



**CURRICULUM VITAE
CYNTHIA LOUISE COCHRANE SC**

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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

Senior Counsel, NSW	2021
Barrister, NSW:	2005
Solicitor, NSW:	2002

Qualifications

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

Overview and background

Cochrane SC specialises in patent cases and commercial cases, including competition law. She has expertise concerning vaccines and biological medicines. Cochrane SC 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.

Cochrane SC worked as a solicitor for Allens (articled to Prof Bob Baxt AO in competition law) in Melbourne and Sydney and before then as an investment banker for Macquarie Bank (Corporate Advisory). She also taught economics and finance at the University of Melbourne.

Professional recognition

"Band 1" [Chambers Asia-Pacific 2021](#): *"extensive and enthusiastic feedback testifying to her increasingly prominent position in the IP market ... sources note her "technical*

background" which puts her "quickly on top" of any scientific issues, her "excellent written work and very good advocacy," and her talent for forming constructive relationships with both allied and opposing barristers, and the Bench ... "

[Best Lawyers](#) - Intellectual Property Law.

The [Legal 500](#): *"The 'excellent' Cynthia Cochrane". "Excellent. High quality written work. Also a good advocate".*

[Doyle's Guide](#): *"Pre-eminent". "Professional and always well-prepared".*

Cases

See list of selected cases in separate document.

Selected Publications

Patent law

On 30 November 2021 Cochrane SC gave a webinar for [Intellectual Property Society of Australia and New Zealand \(IPSANZ\)](#) via Zoom to an audience throughout Australia and New Zealand, "8 Years on from "Raising the Bar" on the Disclosure Requirements for Patents in Section 40", which explored decisions in Australia, the United Kingdom and the European Union on sufficiency and support. A video of the webinar is available at www.5wentworth.com/cpd-videos/.

Cochrane SC and 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.

Cochrane SC 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.

Cochrane SC and 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".

Cochrane SC and Mee, "Computer-Implemented Business Methods in the Online Environment: Potential Pitfalls", Internet Law Bulletin, December 2016.

Cochrane SC and 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.

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

Cochrane SC 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).

Cochrane SC, "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)

Competition and Trade Practices

In September 2020 Cochrane SC gave a webinar for IPSANZ via Zoom to a national audience, with Catherine Bembrick (called 2015), regarding the repeal of s 51(3) of the *Competition and Consumer Act 2010* (Cth) and its implications for patent settlement agreements having regard to recent jurisprudence in the UK and EU. A video of the webinar is available at www.5wentworth.com/cpd-videos/.

In May 2020 Cochrane SC gave a webinar via Zoom to a national audience, with Ben Mee (called 2014), Catherine Bembrick (called 2015) and Eliot Olivier (called 2018), which explored the US Class Action Against Abbvie & Ors, involving allegations of cartel conduct arising from settling patent litigation, from the perspective of Australian patent law, competition law and class action practice and procedure. A video of the webinar is available at www.5wentworth.com/cpd-videos/.

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

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

Cochrane SC, "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.

Damages

Cochrane SC and Harris, "Damages counterfactuals following High Court's decision in *Berry v CCL Secure*" (September 2020), Law Society of NSW Journal. [Link](#).

In May 2020 Cochrane SC gave a webinar via Zoom to a national audience, with Gregory Burton SC, Andrew Bulley and David Harris, regarding Damages Counterfactuals, which explored the decision in *Berry v CCL Secure*. A video of the webinar is available at www.5wentworth.com/cpd-videos/.

Practice and Procedure

Cochrane SC and 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.

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

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

Corporate Governance and Insolvency

Cochrane SC 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”.

Cochrane SC, "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

Cochrane SC and 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

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

Class Actions

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

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

Banking – Fraudulent misappropriation

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

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

Other information

Cochrane SC is a director on the Board of 5 Wentworth Chambers.

Cochrane SC 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.

Cochrane SC 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.

Cochrane SC 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 SC 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