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# 35<sup>th</sup> IPSANZ Annual Conference

16 – 18 September 2022

PARK HYATT MELBOURNE™



## Conference Program

### Friday, 16 September 2022

2:30 - 6:30pm

Registration

3:00 - 5:00pm

Table Topics Session

13 Round Table Topics

16 facilitators leading discussion on current topics

4 rotations of 25 minutes each

See Schedule for full list of Table Topics and presenters

6:00 - 8:00pm

Welcome Drinks

### Saturday, 17 September 2022

8:30 - 9:00am

Registration

9:00 - 10:30am

Session 1

Copyright and Design Session

**Copyright and Design Protection for Three Dimensional Articles - An Australian and New Zealand Perspective on Subsistence and Enforcement**

**Speakers:**

**Speaker : To be confirmed**

**Lucy Davis**, List G Barristers, Emmerson Chambers, Melbourne

**Chairperson:**

**Kevin Glover**, Shortland Chambers, Auckland

**Saturday, 17 September 2022**

10:30 - 11:00am **Morning Tea**

11:00 - 12:30pm **Session 2**

**Trade Marks Session**

**A Trade Mark of One's Own – Legal and Practical Issues Around Trade Mark Ownership**

**Speakers:**

**Shauna Ross**, Nigel Bowen Chambers, Sydney

**Maria Fe Lazarte**, Group Trade Mark Counsel, The Weir Group PLC, Sydney

**Chairperson:**

**Sarah Chapman**, Special Counsel, Simpson Grierson, Auckland

12:30 - 1:30pm **Lunch**

1:30 - 3:00pm **Session 3**

**Patent Session**

**The Principles of Construction in Welch Perrin: Dead or Alive?  
Inventorship and Entitlement, a Look at the Recent Authorities and a Glance at the  
Comparative UK Position**

**Speakers:**

**Katrina Howard SC**, Ninth Floor Selborne Chambers, Sydney

**Adrian Ryan SC**, Patterson's List, Owen Dixon Chambers West, Melbourne

**Chairperson:**

**Greg Arthur QC**, Clifton Chambers, Auckland

3:00 - 3:45pm **Annual General Meeting**

## Saturday, 17 September 2022

3:45 - 4:15pm

Afternoon Tea

4:15 - 5:15pm

Session 4

(7:15am UK)

International Session

*Presenting virtually LIVE from London*

**The Right Honourable Lord Justice Colin Birss**, Deputy Head of Civil Justice, Judge of the Court of Appeal of England and Wales, UK

*In conversation with*

**The Honourable Justice Stephen Burley**, Federal Court of Australia, Sydney

**Chairperson:**

**Ian Horak**, Young's List, Owen Dixon Chambers West, Melbourne

6:30pm

President's Dinner

Master of Ceremonies: **Ed Heerey QC**, Nigel Bowen Chambers, Sydney

Presentation of the 2022 John McLaren Emmerson QC Essay Prize presented by  
**The Honourable Justice Stephen Burley**

Australian comedian: **Geraldine Hickey**

(appearing by arrangement with Claxton Speakers Int.)

DJ: **Emma Peters**

## Sunday, 18 September 2022

9:30 – 10:30am

Session 5

Judges' Session

**Reflections from the Bench**

**Speakers:**

**The Honourable Justice Jayne Jagot**, Federal Court of Australia, Sydney

**The Honourable Justice Ian Gault**, High Court, New Zealand

**Chairperson:**

**Registrar Alison Legge**, Senior National Judicial Registrar & National Operations Registrar,  
Federal Court of Australia, Melbourne

Sunday, 18 September 2022

10:30–11:00am

Morning Tea

11:00–12:30pm

Session 6

Confidential Information / Trade Secrets Session

Management of Confidential Information, Trade Secrets and Departing / Incoming Employees

Speakers:

**Sarah Basford**, Chief Counsel IP Legal at Rio Tinto, Brisbane

**Robert G. Kramer**, Special Counsel, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, Sydney

**Luke Merrick**, List G Barristers, Owen Dixon Chambers West, Melbourne

Chairperson:

**Caroline Ryan**, Partner, Allens Linklaters, Melbourne

12:30 – 2:00pm

Lunch and Close

# SCHEDULE

## TABLE TOPICS AND PRESENTERS

Friday, 16 September 2022

3:00 - 5:00pm

### Table Topics Session

Facilitated discussions on 13 current topics : 4 rotations of 25 minutes each

#### Topic 1

**Rob Clark**, 5 Wentworth Chambers, Sydney

The potential principles, practices and practicality of AI (or computer-created) intellectual property rights in Australia.

#### Topic 2

**Craig Smith**, List G Barristers, Castan Chambers, Melbourne

Unjustified threats, including:

- (a) Obtaining interlocutory injunctions to address unjustified threats;
- (b) Relief, and how that compares to relief under ACL;
- (c) Strategic reasons why you might include / bring an unjustified threats action.

#### Topic 3

**Frances St John** and **Nicola Gollan**, Tenth Floor Chambers, Sydney

Manner of Manufacture – Aristocrat High Court Hearing.

#### Topic 4

**Kate Beattie**, List G Barristers, Owen Dixon Chambers West, Melbourne

Use of Patented Products / Processes - Where is the Line in Terms of Patent Infringement and, More Recently, Supply to Others for Use Out of the Jurisdiction?

#### Topic 5

**Tom Cordiner QC** and **Lucy Davis**, List G Barristers, Emmerson Chambers, Melbourne

Joint Tortfeasorship of a Director for Intellectual Property Infringements of their Company.

#### Topic 6

**Cynthia Cochrane SC** and **Catherine Bembrick**, 5 Wentworth Chambers, Sydney

The Removal of the Longstanding and Broad Exemption for IP Transactions in the Former s51(3) of the Competition and Consumer Act, with a Particular Focus on the Implications for Patent Settlement Agreements. (This will also address dealing with the ACCC with respect to such agreements, including the seeking of authorisation).

#### Topic 7

**Dr Warwick A Rothnie**, List G Barristers, Emmerson Chambers, Melbourne  
Grace Periods in Designs.

#### Topic 8

**Stephen Rebikoff**, List G Barristers, Emmerson Chambers, Melbourne  
The rapper, the rocker, the activist and the artist: When politics and copyright collide.  
Discussion regarding Palmer and Eight Mile Style, AGL and Greenpeace, and the acquisition of copyright in the Aboriginal flag.

#### Topic 9

**Andrew Sykes**, List G Barristers, Emmerson Chambers, Melbourne  
Preparation for trade mark oppositions.

#### Topic 10

**Miguel Ferreira**, Solicitor, King & Wood Mallesons, Melbourne  
Conflicting case law in Australia on the notoriety / reputation of a mark as a relevant consideration in the assessment of deceptive similarity under s.44 of the *Trade Marks Act 1995* (with particular reference to the Woolworths Metro and Protoc/Botox cases).

#### Topic 11

**Mark Metzeling**, Principal Lawyer, Macpherson Kelley, Brisbane  
Online enforcement of Trade Marks, including:  
(a) Use of trade marks in VR and AR environments;  
(b) Control of trade mark use on social media sites, including how to regain third party pages;  
(c) Take downs of third party online selling marketplaces;  
(d) Practical tips to assist your clients with the foregoing.

#### Topic 12

**Katrina Crooks**, Executive Lawyer & Patent Attorney, Pearce IP, Sydney  
Recent developments in Patent Term Extensions

#### Topic 13

**Verity Quinn**, Deputy General Counsel, Competition & Consumer Law, ACCC, Melbourne  
ACCC Update.