



38th IPSANZ Annual Conference

The Westin Brisbane – 111 Mary Street, Brisbane QLD 4000
29 to 31 August 2025

Conference Program

DAY 1 – Friday 29 August 2025

2:30pm

Registration

3:00pm – 5:00pm

Table Topics

- 1. Has the bar been raised too high? Considering the relationship between novelty, inventive step and priority post-Raising the Bar.**
Facilitator: David Shavin KC, Barrister, Emmerson Chambers, Melbourne
- 2. Q&A with IP Australia Patent Examiners.**
Facilitators: Hatinder Sharma and Xavier Gisz, Senior Examiners of Patents, IP Australia, Canberra
- 3. Getting From “Yeah Yeah Nah” to “Yeah”: ADR for International IP Disputes.**
Facilitator: Guy Yonay, Partner, Pearl Cohen Zedek Latzer Baratz LLP, New York
- 4. What, if anything, could or should replace innovation patents?**
Facilitator: Dr Ben Hopper, Director of Studies, Intellectual Property Law (MLM), University of Melbourne
- 5. Traditional knowledge, indigenous rights and intellectual property with a Pacific Island focus.**
Facilitator: Dr Hai-Yuean Tualima, Senior Lecturer, Faculty of Law, Victoria University of Wellington
- 6. Discretion Dilemmas: Current trends concerning ss 101(3), 88 and 89 of the Australian Trade Marks Act.**
Facilitator: Sonia Stewart, Barrister, 5 Wentworth Chambers, Sydney
- 7. B*tch Stole my Look: Current trends in Fashion and IP – dupes and lookalikes, why are they cooler than the real thing?**
Facilitators: Kate Duckworth, Lawyer, Patent and Trade Mark Attorney, Kate Duckworth Intellectual Property Limited, Wellington and Rumbie Mutanga, Associate, AJ Park, Wellington

8. **Q&A with IP Australia Trade Mark Examiners.**
Facilitators: **Conor Caffrey** and **Gabrielle Coutanche**, Trade Mark Examiners, IP Australia, Canberra
9. **Bad faith - Has this wilted transplant finally taken root?**
Facilitator: **Clive Elliott KC**, Barrister, Shortland Chambers, Auckland
10. **Similar and related goods-services: lessons from reading 972 trade mark decisions and Office guidelines.**
Facilitator: **Chris Sgurakis**, Book Author, '*Australian Trade Mark Practice: Selecting, Registering & Managing Trade Marks*' 2025 (LexisNexis), Melbourne
11. **Common mistakes when appearing before the registrar.**
Facilitator: **Nicholas Smith**, Hearing Officer, IP Australia, Canberra
12. **Show me the money: Why you need to know both sides of the Damages and Account of Profit coin.**
Facilitators: **Andrew Ross** and **Sally Davitt**, Partners, HKA Global, Sydney
13. **The importance of accurate evidence during examination and avoiding section 62(b) Oppositions.**
Facilitator: **Tasman Wylie**, Barrister, Nexus Chambers, Adelaide
14. **Assessing damages for infringement of IP rights - counterfactual analyses and the infringer's conduct.**
Facilitator: **Sam Dany**, Barrister, Emmerson Chambers, Melbourne

6:00pm – 8:00pm

Melbourne Law School Welcome Reception

DAY 2 – Saturday 30 August 2025

8:50am – 9:00am

Acknowledgement of Country and Conference Welcome

9:00am – 10:00am

International – Session 1

Topic: The View from Silicon Valley.

Speaker: • **Sarita Venkat**, SVP, Corporate Legal Affairs, Cisco, California **(by video link)**

Chairperson: **Lauren John**, Managing Associate, Allens, Melbourne

10:00am – 10:30am

Morning Tea

10:30am – 11:30am

International – Session 2

Topic: **An overview of the intellectual property legal system in South Korea, and comparisons with Australia.**

Speakers: • **High Court Judge Young Gi KIM**, Intellectual Property High Court of Korea, in conversation with
• **The Honourable Justice Stephen Burley**, Federal Court of Australia, Sydney

