

Sonia Stewart



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Profile

Sonia was admitted as a solicitor in 2001 and held senior in-house and executive roles prior to being called to the Bar in 2016. She specialises in intellectual property, regulatory and consumer law, with particular expertise in trade marks, brand protection law and related commercial matters, including competitor and regulatory actions for misleading and deceptive conduct arising from advertising and marketing claims.

Sonia has significant experience in appearing for and advising highly-regulated and fast-moving consumer goods industries, including tobacco, alcohol, gambling, food & beverages, pharmaceuticals, cosmetics, advertising to children and to other vulnerable classes of consumers. She has appeared in large-scale litigation at trial and appellate level and represented a wide variety of national and international clients.

Sonia's expansive portfolio of corporate clients over two decades includes globally-recognised brands such as Pastificio Rana S.p.A (RANA pasta), PDP Fine Foods (WICKED SISTER Desserts), Cantarella Bros (VITTORIA coffee), NPPA (PayID), Myriad Women's Health (FORESIGHT Carrier Screening), Macquarie Telecom (SIGBOX), Fuji Television Network (IRON CHEF), CHOICE, NOVA Entertainment, Inland Rail, Procter & Gamble, Prosegur, Juno Pharmaceuticals, ProductReview.com.au, Nestle, Citibank, Imperial Tobacco, Arnott's, Fitness First, Bodum, Wyeth Consumer Healthcare (now Pfizer), Energy Australia, Spirits International NV (SPI), Luxottica, Cadbury-Schweppes, Lion Nathan, Merisant, Nudie, Pacific Magazines, Revlon, Telstra, ColgatePalmolive, Guess?, Inc and Woolworths.

Her prior experience as a Senior Associate at Mallesons Stephen Jaques (now, King & Wood Mallesons) and as General Counsel and Senior Executive within the local entity of a FSTE 100 company and at an ASX Top 100 corporate, provides Sonia with a strong foundation upon which to skillfully and expertly represent her clients. As Counsel, it also allows her to deliver high quality and insightful legal, commercial and strategic advice. Sonia's superior written and oral advocacy skills are bolstered by her prior formal media training, direct political engagement work and corporate affairs experience.

Sonia is commended by her clients and solicitors for her legal and commercial astuteness and practical approach to problem-solving, her collaborative approach to working and the tenacity and clarity of her advocacy. Sonia is also a member of the Intellectual Property Society of Australia and New Zealand (IPSANZ) and has served on the NSW Bar Association's Practice Development Committee since 2018.

Areas of Practice

- Appellate
- Commercial
- Regulatory Matters
- Consumer Law
- Intellectual Property
- Trade Marks
- Brand Protection and Advertising Law

<p>Education</p>	<p>Australian National University – Graduate Diploma in Legal Practice 2001</p> <p>University of New South Wales - Bachelor of Laws (Awarded Julius Stone Prize for Law & Social Theory) 2000</p> <p>University of Sydney- Bachelor of Arts (First Class Honours) 1993</p>
<p>Experience</p>	<p>Barrister, 5 Wentworth Chambers 2017 – Present</p> <p>Barrister, Nigel Bowen Chambers 2016 – 2017</p> <p>General Manager, Regulatory & Responsible Gaming, Tabcorp 2015</p> <p>Deputy General Counsel, King & Wood Mallesons 2014</p> <p>Head of Corporate Affairs & Legal and Company Director, Imperial Tobacco Australia 2010-2013</p> <p>Senior Associate, Dispute resolution & intellectual property group, King & Wood Mallesons 2002 – 2009</p>
<p>Appointments</p>	<p>Barrister, NSW 2016</p> <p>Solicitor, Supreme Court of New South Wales and High Court of Australia 2001 & 2002</p>
<p>Selected Cases</p>	<p>Appeals to the Full Federal Court of Australia</p> <ul style="list-style-type: none"> ▪ NSD321/2021 Conga Foods Pty Ltd & Anor v Goodman Fielder Pte Ltd & Anor (On appeal from the Federal Court of Australia; led by Tony Bannon SC, instructed by Clayton Utz) (Trade Marks) ▪ NSD1014/2020 PDP Capital Pty Ltd & Anor v Grasshopper Ventures Pty Ltd (On appeal from the Federal Court of Australia; led by Christian Dimitriades SC, instructed by Clayton Utz) (Trade Marks, misleading & deceptive conduct and passing off); appeal heard, decision reserved <p>Appeals to the Federal Court of Australia from IP Australia</p> <ul style="list-style-type: none"> ▪ NSD1281/2020 The Sydney Opera House Trust v Australia China Economics, Trade & Culture Association Incorporated (On appeal to the

