



35th 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

15 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:

Lucy Davis, List G Barristers, Emmerson Chambers, Melbourne

Jane Glover, Sangro Chambers, Auckland

Chairperson:

Robynne Sanders, Partner, DLA Piper, Melbourne

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 KC, 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

Recent Developments Session

The implications of the decision of the High Court in "*Aristocrat Technologies Australia Pty Ltd v Commissioner of Patents*" for computer implemented inventions and manner of manufacture generally

Speakers:

David Shavin KC, Dever's List, Emmerson Chambers, Melbourne

Sarah Smith, Acting Supervising Examiner, Patent Oppositions and Hearings, IP Australia, Canberra

Chairperson:

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

6:30pm

President's Dinner

Master of Ceremonies: **Ed Heerey KC**, 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, 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

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

Topic 4

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

A Hypothetical: What has it got to do with Australia? Patent infringement by manufacture and supply outside of the jurisdiction

Topic 5

Tom Cordiner KC 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, 5 Wentworth Chambers, Sydney

The Aristocrat High Court decision, handed down in mid-August 2022 regarding patentability of computer-implemented inventions, involved a 3:3 split, comprising two diametrically opposed judgments, by Kiefel CJ, Gageler and Keane JJ, on the one hand, and Gordon, Edelman and Steward J, on the other. Discussion of this important decision and the ongoing challenges it presents for practitioners in this vexed area of law.

Friday, 16 September 2022

3:00 - 5:00pm

Table Topics Session

Topic 7

Catherine Bembrick, 5 Wentworth Chambers, Sydney

Exposed to Part IV of the Competition and Consumer Act 2010 (Cth) – How Do We Settle Patent Cases Now?” – Discussion of matters raised by Cynthia Cochrane SC, Catherine Bembrick and Alexander Vial in the September 2022 edition of IP Forum.

Topic 8

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

Topic 9

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 10

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

Topic 11

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 Prottox/Botox cases).

Topic 12

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 13

Katrina Crooks, Executive Lawyer & Patent Attorney, Pearce IP, Sydney

Recent developments in Patent Term Extensions