



JULIAN COOKE
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Areas of Practice

Intellectual Property – patents, trade marks, copyright, designs, confidential information, consumer law, administrative review of decisions of the Patent Office, Trade Mark Office, Copyright Tribunal

Background

- Admitted as a Barrister 2006
- Admitted as a legal practitioner 1998

- Associate to the Chief Justice of Western Australia (1998-1999)
- Senior Associate (Intellectual Property) in Australia in a multi-national firm (2002-2006)
- Solicitor (Intellectual Property) in the UK in a multi-national firm 1999-2001

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

Professional Career

Julian frequently acts for clients in the pharmaceutical, telecommunications, mining, media and consumer goods industries. He has appeared in a number of the leading intellectual property cases in the High Court of Australia and in the Federal Court of Australia and also appears in the Patents Office, Trade Marks Office and Copyright Tribunal.

Recognition

The Legal 500 (2021):

“Julian Cooke - 5 Wentworth Chambers - Probably the leading IP junior barrister in Australia at present. Has commanded roles in almost every significant patent case in recent times.”

Chambers and Partners Asia Pacific Guide (2021):

“Julian Cooke is described by one interviewee as “very high on most people's lists for IP briefings,” the same source going on to note that he is “pretty happy across patents, trade marks and copyright,” while another identifies him as a practitioner with a good claim to the title of “leading IP junior barrister in Australia.” Other commentators note that he is both “incredibly on top of things and incredibly experienced,” that “he's a really good lateral thinker” when it comes to coming up with “alternative legal arguments,” and that he further impresses with “the high quality of his written work, his calm and considered approach and his advocacy skills.”

Julian has been recognised in:

- *Chambers Asia-Pacific* (2021) (Band 1 – Intellectual Property)
- *Who's Who Legal – Australia* (2021): (Patent Law)
- *Doyle's Guide* (2021) Preeminent Australian Counsel (Intellectual Property)
- *Doyle's Guide* (2021) – Preeminent NSW Counsel (Technology, Media & Telecommunications)
- *Best Lawyers in Australia* (2021): Intellectual Property
- *The Legal 500* (2021) – Australian Bar – Intellectual Property
- *The Word's Leading Trade Mark Professionals*

Patents (selected cases)

- *Biogen International GmbH v Pharmacor Pty Ltd* (VID 443/2021): revocation and infringement of a patent concerning the drug dimethyl fumarate in the treatment of multiple sclerosis. Proceedings are on-going. Mr Cooke leads Ms Cunliffe.
- *Novartis AG v Pharmacor Pty Ltd* (NSD 183/2021): revocation and infringement of patents concerning the drug Fingolimod for the treatment of multiple sclerosis. Proceedings are on-going. Mr Cooke leads Mr Larish.
- *Vector Corrosion Technologies Ltd v E-Chem Technologies Ltd* (QUD 117/2019): revocation and entitlement of a patent for an electrochemical treatment of steel reinforcement in concrete structures to protect it from corroding. Hearing was in June - July 2021. Decision reserved. Mr Cooke led Mr Clark.
- *Pharmacia LLC and another v Juno Pharmaceuticals Pty Ltd* (NSD1370/2019): revocation and infringement of a patent for the post-operative pain drug Parecoxib. Hearing was in April-May 2021. Decision reserved. Mr Ryan SC and Mr Cooke led Mr Elks.
- *Pfizer Ireland Pharmaceuticals & Ors -v- Samsung Bioepis AU Pty Ltd*: preliminary discovery of in respect of patents for the method of production of the biologic drug Entanercept to treat rheumatoid arthritis. Hearing was in March 2021. Decision reserved. Mr Cooke led Mr Larish.
- *Cytec Industries Inc v Nalco Co* (NSD 130/2019): appeal from the Patent Office concerning an opposition to registration of patent for a method for the reduction of aluminosilicate containing scale in a Bayer process. Hearing was in October 2020. Mr Cooke led Ms Evetts.
- *Caffitaly System S.P.A. v One Collective Group Pty Ltd* [2021] FCAFC 118; [2020] FCA 803: revocation and infringement of patents for features and functionality of coffee capsules. Mr Dimitriadis SC and Mr Cooke led Ms McDonald.
- *BlueScope Steel Limited v Dongkuk Steel Mill Co. Ltd* [2019] FCA 2117: revocation and infringement of patents for alloy-coated steel. Mr Ryan SC led Mr Cooke.
- *Technological Resources Pty Ltd v Tettman* [2019] FCA 1889: patent for a method and apparatus for upgrading ore. Mr Dimitriadis SC led Mr Cooke.
- *Samsung v Apple*: 3G UMTS 25 series mobile telephone telecommunication patents.

