

Anna Spies

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Areas of Practice

Commissions and Inquiries
Inquests
Intellectual Property
Consumer Law
Media Law
General Commercial

Admissions

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| Barrister, New South Wales | 2016 |
| Solicitor, Supreme Court of New South Wales | 2011 |

Qualifications

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| UNSW | Master of Laws (Media and Technology) (with excellence) | 2019 |
| UNSW | Bachelor of Arts/Bachelor of Laws (with 1 st Class Honours) | 2011 |

Professional Experience

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| Barrister | 5 Wentworth Chambers | 2016 - present |
| King & Wood Mallesons | Senior Associate | 2016 |
| Intellectual Property Dispute Resolution | Solicitor | 2013 - 2016 |
| | Law Graduate | 2011 |
| Federal Court of Australia | Associate to the Hon Justice Annabelle Bennett AO | 2012 - 2013 |

Professional Recognition

- Christopher Gee QC Memorial Prize for evidence and advocacy for the August 2016 Bar Practice Course.
- 2018, 2019, 2020 and 2021 Doyle's Guide – Recommended junior counsel in NSW for Intellectual Property.
- 2018 and 2019 Doyle's Guide – Recommended junior counsel in NSW for Technology, Media & Telecommunications

Selected cases

Royal Commissions

- Appointed as Counsel Assisting the joint Commonwealth, States and Territories *Royal Commission into National Natural Disaster Arrangements* in 2020. In that role, Ms Spies examined a number of witnesses, and her work had a particular focus on systemic and inter-governmental considerations in relation to the national emergency response, fire and emergency services, health systems, public health and mental health, and local government.

Coronial Inquests

- Inquest into the death of Terence Gray (2021) – appeared as counsel for the NSW Commissioner of Police
- Inquest into the death of X (2021; part heard) – Assisted Elizabeth Raper SC (counsel assisting) – medical discharge against advice, aged care services and public guardianship.
- Inquest into the death of X (2020; part heard) – Assisted Elizabeth Raper SC (counsel assisting) – police and ambulance operations and coordination; question of self-inflicted death

Trade Marks, passing off consumer protection

- *Active Skin Pty Ltd v Yey Pty Ltd* (Federal Circuit Court, reserved) – acted for Yey Pty Ltd (led by Andrew Fox) in an appeal from the Registrar
- *Carshare Australia Pty Ltd v Manjit Singh* [2018] FCCA 1446 - Acted for Carshare Australia (trading as GoGet) (unled) in trade mark infringement and misleading and deceptive conduct proceedings.
- *Livepay Pty Ltd v Live Group Pty Ltd* [2017] ATMO 145 – Acted for Live Group Pty Ltd in an application for removal for non-use (unled).
- *Sapphire One Pty Ltd v Sapphire Systems Pty Ltd* (NSD1677/2016 - Federal Court; settled) – Acted for Sapphire One (led by Andrew Fox) in trade mark infringement, removal for non-use, and misleading and deceptive conduct proceedings.
- Regularly provides prospects and pre-litigation advice.
- Provided prospects advice to Legal Aid in relation to a number of consumer law matters.

Patents

- *Aristocrat Technologies Australia Pty Ltd v Konami Australia Pty Ltd* NSD1429/2011 (Federal Court, reserved) - Acted for Konami Australia Pty Ltd (led by Christian Dimitriadis SC and Hamish Bevan) in relation to Aristocrat's claim for an account of profits and damages for patent infringement.
- *Australian Mud Company Pty Ltd v Globaltech Corporation Pty Ltd* [2018] FCA 1839 - Acted for Australian Mud Company and Reflex Instruments Asia Pacific Pty Ltd (led by Christian Dimitriadis SC and Phoebe Arcus) in patent infringement proceedings and cross-claim for invalidity.
- *Zuru Ltd v Brand Developers Pty Ltd* NSD1702/2015 (Federal Court; settled) - Acted for Zuru (led by Cameron Moore SC and Justine Beaumont) in patent infringement proceedings and cross-claim for invalidity.

