



JULIAN COOKE
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Areas of Practice

Intellectual Property –patents, trade marks, copyright, designs, confidential information

Admissions

- Bar (NSW) 2006 (read with Burley SC, now Mr Justice Burley)
- Solicitor (NSW) 2002
- Solicitor Advocate (England & Wales) 2001
- Solicitor (England & Wales) 2000
- Solicitor (WA) 1998

Education

- BCL (Oxford) 1997
- LLB (Hons 1) (Murdoch) 1996
- BA (Phil) (Murdoch) 1996
- Vice-Chancellor's Award for Academic Excellence (Murdoch) 1995

Professional Career

Mr Cooke specialises in intellectual property law. He frequently acts for international clients including in the pharmaceutical, telecommunications, mining and media industries. He has appeared in a number of leading intellectual property cases in the High Court of Australia and in the Federal Court of Australia.

Mr Cooke has been recognised in:

- Chambers Asia-Pacific (2020) – (2016): (Band 1 – Intellectual Property);
- Doyle's Guide (2019) – (2015) –NSW Market Leader (2019)/ Preeminent Australian Counsel (Intellectual Property);
- Best Lawyers in Australia (2019) – (2014): Intellectual Property;
- The World's Leading Trademark Professionals (2019) – (2014): (Band 1).

Mr Cooke was the Associate to the Chief Justice of Western Australia.

Selected Cases

Patents

Pharmaceutical Patents

- Mylan v Sun Pharma Pty Ltd v Sun Pharma ANZ Pty Ltd (NSD 182/2019) – patents for the drug LIPIDIL used to treat diabetic retinopathy, Full Court decision reserved.
- Sanofi-Aventis Deutschland GmbH v Alphapharm Pty Ltd [2019] FCAFC 28 – patent for the design of an insulin glargine pen.
- Apotex Pty Ltd v Cipla Ltd & Anor [2017] FCA 1627 – patent for the drug Dymista used to treat allergic rhinitis.
- Janssen Sciences Ireland UC v Alphapharm Pty Ltd [2017] FCA 1399 – patents for the method of production of the drug Darunavir used to treat HIV.
- Pfizer Ireland Pharmaceuticals & Ors -v- Samsung Bioepis AU Pty Ltd [2017] FCA 285, [2017] FCAFC 193; patents for the method of production of the biologic drug Entanercept.
- Apotex Pty Ltd v ICOS Corporation [2018] FCA 1204: pharmaceutical patents for the drug Tadalafil.
- Orion Corporation v Actavis Australia Pty Ltd [2015] FCA 909; [2016] FCAFC 121: pharmaceutical patent for the drug Entacapone combination.
- Apotex Pty Ltd v Les Laboratoires Servier (No 4) (2015) 111 IPR 160; (No 5) [2015] FCA 334: pharmaceutical patent for the drug Perindopril Arginine.

Mining

- BlueScope Steel Limited v Dongkuk Steel Mill Co. Ltd [2019] FCA 2117: patents for alloy-coated steel strip.
- Technological Resources Pty Ltd v Tettman [2019] FCA 1889: patent for a method and apparatus for upgrading ore.
- The Pilbara Infrastructure Pty Ltd v Lynx Engineering Consultants Pty Ltd [2015] FCA 1100; [2016] FCAFC 19; [2016] HCASL 174: mechanical patent for ore cars.

Mobile Telecommunication Patents

- Samsung v Apple: 3G UMTS 25 series mobile telephone telecommunication patents.
- Vringo Infrastructure, Inc v ZTE (Australia) (No 4) (2015) 110 IPR 568: 2G GSM and 3G UMTS 25 series mobile telecommunication patents.

Trade Marks and Misleading & Deceptive Conduct

- JT International SA v Commonwealth of Australia [2012] HCA 43: leading High Court case concerning tobacco plain packaging, appeared for the Commonwealth.
- Health World Ltd v Shin-Sun Australia Pty Ltd [2008] FCA 100, [2009] FCAFC 14, [2010] HCA 13: leading High Court case on the question of “person aggrieved” under the Trade Marks Act 1995.
- Laminar Air Flow Pty Ltd v Vokes Limited & Ors [2017] FCA 1447, [2018] FCAFC 109 – considered the powers of the Registrar under s 81 of the Trade Marks Act 1995.
- Clipsal Australia Pty Ltd v Clipso Electrical Pty Limited [2017] FCA 60: trade mark infringement and revocation, contravention of ACL, passing-off.
- Moroccanoil Israel Ltd v Aldi Food Pty Ltd [2017] FCA 823, [2018] FCAFC 93: trade mark infringement contravention of ACL, passing-off.
- Paul’s Retail Pty Ltd v Sporte Leisure Pty Ltd [2012] FCAFC 51, [2012] HCATrans 219: defining the scope of parallel importation under the Trade Marks Act 1995.
- Paul’s Retail Pty Ltd v Lonsdale Australia Inc [2012] FCAFC 130 defining the scope of parallel importation under the Trade Marks Act 1995.

Copyright

- Nine Network Australia Pty Ltd v Ice TV Pty Ltd [2007] FCA 1172, [2008] FCAFC 71, [2009] HCA 14: leading High Court copyright case.
- Roadshow Films Pty Limited v Telstra Corporation Limited [2018] FCA 582: representing the Hollywood studios – site blocking HDSubs+ App under s115A.
- Roadshow Films Pty Limited v Telstra Corporation Limited [2017] FCA 965, representing the Hollywood studios – blocked 42 piracy sites under s 115A of the Copyright Act (largest site blocking case in Australian legal history to date).
- Seven (Network) Operations Ltd v Endemol Australia Pty Ltd (2015) 114 IPR 287: interlocutory injunction concerning alleged copyright infringement of the MKR television program format by The Hotplate.
- Sports Data Pty Ltd v Prozone Sports Australia Pty Ltd (2014) 316 ALR 475: interlocutory injunction concerning copyright infringement of computer databases.
- CA, Inc v ISI Pty Ltd [2012] FCA 35: copyright infringement of mainframe computer databases.

Designs

- Hunter Pacific International Pty Ltd v Martec Pty Ltd: [2016] FCA 796: ceiling fan hub.

- Gram Engineering Pty Ltd v Bluescope Steel Limited [2013] FCA 508; (2014) 313 ALR 311: fencing design infringement and revocation.

Confidential Information

- Sports Data Pty Ltd v Prozone Sports Australia Pty Ltd (2014) 316 ALR 475: interlocutory injunction in respect of breach of confidentiality concerning computer databases.
- CA, Inc v ISI Pty Ltd [2012] FCA 35 breach of confidentiality concerning computer databases.

Publications

Cooke: "Bulletin (Copyright and Patents)"
Intellectual Property Precedents, Lexis Nexis, Butterworths

Bowne SC and Cooke: "Patent Litigation Precedents"
Intellectual Property Precedents, Lexis Nexis, Butterworths

Memberships

Intellectual Property Society of Australia and New Zealand