

CATHERINE BEMBRICK

5 Wentworth Chambers

Email: Catherine.Bembrick@5wentworth.com; Tel: +612 8066 6145

Areas of practice

- Intellectual Property: Patents; Trade Marks; Copyright.
- Competition and Consumer Law.
- General Commercial Law.

Admissions

- **Barrister**, New South Wales **2015**
(Ludlow's award: highest aggregate mark July 2014 bar exams)
- **Solicitor**, New South Wales and High Court of Australia **2006**

Qualifications

University of Cambridge **2009**

Master of Laws (Hons)

- Majoring in Intellectual Property and Competition Law.
- Cambridge Commonwealth Trust Bursary recipient.
- Glanville Williams Prize: top Master of Laws student Jesus College 2008-2009.
- Sir Peter Gadsden Prize: top Australian Masters student Jesus College 2008-2009.

University of Sydney

Bachelor of Laws (Hons) **2005**

Bachelor of Arts (Hons) **2001**

- Honours in Ancient History.

Experience

Senior Associate / Solicitor: Allens Linklaters **2006-2015**

Associate: Slaughter and May, London **2010-2011**

Inner Temple Trust Pegasus Scholar: London Bar **2009**

Associate to Hon Justice Bennett AC: Federal Court of Australia **2008-2009**

Select cases

Patents:

- *Watson v The Commissioner of Patents* [2020] FCAFC 56; *Watson v Commissioner of Patents* [2019] FCA 1015 – patent for business method (led by C Cochrane).
- *Technological Resources Pty Ltd patent application* (ongoing) – patent application for operation of automated vehicles, Patents Office (led by J Cooke).
- *Dyno Nobel Inc v Orica Explosives Technology Pty Ltd* (Federal Court of Australia) – patent for method of blasting, validity and infringement proceedings (led by T Bannon SC and C Cochrane); *Dyno Nobel Inc v Orica Explosives Technology Pty Ltd (No 2)* [2019] FCA 1552 – admission of hearsay evidence.
- *Voxson Pty Ltd v Telstra Corporation and Others (No 7)* [2017] FCA 267; *Voxson Pty Ltd v Telstra Corporation and Others (No 8)* [2017] FCA 1427 – patent for GPS system (led by N Murray SC).

Trade marks and copyright:

- *Global Import Corporation Pty Ltd v Campers Direct Pty Ltd* (2020) – trade mark infringement claim, Federal Circuit Court (settled) (unled).
- *Wisdom Properties Group Pty Ltd v Todic & Ors* (2019) – copyright infringement claim, Federal Circuit Court (settled) (unled).
- *Golden Wave International Pty Ltd, trade mark opposition* (2019), Trade Marks Office (unled).
- *Frucor Beverages Limited v The Coca-Cola Company* [2018] FCA 993; *Frucor Beverages Limited v The Coca-Cola Company* [2017] FCA 298 – trade mark application for colour green (led by M Darke SC).
- *Opposition by the Coca-Cola Company to registration of the Colour GREEN in the name of Frucor Beverages Limited* [2016] ATMO 38 (led by S Burley SC).

Competition and Consumer:

- *Crescent Funds Management Pty Ltd v Crescent Capital Partners Management Pty Limited* [2017] FCAFC 2; *Crescent Capital Partners Management Pty Limited v Crescent Funds Management (Aust) Limited* [2016] FCA 299 – misleading and deceptive conduct (led by M Darke SC).
- *Sola Tube Australia Pty Ltd v Solar Bright International Pty Ltd* [2017] FCCA 657 – misleading and deceptive conduct (led by A Fox).
- *Australian Parking and Revenue Control Pty Ltd v Reino International Pty Ltd* [2016] FCA 744 – misleading and deceptive conduct (led by C Burgess).

Commercial and contract:

- *Smartpay Australia Pty Ltd v Auscabs Payment Solution Pty Ltd* [2016] Supreme Court of NSW, unreported – breach of contract (unled).
- *Dowling v Ultraceuticals Pty Ltd* [2016] NSWSC 386 – privilege (led by S Lawrance).

Commissions, Inquiries and Arbitrations:

- 2020: Assisting Hon Dr A Bennett AC, SC in confidential arbitration involving licence fee for intellectual property rights.
- 2019: Assisting Hon Dr A Bennett AC, SC in confidential inquiry regarding sporting body following Royal Commission into Institutional Responses to Child Sexual Abuse.
- 2016: Counsel in the Inquiry into North Sydney Council, assisting the Commissioner (led by E Raper SC).

Other relevant experience

- Chair of the Medicines Australia Code of Conduct Committee and Appeals Committee. Medicines Australia is the Australian prescription pharmaceuticals industry body and the Committee determines whether pharmaceutical companies have breached the Medicines Australia Code of Conduct.
- University of Sydney Law Extension Committee casual academic lecturer in Evidence law.
- Headnote author for the Intellectual Property Reports.
- Headnote author for the New South Wales Law Reports.

Memberships

- Intellectual Property Society of Australia and New Zealand.
- New South Wales Bar Association.

Recent publications

- *Anti-competitive IP transactions under the spotlight* (October 2019) Law Society Journal.
- *Admission to the Manner of Manufacture Club – Patent Eligibility of Computer Implemented Business Methods* (2019) 116 Intellectual Property Forum 51.
- *Privilege pitfalls – implied waiver in email chains* (July 2019) Law Society Journal.
- *Has the Bar been raised? Standard of proof in patent opposition proceedings* (2016) 107 Intellectual Property Forum 67.