



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

30 August to 1 September 2024



## Conference Programme

Friday 30 August 2024

2:30pm

Registration

3:00 - 5:00pm

Table Topics Sessions, tea and coffee

- Developments in secondary infringement**  
**Amy Surkis**, Barrister, Emmerson Chambers, Melbourne and  
**Rebecca Pereira**, Special Counsel, MinterEllison, Melbourne
- New developments in Federal Court patent litigation practice**  
**Angus Lang**, Barrister, Tenth Floor Chambers, Sydney
- Taxing issues in intellectual property licences – A review of Pepsi Co. and related decisions**  
**Gabriella Rubagotti**, Barrister, Nigel Bowen Chambers, Sydney
- We need to talk: are we the problem? A polemic on expert “evidence” on issues of “construction” as an unspoken problem in patent litigation**  
**Hamish Bevan SC**, Barrister, Nigel Bowen Chambers, Sydney
- IP Crime — taking the fifth when an offence is embedded in an IP claim**  
**Justin Wheelahan**, Barrister, Emmerson Chambers, Melbourne
- All for the best – time to repeal Australia's best method requirement?**  
**Lauren John**, Managing Associate, Allens, Melbourne
- Brand portfolio ownership strategies: risks for directors and enforcement**  
**Melissa McGrath**, Barrister, Nigel Bowen Chambers, Sydney and  
**Robert Boadle**, Barrister, Nigel Bowen Chambers, Sydney
- Computer program copyright litigation: a discussion about practice**  
**Wen Wu**, Barrister, Level 22 Chambers, Sydney
- Costs in IP litigation – recent developments**  
**Fiona McNeil**, Barrister, 5 Selborne Chambers, Sydney
- Admissibility issues and procedural pitfalls at IPONZ  
**Clive Elliott KC**, Barrister, Shortland Chambers, Auckland
- Complaints to the Trans-Tasman Intellectual Property Attorneys Board: who complains, what are the complaints about, what happens and how to avoid them**  
**Kate Duckworth**, Lawyer, Patent & Trade Mark Attorney, Wellington

6:00 - 8:00pm

Welcome Drinks

8:45 - 9:00am

**Registration, tea and coffee**

9:00 - 10:30am

**Session 1**

**Copyright Session**

**Are copyright and other intellectual property laws the proper vehicle to protect Indigenous Cultural Expression?**

This panel will bring together the panellists' vast knowledge and experience in intellectual property law and protection of Indigenous Expression from both an Australian and New Zealand perspective. The session will traverse a range of topics providing insight into the current state of play, initiatives on foot to better protect Indigenous Cultural Expression including the concerns of First Nations Peoples, how these can be balanced against competing interests, and what we can learn from things being done on both sides of the Tasman sea.

**Speakers:**

- **Colin Golvan AM KC**, Barrister, Emmerson Chambers, Melbourne
- **Patricia Adjei**, Director - Standalone Legislation, Creative Industries, Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts (Australia), Sydney
- **Baden Vertongen**, Lawyer and Mediator, Wellington

**Chairperson: Lucy Davis**, Barrister, Emmerson Chambers, Melbourne

10:30 - 11:00am

**Morning tea**

11:00 - 12:30pm

**Session 2**

**International Session**

**From Wheels to Wings: Challenges of IP Strategy from the Ground Up**

**Speakers:**

- **Dr Alistair Scott**, Global Head of Intellectual Property for Airbus and Airbus Group, France
- **Batur Oktay**, General Counsel, Rad Power Bikes, USA

**Moderator: Andrew Davey**, Intellectual Property Manager, Fisher & Paykel Healthcare, Auckland

**Introduced by: Kate Duckworth**, Lawyer, Patent and Trade Mark Attorney, Wellington

12:30 - 1:30pm

**Lunch**

1:30 - 3:00pm

**Session 3**

**Trade Marks Session**

**Ownership and intent to use challenges for Australian and New Zealand Trade Marks**

Speakers will consider challenges claiming ownership rights in Australia and New Zealand arising from different complex scenarios, as well as proving an intention to use a trade mark in good faith.

**Speakers:**

- **Richard Cobden SC**, Nigel Bowen Chambers, Sydney
- **Natalie Harre**, Principal, AJ Park, Auckland

**Chairperson: Victoria Bell**, Partner, Baker McKenzie, Sydney

3:00 - 3:30pm

**Afternoon tea**

## Saturday 31 August 2024

3:30 - 5:00pm

Session 4

Copyright Session

### Current copyright conundrums – AI, live streaming and deepfaking

An interactive panel session exploring how the courts in Australia and New Zealand might respond to contemporary technological developments, in light of overseas experience.

Speakers:

- **Georgina O'Farrell**, Director, By George Legal, Melbourne
- **Justine Beaumont SC**, Barrister, Nigel Bowen Chambers, Sydney
- **Kevin Glover**, Barrister, Shortland Chambers, Auckland

**Chairperson: Thomas Huthwaite**, Partner, AJ Park, Wellington

5:00pm

Annual General Meeting

6:30pm

President's Dinner

**After-dinner speaker: Paul Wood**, motivational speaker and author, New Zealand

## Sunday 1 September 2024

9:00 - 10:30am

Session 5

Judges' Session

### Remedies in IP Law – getting the result for your client

This session will discuss the availability of remedies in Australia, New Zealand and beyond with a particular focus on the practical considerations to be taken into account in securing the grant of an injunction in an intellectual property case.

Speakers:

- **The Honourable Justice Kylie Downes**, Federal Court of Australia, Brisbane
- **The Honourable Justice Tracey Walker**, High Court of New Zealand, Auckland
- **The Right Honourable Lord Justice Sir Colin Birss**, Court of Appeal of England and Wales, UK (by videoconference)

**Commentator and Chairperson: Alison Legge**, Senior National Judicial Registrar and National Operations Registrar, Federal Court of Australia, Melbourne

10:30 - 11:00am

Morning tea

11:00 - 12:45pm

Session 6

Patent Session

**I'm a little teapot: enabled and supported:** A patentee's obligation to enable the claimed invention and have it supported by the specification is fundamental to the "patent bargain". In Australia, while the section 40 requirements changed in 2014, they were only recently first considered by an appellate court in *Jusand v Rattlejack*. In that case Justice Perram, among other things, considered Lord Justice Birss' teapot example (from in *Illumina Cambridge Ltd v Latvia MGI Tech SIA* [2021] EWHC 57) to explain the limits of the UK Supreme Court's decision in *Regeneron v Kymab* and when a claim needed to be enabled across a particular range. Similar provisions were introduced in New Zealand in 2013 but have yet to receive judicial scrutiny. The session will also discuss how support has been assessed by the New Zealand Patent Office to date and provide some observations on the likelihood *Jusand v Rattlejack* will influence future assessments.

**Speakers:**

- **The Right Honourable Lord Justice Sir Colin Birss**, Court of Appeal of England and Wales, UK (by videoconference)
- **Tom Cordiner KC**, Barrister, Emmerson Chambers, Melbourne
- **Ian Finch**, Partner, James and Wells, Auckland
- **Frances St John**, Barrister, Tenth Floor Chambers, Sydney

**Chairperson:** Clare Cunliffe, Barrister, Emmerson Chambers, Melbourne

12:45 – 2:00pm

Lunch and Close

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