



36th IPSANZ Annual Conference
22 – 24 September 2023

PEPPERS
SALT RESORT & SPA



Conference Programme

Friday, 22 September 2023

1:30 - 6:00pm

Registration

2:00 - 3:30pm

Session 1

Table Topics Session

1. **IP rights and free speech**
Phoebe Arcus, Barrister 5 Wentworth Chambers, Sydney
2. **ICIP – Indigenous Cultural and Intellectual Property**
Nadege Malcolm, Senior Associate, Corrs Chambers Westgarth, Sydney
3. **The Trans-Tasman Intellectual Property Attorneys Board: what does it do?**
Kate Duckworth, Lawyer, Wellington, NZ
4. **Is there any point in claiming MDC to stop similar looking products?**
Marcus Fleming, List G Barristers, Emmerson Chambers, Melbourne; and
Georgina O'Farrell, Director, By George Legal, Melbourne
5. **Prior use, secret use and grace periods in the pharmaceutical and mining sectors**
Duncan Longstaff, Principal, Spruson & Ferguson Lawyers, Litigation, Sydney;
Rebecca Pereira, Special Counsel, MinterEllison, Melbourne
6. **Use as a trademark**
Frances St John, Barrister, Tenth Floor Chambers, Sydney
7. **UK and EU “plausibility” in light of Sandoz v BMS and what this might mean for Australia**
Amy Surkis, Barrister, List G Barrister, Melbourne
8. **Geographical Indications: Protecting the connection between product and place**
Dr Paula Zito, Lecturer of Law, Supervising Solicitor Legal Advice Clinic, University of South Australia
9. **How do we deal with material external to the respondent's mark in the deceptive similarity inquiry after Self Care (2023) 171 IPR 120?**
Shereen Parvez, Barrister, North Quarter Lane Chambers, Brisbane

3:30 - 4:00pm

Afternoon Tea

Friday, 22 September 2023

4:00 - 5:00pm

Session 2

Patent Session

The interplay between patent law and competition law

Speakers:

Cynthia Cochrane SC, Level 22 Chambers, Sydney

Kon Stellios, Special Counsel, Specialist Advice and Services Division, ACCC, Sydney

Linda Govenlock, Partner, Allens, Sydney

Andrew Matthews, Principal, Matthew Law, Auckland

Chairperson: **Natalie Shoolman**, Principal, Wrays, Sydney

5:00 – 6.00pm

Session 3

Trade Mark Session

Use of Third-party trade marks on e-commerce platforms, metaverses, social media and domains – What constitutes use, and how to deal with it

Speakers:

Mark Metzeling, Principal Lawyer, Macpherson Kelley, Brisbane

Eunika Kurek, Senior Legal Counsel, Unilever Australia, Sydney

Chairperson: **Aparna Watal**, Special Counsel, Baker & McKenzie, Sydney

6:30 - 8:00pm

Welcome Drinks

Saturday, 23 September 2023

8:30 - 9:00am

Registration

9:00 - 10:00am

Session 4

International Session

Copyright and AI Image Generation

Speaker:

Jane Ginsburg, Morton L. Janklow Professor of Literary and Artistic Property Law, New York, USA

Chairperson: **Megan Evetts**, Barrister, Nigel Bowen Chambers, Sydney

10:00 - 10:30am

Morning Tea

10:30 - 12:00pm

Session 5

Trade Mark Session

Clear as mud or clear as day – a Hypothetical session exploring a range of issues around clearing a trade mark for use and registration

Facilitator: **Ben Gardiner KC**, Barrister, Murray Gleeson Chambers, Brisbane

Panel:

Jesmini Ambikapathy, Barrister, Nigel Bowen Chamber, Sydney

Laura Carter, Barrister, Sangro Chambers, Auckland

Justine Munsie, Partner, Addisons, Sydney

Chairperson: **Sheana Wheeldon**, Barrister, Quay Chambers, Auckland

12:00 - 1:00pm

Lunch

Saturday, 23 September 2023

1:00 - 2:00pm

Session 6**Copyright Session****Campaigntrack, Hardingham, implied licences and authorisation**

This session will explore the issues surrounding implied licences and authorisation of infringement following the decisions of the High Court in Hardingham and the Full Court in Campaigntrack, bringing together the views of experts across private practice, in-house counsel and counsel.

Speakers:

Grant McAvaney, Head of Litigation, New Corp Australia, Sydney

Joel Masterson, Director, By George Legal, Melbourne

Chairperson: **Melissa McGrath**, Barrister, Nigel Bowen Chambers, Sydney

2:00 – 3:00pm

Session 7**Judges' Session**

The Honourable Justice Moshinsky, Federal Court of Australia, Melbourne

The Honourable Justice Burley, Federal Court of Australia, Sydney

Chairperson: **Ian Horak KC**, Barrister, Victorian Bar

3:00 – 3:30pm

Afternoon Tea

3:30 – 4:30 pm

Annual General Meeting

6:30pm

President's Dinner**Guest speaker: Steph Tisdell**

Steph is one of Australia's leading Indigenous female comedians, renowned for her uplifting yet earnest approach to comedy. Personable and hilarious, her bold stand-up routines never fail to entertain, yet always leave her audience deep in thought.

Sunday, 24 September 2023

Breakfast and Delegate Free Day