Trade Marks and Consumer Law (selected cases)

- *PDP Capital Pty Ltd v Grasshopper Ventures Pty Ltd* [2021] FCAFC 128, [2020] FCA 1078: trade mark infringement contravention of ACL, passing-off. Mr Cooke led Mr Larish.
- *Peloton Interactive, Inc. v Mad Dogg Athletics, Inc.* (NSD 188/2021): cancellation of trade marks on the ground that they have become descriptive; infringement of trade marks. The proceeding is on-going. Mr Cooke leads Ms McDonald.
- *Sydney Opera House Trust v Australia China Economics, Trade & Culture Association Inc* (NSD 1281/2020): trade mark infringement, cancellation for non-use; appeal from opposition decision. The proceeding is on-going. Mr Cooke leads Mr Elks.
- *Ozcare v Auscare Home and Community Care Ltd* (NSD 1155/2020): trade mark infringement, cancellation on the grounds of ownership and non-use. The proceeding is on-going. Mr Cooke leads Mr Larish.
- *Freshfood Holdings Pte Ltd v Pablo Enterprise Pte Ltd* (NSD 62/2021): appeal from opposition decision in respect of non-use. Decision reserved. Mr Cooke appeared unled.
- *Laminar Air Flow Pty Ltd v Vokes Limited & Ors* [2018] FCAFC 109, [2017] FCA 1447 – considered the powers of the Registrar under s 81 of the Trade Marks Act 1995. Mr Cooke led Mr Larish.
- *Moroccanoil Israel Ltd v Aldi Food Pty Ltd* [2018] FCAFC 93, [2017] FCA 823: trade mark infringement contravention of ACL, passing-off. Mr Cobden SC led Mr Cooke.
- *Clipsal Australia Pty Ltd v Clipso Electrical Pty Limited* [2017] FCA 60: trade mark infringement and revocation, contravention of ACL, passing-off. Mr Cooke led Mr Mee.
- *JT International SA v Commonwealth of Australia* [2012] HCA 43: leading High Court case concerning tobacco plain packaging, appeared for the Commonwealth. S J Gageler SC, Solicitor-General of the Commonwealth (as Gageler J then was) led Mr Cooke.
- *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. Mr Cobden SC led Mr Cooke.
- *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. Mr Burley SC (as Burley J then was) led Mr Cooke.

Copyright (selected cases)

- *Motorola Solutions, Inc v Hytera Communications Corp Ltd* (NSD 1283/2017): copyright in computer code for digital mobile two-way radios. Hearing was in July-October 2020. Decision reserved. Mr Dimitriadis SC and Mr Cooke led Mr Burgess.

- *Roadshow Films Pty Limited v Telstra Corporation Limited* [2018] FCA 582: representing the Hollywood studios – site blocking HDSubs+ App under s115A. Mr Cooke appeared unled.
- *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). Mr Cooke appeared unled.
- *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.
- *CA, Inc v ISI Pty Ltd* [2012] FCA 35: copyright infringement of mainframe computer databases.
- *Nine Network Australia Pty Ltd v Ice TV Pty Ltd* [2009] HCA 14, [2008] FCAFC 71, [2007] FCA 1172: leading High Court copyright case. Mr Ireland QC and Mr Burley SC (as Burley J then was) led Mr Cooke.

Designs (selected cases)

- *Hunter Pacific International Pty Ltd v Martec Pty Ltd*: [2016] FCA 796: ceiling fan hub. Mr Cooke appeared unled.
- *Gram Engineering Pty Ltd v Bluescope Steel Limited* [2013] FCA 508; (2014) 313 ALR 311: fencing design infringement and revocation.

Confidential Information (selected cases)

- *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.