

Patent Law

On 22 September 2023, Cochrane SC will participate in a panel discussion on the interface between patent law and competition law at the 36th IPSANZ Annual Conference with Kon Stellios (ACCC), Linda Governlock (Allens, patent attorney) and Andrew Matthews (New Zealand, patent attorney).

On 16-18 September 2022, Cochrane SC facilitated a table topic session at the 35th IPSANZ Annual Conference entitled, "The Aristocrat High Court decision, handed down in August 2022 regarding patentability of computer-implemented inventions, involved a 3:3 split, comprising two diametrically opposed judgments. Discussion of this important decision and ongoing challenges it presents in this vexed area of 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 3 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.

	<p>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.</p> <p>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).</p> <p>Cochrane SC, "Introduction to Patent Law" (2007), Presentation at NSW College of Law (Continuing Professional Education program).</p> <p>Michael Dowling & Cynthia Cochrane, “High Court says Federal Court wrong on ‘test for obviousness’” (2002), Inhouse Counsel, Vol 6 No 4 (LexisNexis)</p>
Competition and Trade Practices	<p>Cochrane SC and Bembrick, “A cautionary tale for IP settlement agreements” (September 2022), Law Society of NSW Journal (forthcoming).</p> <p>Cochrane SC, Bembrick and Vial, “Exposed to Part IV of the Competition and Consumer Act: How Do We Settle Patent Cases Now?”, Intellectual Property Forum, Journal of the Intellectual Society of Australia and New Zealand, September 2022.</p> <p>Cochrane SC and Vial, “Patented pharmaceutical products – risk of misuse of market power or cartel conduct following statutory amendments”, Intellectual Property Law Bulletin (Volume 35 Number 5), August 2022.</p> <p>On 26 May 2022 Cochrane SC gave a seminar, “Allegations of Misuse of Market Power or Cartel Conduct in the Context of Pharmaceutical Patents” at the Trade Marks and Patents Conference with Bembrick and Alexander Vial.</p> <p>On 3 March 2022 Cochrane SC gave a webinar to a national audience, including the ACCC, with Catherine Bembrick (called 2015) and Alexander Vial (called 2020), “Competition Litigation Update – A 2021 Retrospective and What to Expect in 2022”. A video of the webinar is available at www.5wentworth.com/cpd-videos/.</p> <p>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/.</p> <p>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,</p>

	<p>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/.</p> <p>Cochrane SC and Bembrick, "Anti-competitive IP transactions under the spotlight" (October 2019), Law Society of NSW Journal.</p> <p>Cochrane SC, "Section 155 Notices - Avenues for Challenge" (2008), Presentation to NSW College of Law (Continuing Professional Education program).</p> <p>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.</p>
Trade Mark Law	<p>On 28 January 2022 Cochrane SC gave a webinar, "Standing Out in the Crowd: Tips and Traps for Trade Mark Registration". https://www.5wentworth.com/cpd-videos/</p> <p>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.</p> <p>Cochrane SC, "Protection of Trade Mark Rights in a Global Economy" (2008), Presentation at NSW College of Law (Continuing Professional Education program).</p>
Practice and Procedure	<p>On 3 March 2023 Cochrane SC gave a paper entitled, "Preliminary (or Pre-Action) Discovery: The Court's Extraordinary Discretion to Permit Fishing" as part of an Advanced Evidence Master Class at Legawise.</p> <p>Cochrane SC and Bembrick, "Privilege pitfalls: implied waiver in email chains" (July 2019), Law Society of NSW Journal.</p> <p>Lawyerly, "Bar Talk: Q&A with barrister Cynthia Cochrane", 9 December 2018.</p> <p>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.</p> <p>Cochrane SC, "Affidavit Evidence" (2010), Presentation at NSW College of Law (Continuing Professional Education program).</p>

Corporate Governance and Insolvency	<p>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”.</p> <p>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).</p>
Class Actions	<p>Cochrane SC, "Air cargo class action one to watch" (7 June 2013), Australian Financial Review.</p> <p>Cochrane SC, "Class actions: Too Pampered in the Federal Court?" (May 2013), NSW Law Society Journal.</p>
Banking – Fraudulent Misappropriation	<p>Cochrane SC, “Law of Agency and Liability for Conversion of a Cheque” (2006), Journal of Banking & Finance Law & Practice.</p> <p>Cochrane SC, “Collection of Third Party Cheques and the Bank’s Defence” (2005), Journal of Banking & Finance Law & Practice</p>