Copyright

- *Australasian Performing Right Association Limited v Escape Bar And Night Club Pty Limited* [2017] FCCA 2690 - Acted for APRA (unled) in default judgment proceedings for copyright infringement.
- *Workstream Technologies v Metropolis Agency* (Federal Court; settled) – Acted for Workstream Technologies in relation its computer software copyright infringement claim

- *1Verge Information Technology (Beijing) Co Ltd v Novatel Telecommunications Pty Ltd* NSD2178/2016 (Federal Court; settled) – Acted for the Applicants (led by Richard Cobden SC) in copyright infringement, circumvention of technological protection measures and misleading and deceptive conduct proceedings.
- *Roadshow Films Pty Ltd v Telstra Corporation Ltd* [2016] FCA 1503 (as a solicitor) acted for the Telstra Respondents in website blocking injunction proceedings brought under 115A of the *Copyright Act 1968* (Cth).
- *Singtel Optus v National Rugby League Investments* [2012] FCA 138 (as a solicitor): Acted for Telstra and the AFL in their claims of copyright infringement.
- Regularly provides prospects and pre-litigation advice.

Suppression Orders

- *R v Eastman (No 42)* [2018] ACTSC 176 – appeared for Federal Capital Press of Australia Pty Ltd, Nationwide News Pty Limited, Nine Network Australia Pty Ltd and the Australian Broadcasting Corporation, opposing a non-publication order.
- Various appearances for media interveners in the NSW Supreme, District and Local Courts and in the Coroner's Court in relation to the vacation or alteration of suppression orders under the *Court Suppression and Non-Publication Orders Act 2010* (both led and unled).

Confidential Information

- *Show Pony Group Pty Ltd v Black Swallow Boutique Pty Ltd* NSD1984/2016 (Federal Court, settled) - Acted for Show Pony (led by Andrew Fox) in obtaining an urgent interlocutory injunction restraining the use of confidential information.

Defamation

- *Bailey v WIN Television NSW Pty Ltd* [2020] NSWSC 232 (led by Lyndelle Barnett)
- *Jones v Williams* [2018] NSWSC 954 (led by Clarissa Amato)

Practice and Procedure

- *Zuru Ltd v Brand Developers Aust Pty Ltd (No 2)* [2017] FCA 1023 – discovery (led by Cameron Moore SC).
- *Sean Lynch v Cash Converters Personal Finance* (Federal Court) – Acted for National Credit Providers Association Limited (unled) in relation to its privilege claim.

Selected Publications

- Spies, Anna "Territoriality and Intellectual Property Rights – When Does Online Infringement or Misleading and Deceptive Conduct Occur "In Australia"?" (2018) 114 *Intellectual Property Forum*
- Lexis Nexis Practical Guidance – Intellectual Property Disputes (2016 – 2019, co-author with John Swinson)
- Spies, Anna, "500 versions of software and the subsistence and infringement of copyright - The Full Court's decision in *JR Consulting v Cummings*", (2016) 35(2) *CAMLA Communications Law Bulletin* 15
- O'Connell, Kim and Spies, Anna, "The Implications of the TPP Agreement on Exclusivity for Biologics and Biosimilars in Australia", (2016) 15(2) *Bio-science Law Review* 73.
- Spies, Anna and Nagy, Cate, "The new website blocking power: s 115A of the Copyright Act" (2015) 28(8) *Australian Intellectual Property Law Bulletin*, 210.
- Spies, Anna, "The US Supreme Court's Aereo decision - online television streaming, the Optus TV Now decision and cloud computing" (2014), 27(10) *Australian Intellectual Property Law Bulletin*, 302.
- Spies, Anna, "Revering irreverence: A fair dealing exception for both weapon and target parodies", (2011) 34(3), *The University of New South Wales Law Journal*, 1122.