Federal Court from IP Australia; led by Tony Bannon SC; instructed by Addisons) (Trade Marks)

- NSD680/2020 4Cyte Pathology Pty Ltd v Myriad Women's Health, Inc (On appeal to the Federal Court from IP Australia; led by Michael Hall SC, instructed by Thomson Geer) (Trade Marks)

Other current court cases

- NSD1389/2019 Cantarella Bros Pty Ltd v Lavazza Australia Pty Ltd (Part-heard by the Federal Court; led by Tony Bannon SC and Michael Green SC, instructed by Clayton Utz) (Trade Marks) (part heard)
- 2020/283077 Sapphire Group Pty Ltd & Anor v Luxotico HK Limited CR No 1870261 & Anor; led by Michael Hall SC, instructed by Pearce IP (Conflict of laws involving matters of intellectual property; application by Named Defendants to set aside service, or to dismiss or stay proceedings); proceedings stayed
- Numerous trade mark opposition and non-use oppositions before IP Australia (see page 4)

Select past cases: Federal Court of Australia and Federal Circuit Court of Australia

NPP Australia Limited v Ripple Labs, Inc (No 2) [2020] FCA 1253 (led by Tony Bannon SC; interlocutory injunction granted; instructed by Clayton Utz)

NPP Australia Limited v Ripple Labs, Inc [\[2020\] FCA 1237](#) (unled; successful application for short service, service outside of the jurisdiction against an overseas respondent and substituted service; instructed by Clayton Utz)

Goodman Fielder Pte Ltd v Conga Foods Pty Ltd [\[2019\] FCA 2053](#) (led by Michael Hall SC; successful evidentiary objections; instructed by Clayton Utz)

Reckitt Benckiser (Australia) Pty Limited v Procter & Gamble Australia Pty Limited [\[2018\] FCA 378](#) (led by Michael Hall SC; successfully defended an application for an interlocutory injunction alleging misleading & deceptive advertising of fast-moving consumer goods; instructed by King & Wood Mallesons)

C&S Investments Pty Ltd v Klinik Solutions Australasia Pty Ltd [\[2019\] FCCA 1741](#) (unled; successfully defended an allegation of trade mark infringement, applicant's trade mark cancelled and indemnity costs awarded to the respondent; instructed by Clayton Utz)

Bohemia Crystal Pty Ltd v Host Corporation Pty Ltd [\[2018\] FCA 235](#) (led by Sophie Goddard SC; successfully defended an application alleging trade

mark infringement and misleading & deceptive conduct; instructed by Wrays)

Trade mark oppositions/non-use applications and hearings on applications for registration (all unled)

Carabella Holdings Pty Ltd v Conset Investments Pty Ltd [\[2021\] ATMO 12](#) (instructed by FB Rice)

The Sydney Opera House Trust v Australia China Economics, Trade & Culture Association Incorporated [\[2020\] ATMO 172](#) (instructed by FB Rice); on appeal

SIGFOX (Societe Anonyme) v Macquarie Telecom Pty Ltd [\[2020\] ATMO 183](#) (instructed by Adams Pluck)

PDP Capital Pty Ltd v Grasshopper Ventures Pty Ltd [\[2020\] ATMO 132](#) (instructed by Clayton Utz)

Siemens Healthcare Diagnostics Inc. v Abbott Laboratories [\[2020\] ATMO 129](#) (instructed by Clayton Utz)

Myriad Womens Health Inc v 4Cyte Pathology Limited [\[2020\] ATMO 94](#) (instructed by FB Rice); on appeal

Lidl Stiftung & Co. KG v Conga Foods Pty Ltd [\[2020\] ATMO 54](#) (instructed by Clayton Utz)

DXC Technology Australia Pty Limited and Ent Services Australia Pty Ltd v Specialisterne Centre Australia Limited [\[2020\] ATMO 49](#) (instructed by Clayton Utz)

Nova Entertainment Pty Ltd v Huawei Technologies Co Ltd [\[2019\] ATMO 46](#) (instructed by Clayton Utz)

Susanne Lang Fragrance Inc. v The Lip Lab Pty Ltd [\[2018\] ATMO 82](#) (instructed by Clayton Utz)

Australian Rail Track Corporation Limited [\[2018\] ATMO 69](#) (instructed by Clayton Utz)

Juno Pharmaceuticals Inc v Juno Therapeutics Inc [\[2017\] ATMO 160](#) (instructed by FB Rice)

Other cases

- Tate v Apex Autoworks and Tyres Pty Ltd [\[2019\] NSWCATAP 70](#) (NCAT Appeal; unled; pro bono direct brief)