



**CURRICULUM VITAE
CYNTHIA LOUISE COCHRANE**

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Areas of Practice

Commercial	Competition and trade practices, Contractual disputes, Insurance, Intellectual property, Restraints of trade
Appellate	Civil appeals

Date of Admissions

Barrister, NSW:	2005
Solicitor, NSW:	2002

Qualifications

LLB (Hons)	University of Melbourne	2001
BCom (Hons) (Finance and Economics)	University of Melbourne	1999

Overview

Ms Cochrane specialises in high-profile patent cases and commercial cases, including competition law. She has particular expertise in cases concerning vaccines and biological medicines. Ms Cochrane appears regularly in the Federal Court of Australia and NSW Supreme Court. She also appears in hearings in the Australian Patent Office and conducts witness examinations for the Australian Competition and Consumer Commission. Ms Cochrane has addressed the Federal Court on important points of patent and commercial law, at trial and on appeal. She appears unled and against Queen's Counsel and Senior Counsel in trials and highly contested interlocutory disputes, and has cross-examined at trial on credit and specialist scientific matters.

In Chambers Asia-Pacific 2020 Ms Cochrane is recognised as *“well known for her patent litigation expertise and [for handling] high-profile cases, often on behalf of major pharmaceutical and electronics corporations”*. In 2019 she was recognised as *“reputed for patent litigation”* and *“widely considered to be great with the law and case strategy, a clear communicator and a pleasure to work with”* and in 2018 as

having “a diverse practice with an emphasis on patent matters” and described as “junior counsel of choice in the pharmaceutical patent area”. Since 2013 she has been recognised consistently by Doyle’s Guide as a “pre-eminent” member of junior counsel in intellectual property. She is also recognised in Best Lawyers.

Ms Cochrane worked previously for Allens (articled to the late Prof Bob Baxt AO in competition law), Bankers Trust and Macquarie Bank (Corporate Advisory). She also taught economics and finance for a number of years at the University of Melbourne.

Cases

See list of selected cases in separate document.

Other information

Ms Cochrane is a member of the Board of 5 Wentworth Chambers.

Ms Cochrane is responsible for preparing three chapters of *Federal Litigation Precedents*, a companion volume to *Practice and Procedure High Court and Federal Court of Australia*: intellectual property; special leave to High Court; pleadings.

Ms Cochrane has mentored readers in advocacy over a number of years in the Bar Readers’ Practice Courses for applications in the Local Court, District Court, Supreme Court and Federal Court as well as in the mock trials.

Ms Cochrane has served on a Professional Conduct Committee of the NSW Bar Association, chaired by Perram SC (as his Honour then was), and currently sits on the NSW Bar Association Wellbeing Committee, reporting to the Bar Council.

Over a couple of years Ian Neil SC and Cynthia Cochrane presented in the Bar Practice Course on the subject of drafting affidavits and admissibility of evidence.

Memberships

Law Council of Australia

Intellectual Property Society of Australia and New Zealand

Banking and Financial Services Law Association

Company Law Discussion Group

Melbourne Cricket Club

Sydney Cricket Ground

Selected Publications

Competition and Trade Practices

Cynthia Cochrane and Catherine Bembrick, "Anti-competitive IP transactions under the spotlight" (October 2019), Law Society of NSW Journal.

Cynthia Cochrane, "Section 155 Notices - Avenues for Challenge" (2008), Presentation to NSW College of Law (Continuing Professional Education program).

Cynthia Cochrane, "Unconscionability under s 51AA of the Trade Practices Act: The Landscape Following Berbatis and its implication for the Banking Sector" (2005), Journal of Banking & Finance.

Practice and Procedure

Cynthia Cochrane and Catherine Bembrick, "Privilege pitfalls: implied waiver in email chains" (July 2019), Law Society of NSW Journal.

Lawyerly, "Bar Talk: Q&A with barrister Cynthia Cochrane", 9 December 2018.

Cynthia Cochrane, "Amended pleadings take a hit - High Court's decision in Aon Risk Services Australia Ltd v ANU" (September 2009), Law Society of NSW Journal.

Cynthia Cochrane, "Affidavit Evidence" (2010), Presentation at NSW College of Law (Continuing Professional Education program).

Patent law

Cynthia Cochrane and Catherine Bembrick, "Admission to the Manner of Manufacture Club – Patent Eligibility of Computer Implemented Business Methods",

Journal of the Intellectual Society of Australia and New Zealand, June 2019.

Cynthia Cochrane was a guest speaker on the Young Institute of Patent and Trade Mark Attorneys and IP Australia Discussion Panel – section 40 (Raising the Bar) in October 2018, together with hearing officers from IP Australia and patent attorneys.

Cynthia Cochrane and Catherine Bembrick facilitated a table topics session at the 31st IPSANZ Annual Conference in September 2017 entitled, “To Appeal or not to Appeal: Standard of Proof in Patent Oppositions and other Considerations”.

Cynthia Cochrane and Ben Mee, “Computer-Implemented Business Methods in the Online Environment: Potential Pitfalls”, Internet Law Bulletin, December 2016.

Cynthia Cochrane and Catherine Bembrick, “Has the Bar been Raised? Standard of Proof in Patent Opposition Proceedings”, Intellectual Property Forum, Journal of the Intellectual Society of Australia and New Zealand, December 2016.

Cynthia Cochrane and Ben Mee, “Patent Validity – Are Computer-Implemented Business Methods Patentable?”, Intellectual Property Forum, Journal of the Intellectual Society of Australia and New Zealand, September 2016.

Cynthia Cochrane presented an Intellectual Property Master Class in relation to Patents and Trade Marks, Commercial Law Association, in March 2016, with the Hon Justice Jagot, Ms Kim O’Connell (KWM) and Thor North (HSF). The papers were published in Commercial Law Quarterly Vol 30 No 4 (Dec 2016 – Feb 2017).

Cynthia Cochrane, "Introduction to Patent Law" (2007), Presentation at NSW College of Law (Continuing Professional Education program)

Michael Dowling & Cynthia Cochrane, “High Court says Federal Court wrong on ‘test for obviousness’” (2002), Inhouse Counsel, Vol 6 No 4 (LexisNexis)

Corporate Governance and Insolvency

Cynthia Cochrane presented a discussion paper in June 2016 at the Commercial Law Discussion Group, ““The National Innovation and Science Agenda” - the Federal Government’s proposed reforms to Australia’s corporate insolvency laws, including

providing a “safe harbour” for directors”.

Cynthia Cochrane, "Duties and Obligations of Company Directors, Including in the Zone of Insolvency" (March 2010), Presentation to NSW College of Law (Continuing Professional Education program)

Trade mark law

Cynthia Cochrane and David Larish, “The Price of Milk in China: Parallel Exporting and its Implications under Australian Trade Mark Law”, Intellectual Property Forum, Journal of the Intellectual Society of Australia and New Zealand, September 2016

Cynthia Cochrane, "Protection of Trade Mark Rights in a Global Economy" (2008), Presentation at NSW College of Law (Continuing Professional Education program)

Class Actions

Cynthia Cochrane, "Air cargo class action one to watch" (7 June 2013), Australian Financial Review.

Cynthia Cochrane, "Class actions: Too Pampered in the Federal Court?" (May 2013), NSW Law Society Journal.

Banking – Fraudulent misappropriation

Cynthia Cochrane, “Law of Agency and Liability for Conversion of a Cheque” (2006), Journal of Banking & Finance Law & Practice.

Cynthia Cochrane, “Collection of Third Party Cheques and the Bank’s Defence” (2005), Journal of Banking & Finance Law & Practice