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

11:30am – 1:00pm

Data Protection Session

Topic: **Protection of data as an intangible asset – covering issues of what protections are currently available, and are there better ways of looking at protecting data as an asset?**

Synopsis: Today, data is significant to almost every business in the world, its importance amplified by the centrality of AI to future business and the reliance of AI on quality data sets. For many it's a crucial, or maybe even their only, asset. To what extent do existing IP laws provide adequate protection for this highly valuable intangible asset? Is sui generis protection required or can 'technology neutral' IP laws adapt to provide appropriate protection, while balancing the legitimate needs of data users? This session will explore these issues with reference to current Australian law and teachings from other parts of the world, with insights from practitioners and in-house counsel in the field.

Speakers: • **Ryan Phelan**, Partner, Marshall, Gerstein & Borun LLP, Chicago **(by video link)**
• **Mark Vincent**, Principal, Spruson & Ferguson, Sydney

Chairperson: **Nicole Murdoch**, Partner, Thynne + Macartney, Brisbane

1:00pm – 2:00pm

Lunch

2:00pm – 3:00pm

Trade Marks – Session 1

Topic: Steering through IP and trade mark challenges: motorsport inspired perspectives.

Synopsis: A focused dialogue with guest speaker, Gabriella Bornstein as she delves into the trade mark and related IP issues in and around the motorsports industry. The discussion will traverse through the complexities of having many trade marks on display in one place, all competing for pole position and who has the right to put them there. The session will also draw on Gabriella's current and previous experience to provide practical advice on professional practices, and the coordination of trade mark strategy across the US/UK/Europe and Australia. A session that will definitely get you thinking about the role of IP tools in broader business strategies.

Gabriella is more than happy to take questions on notice as well as those off the cuff. If you have a question you would like to hear answered in the session, please send it to events@ipsanz.com.au

Speaker: • **Gabriella Bornstein**, General Counsel, Motorsport Australia, Melbourne

Discussion Host: **Nadia Braad**, Senior Associate, MinterEllison, Brisbane

Chairperson: **Ian Finch**, Partner, James & Wells, Auckland

3:00pm – 3:30pm

Afternoon Tea

3:30pm – 5:00pm

Copyright Session

Topic: Is the copyright regime fit for purpose?

Speakers:

- **Professor Graeme Austin**, Chair of Private Law, Victoria University of Wellington; Professor, Melbourne University Law School
- **Kate Haddock**, Partner, Banki Haddock Fiora, Sydney
- **Ant Horn**, former Director Media Licensing, APRA AMCOS, Sydney

Chairperson: **Laura Thomas**, Barrister, Nigel Bowen Chambers, Sydney

5:00pm – 5:30pm

IPSANZ AGM

6:30pm – 10:30pm

President's Dinner

DAY 3 – Sunday 31 August 2025

9:00am – 10:30am

Judges' Session

Topic: A view from the Bench and beyond.

- Speakers:**
- **The Honourable John Nicholas SC**, Nigel Bowen Chambers, Sydney
 - **The Honourable David Yates SC**, 5 Wentworth, Sydney
 - **National Judicial Registrar Susan O'Connor**, Federal Court of Australia, Sydney

Chairperson: **Bruce Caine KC**, Barrister, Emmerson Chambers, Melbourne

10:30am – 11:00am

Morning Tea

11:00am – 12:30pm

Patents Session

Topic: Final remedies and non-injunctive relief.

- Speakers:**
- **Julia Pike**, Global Head of IP, Sandoz, Germany
 - **Kate Beattie SC**, Barrister, List G Barristers, Melbourne
 - **Christian Dimitriadis SC**, Barrister, Nigel Bowen Chambers, Sydney

Chairperson: **Rebecca Pereira**, Special Counsel, MinterEllison, Melbourne

12:30pm – 1:30pm

Lunch

1:30pm – 2:30pm

Trade Marks – Session 2

Topic: Honest concurrent use and its interaction with privilege and wider ethical issues.

- Speakers:**
- **Phoebe Arcus SC**, Barrister, 5 Wentworth, Sydney
 - **Dr Victoria Argyle**, Special Counsel, AJ Park, Auckland

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

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