of others? You're kidding, right?

If these last months have taught us anything, it's that stupidity travels faster than any virus on the planet.

Remember all those times when you wished the weekend would last forever? Well, wish granted. Happy now?

I've just washed a big load of pyjamas so now I have enough clean work clothes for this week.

Remember when you were little and all your underwear had the days of the week on them. Those would be helpful right now.

Is it too early to put up the Christmas tree yet? I have run out of things to do.

The spread of Covid-19 is based on two factors: 1. How dense the population is and 2. How dense the population is.



Trikini 2020.

My Stage 1 V8 109 Inch Land Rover — The one that I let get away.

By Greg Rose.

Over my forty seven years of four wheel drive ownership, there have been a couple of vehicles I've owned, that I wish I still had. One was a red classic 3.9 V8 Range Rover, a fantastic car when it was going. Perhaps if I still had it, I would have been committed to some sort of padded room by now, the electrical gremlins that plagued the Rangie would have sent me quite mad. The other memorable vehicle was a Stage 1 V8 109 inch Land Rover hardtop. If you're not familiar with the vehicle it's not surprising, there weren't that many about.

In 1979 Land Rover was losing sales worldwide to 4x4 vehicles with more power and better road manners than the ageing 4 cylinder 109 could provide. The brilliant solution that the company came up with was to utilise the well proven V8 engine and constant four wheel drive technology from the Range Rover and combine it with the very strong existing leaf sprung 109 inch chassis. The body stayed essentially the same except for the grill and bonnet. The 4 cylinder 109s had the radiator and grill set back whereas the Stage 1s were flat across the front, giving the vehicle a unique and cleaner look. The V8 engine had maximum power of 67.7 KW and a torque figure of 255 Nm. Not huge by today's standards but impressive in 1979. The rated top speed was 80 miles per hour, about 128 kilometres per hour. The V8 was never offered in the 88 inch short wheelbase. In Australia you could also have a Stage 1 with a factory fitted Isuzu 4BD1 3.9 litre diesel engine. The Stage 1s were replaced with the coil sprung vehicles that became the Defender.



My Stage 1 V8 was a creamy beige colour and a bit tired when I bought it. Acquiring it was a strange tale. A local car dealer knew that I had an interest in different 4x4s. The dealer principal rang me and said they had just traded in an odd Land Rover that someone had fitted a V8 to. I went and had a look and realised what it was and negotiated a very good deal, the dealer just didn't want it on his used car lot. I took it home a couple of days later, with a road worthy certificate it probably shouldn't have had. That was the start of a lot of work.



The interior was a mess. The rear of the hardtop had a strange shelf arrangement and a huge LP gas tank. The floor areas were covered in a variety of carpet off cuts. Behind the dash there was a multicoloured tangle of wires Scotch locked to other wires, the seats were in poor condition. The 109s panels were straight but the paint work was very dull. The engine was in need of a good clean and the LP gas system looked like a back yard fitting job. The drive train was sound, but the fuel tank leaked. The exhaust was leaking and the tyres were mismatched and only just road worthy.

The first thing to go was the collection of floor coverings. Over the next couple of months, the exterior had a good cut and polish, a new fuel tank was fitted, I got an auto electrician to sort out the very suspect wiring, the LP gas system was removed, seats reupholstered, and the shelving pulled out of the cargo area. I had six new tyres fitted and put one spare back in the cargo area where it should have been, leaving a place on the rear door, if I wanted to carry a second spare. In the engine bay all the belts and hoses were replaced, and I changed all the fluids. In the process of doing that I knocked over the container with the old thick black engine oil, so the garage floor had a permanent reminder of that afternoon's entertainment. A new exhaust system was installed. I had the twin Zenith – Stromberg carburettors overhauled and the V8 properly tuned. The final improvements were two new batteries, a bull bar, Cibie Super Oscar driving lights and Warn 8000lb winch.

The money I spent on it probably bought the overall cost up to what it should have been if the dealer had correctly identified

the Land Rover model.

The 109 was a great vehicle. By modern standards it was noisy and heavy to drive but it would go anywhere with that unique and beautiful Rover V8 burble. The torque figure doesn't do the real life pulling power of the engine justice. It did all the usual high country tracks with ease, walking its way up and down Billy Goat Bluff Track on a few occasions. The large cargo area was superb for carrying cross country skiing gear in the winter and kayaking and camping gear in the summer. The 109 was superb in snow and seemed to keep traction where other machines bogged down. The suspension worked particularly well on badly corrugated roads. Fuel economy was very poor but the V8 noise made the consumption tolerable. The only time it ever let me down was towing a canoe trailer back from a school camp. A fuel blockage brought the vehicle to an embarrassing coughing and spluttering halt on the Princes Highway. Although Land Rover claimed that the Stage 1 could do over 120 kph I was never brave enough to try anything like that. The road noise, handling and not too efficient brakes made high speed driving a doubtful proposition. Eventually I parted with the Stage 1 V8 109, something new and shiny must have attracted my attention. It remains, one of the vehicles I have the fondest memories of and the one that I should not have let get away.



Land Rover Defender in Vera

Brenda Blethyn stars as Detective Chief Inspector Vera Stanhope in the English TV crime drama, Vera, which is set in rugged Northumberland. Vera's vehicle of choice is a battered 1996 300Tdi Land Rover Defender 90.

The local Land Rover Specialist was asked to change it from a Manual gearbox to an Auto by the Production company, as Brenda Blethyn only has an automatic license.



1984 Range Rover at Grays-on-line

Recently this 1984 2 door Range Rover was sold at Grays-on-line in Dandenong, for \$ 17,209. plus costs.

The Range Rover was in a 'Well-used' condition. This 1984 Range Rover 2 door was a 5 speed, making it one of the last 2 door Range Rovers to come to Australia. Speedo indicated 261,333 kms. Standard 3.5 lt V8 petrol engine.

