



## **Fortescue takes former execs to court over IP**

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### **Body**

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**Fortescue** has accused the two architects of its clean energy pivot of copying and taking the company's intellectual property when they departed to start a rival green iron project.

**Fortescue** has asked the Federal Court for permission to search three premises in Western Australia and one in Victoria in pursuit of evidence that supports its claim that the founders of Element Zero engaged in "industrial-scale misuse" of work on green iron.

Element Zero was founded by **Fortescue**'s former chief scientist, Bart Kolodziejczyk, and Michael Masterman in December 2022, soon after they left **Fortescue**. The iron ore miner, led by executive chairman Andrew Forrest, has alleged they copied and took information when they left **Fortescue** that helped them build Element Zero's own green iron project.

"It is alleged that this has been utilised in the designing, engineering and construction and operation by the first respondent of an industrial pilot plant for an electrochemical reduction process," said Federal Court judge John Logan in a summary of the claim.

Element Zero has asked the court to set aside the search request, which Justice Logan said could become an "industrial-scale forensic debacle".

During their time in **Fortescue**'s clean energy division, Mr Masterman and Dr Kolodziejczyk were among the small group that spent most of 2020 travelling on Dr Forrest's private jet to more than 30 nations on the hunt for clean energy projects.

Mr Masterman had worked closely with **Fortescue** founder Andrew Forrest for close to a quarter of a century, both at **Fortescue** and at Dr Forrest's private companies.

**Fortescue**'s claim has been lodged against Element Zero, Mr Masterman, Dr Kolodziejczyk and a third man, Bjorn Winther-Jensen. Justice Logan's summary is the only document from the case that is publicly available, and a spokesman for Element Zero said it would contest the search request.

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"Element Zero believes this legal action is entirely without merit and welcomes the opportunity to respond to **Fortescue**'s spurious claims.

Our response will include an application to vary or set aside the original search orders," he said.

"As Element Zero will demonstrate, its green metals technology was developed independently of and is very different from anything that **Fortescue** is doing or has done in this space.

We continue to rapidly advance our technology.

"As the matter is now before the court, we will not be making further comment at this time."

A spokesman for **Fortescue** said yesterday that it was developing cutting-edge solutions to help the world fight climate change and protecting intellectual property was crucial.

"As a first mover, our intellectual property is critical to our ongoing success in this pursuit and must be protected at all times," he said.

"Protecting our IP helps to protect the substantial investment of time and effort made by our innovative employees and stakeholders every day.

"We invest significant resources in creating IP and are committed to vigorously managing and enforcing its protection. As the matter is the subject of legal proceedings, we do not intend to comment further at this stage."

Hearings into the case are scheduled to resume later this month.

The stoush comes as all the major Australian iron ore miners are ramping up efforts to reduce the carbon emissions footprint of the nation's most lucrative commodity export.

Earlier this week, Rio Tinto announced plans to spend \$215 million building a giant microwave heating system south of Perth for its Biolron method of making metallic iron, with up to 95 per cent lower emissions.

Hancock Prospecting and **Fortescue** are also pushing more into a form of iron ore known as magnetite concentrate, which can lower the carbon footprint of the entire steel value chain compared to traditional iron ores.

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