

Justine M. Beaumont

Barrister-at-law, Nigel Bowen Chambers

PRACTICE OVERVIEW

Justine Beaumont has 25 years of commercial litigation experience, with a particular focus on intellectual property, including copyright, trade marks, patents, passing off and confidential information. Justine's expertise extends to trade practices, consumer law, equity and general commercial law. She also has considerable experience in dealing with urgent injunction applications, especially in the Federal Court.

Justine has appeared for participants in a wide range of industries such as the media (including free-to-air and pay television, radio, print and online media), film, music, technology, telecommunications, pharmaceutical, consumer goods, sports and fitness industries, as well as for Government.

ADMISSIONS

- 2008 Called to the Bar of New South Wales
- 1993 Admitted as a Solicitor of the High Court of Australia
- 1991 Admitted as a Solicitor of the Supreme Court of New South Wales

PROFESSIONAL QUALIFICATIONS

- 1991 LLB (Hons), University of Sydney
- 1989 BA, University of Sydney

PROFESSIONAL EXPERIENCE

- 2008 - present Barrister
- 1992- 2008 Allens (Special Counsel, 2006-08; Senior Associate, 1996-06)
- 1991-2002 Reporter, Federal Court Reports
- 1991 Associate, Federal Court of Australia
- 1988/1989 Winter Clerkship, Linklaters & Paine, London

CURRENT PROFESSIONAL MEMBERSHIPS AND APPOINTMENTS

- Member New South Wales Bar Association
- Member Intellectual Property Association of Australia and New Zealand
- Member Copyright Society
- Council member The Women's College, University of Sydney

SELECTED CASES

Copyright

- *Foxtel Management v TPG Internet* [2017] FCA 1041 – appeared for Foxtel in a site blocking application under the new section 115A of the *Copyright Act (1968)* Cth (unled)
- *Commissioner of Taxation v Seven Network* [2017] HCA Trans 024 – meaning of ‘royalty’ in double tax treaty; cinematograph film copyright in relation to live feed of Olympic Games television coverage (led by Slater QC)
- *Roadshow Films v Telstra* [2016] FCA 1503 – appeared for an applicant copyright owner in the first application under s 115A of the *Copyright Act* (led by Lancaster SC)
- *Universal Music Australia v TPG Internet* [2017] FCA 435 - appeared for a respondent ISP in a site blocking application under s 115A (led by Lancaster SC)
- *Re Phonographic Performance Company of Australia* [2016] ACOPYT 2; [2015] ACOPYT 3 – significant copyright reference in relation to reasonable royalties payable for sound recordings in radio simulcasts streamed on the internet (appeared for commercial radio, led by Hennessy SC)
- *Audio-Visual Copyright Society v Foxtel* [2012] ACOPYT 1 - valuation of copyright in underlying works used in retransmission of free-to-air broadcasts (led by Cobden SC)
- *Re Phonographic Performance Company of Australia Ltd* (2010) 87 IPR 148 - Fitness Australia copyright reference involving substantial economic and econometric evidence (led by Nicholas SC, as he then was)
- *Roadshow Films v iiNet (No. 2)* [2009] FCA 1391 – claims of authorisation of copyright infringement by ISPs (appearing for the Internet Industry Association led by Burley SC)

Trade marks

- *Singtel Optus v Optum, Inc* [2016] ATMO 11- trade mark opposition (unled)
- *Ion Asset Management v Ion Trading UK* [2015] ATMO 124 – trade mark non-use application (unled)
- *Liftshop v Easy Home Living Elevators* (2014) 106 IPR 419 (on appeal) and (2013) IPR 511 (first instance) – trade mark infringement/ contravention of s 18 ACL in the context of internet searches (led by Studdy SC)
- *Société Des Produits Nestlé SA v Christian (no 12)* (2014) 110 IPR 209; *(no 15)* [2015] FCCA 368; *(No 5)* [2014] FCCA 2234 - various applications in a trade mark infringement case (unled)
- *Qantas Airways v Edwards* [2014] ATMO 40 - trade mark opposition [2014] ATMO 40 (unled)
- *Snack Foods v Premier Ist* (2013) 99 IPR 629 – trade mark infringement/ passing off (led by Cobden SC)
- *OrangeTee.com v OrangeTee Aust* (2011) 91 IPR 600 – trade mark opposition, and in related proceedings in the FCA (unled)
- *Apple Inc v Macpro* [2010] FCA 1505 – trade mark ownership – and various interlocutory appearances in this proceeding (unled)

- *E & J Gallo Winery v Lion Nathan Australia* [2009] FCAFC 47- trade mark infringement/ non-use case (led by Bannon SC)

Patents

- *Zuru v Brand Developers* (2017)(Federal Court) – patent infringement/ invalidity dispute
- *Sanofi-Aventis v Apotex* [2015] HCA Trans 300 – patent invalidity (led by Catterns QC)
- *Apotex v Sanofi-Aventis* (2009) 82 IPR 416 and later on the Special Leave application - [2010] HCA Trans 59– patent infringement and invalidity (led by Catterns QC)
- *PAC Mining v Esco Corp* (2009) 80 IPR 1 – patent infringement and invalidity (led by Nicholas SC as he then was)

General commercial/ equity

- *Commonwealth v Sanofi* (2017, Federal Court) – appeared for Apotex in a suit on an undertaking as to damages in relation to the drug clopidogrel (unled)
- *Dahlia v Cellebrite* (2017, Federal Court) – commercial case involving contractual claims and trade mark ownership dispute.
- *Sheather v Staples Waste Removals* –breach of fiduciary duty/ equitable fraud re a domain name; on appeal [2014] FCA 84, [2014] FCA 330 and [2012] FCA 998 and, at first instance: *Staples Waste Removals v Arev Computer Centre (no 2)* [2012] FMCA 214 (unled both at trial and on appeal)
- *Apotex v Sanofi* [2013] FCA 1425 – acted for a generic pharmaceutical company in a suit on the usual undertaking as to damages, a substantial compensation case (led by Habib SC) (currently briefed for Apotex in another compensation case, this time against AstraZeneca in relation to rosuvastatin)
- *Network Ten v World Triathlon Corp* – contractual dispute, settled (led by Studdy SC)
- *Westfield v AMP Capital Investors Limited as responsible entity for the KSC Trust* – Supreme Court of NSW Equity Division– breach of trust/ Corp Act case, settled mid-trial (led by Payne SC)

Trade practices/ Australian Consumer Law

- *Australian Olympic Committee, Inc v Telstra* [2017] FCA 857 and at first instance [2016] FCA 857 – first application under s 36 of the *Olympic Insignia Protection Act 1987* (Cth) /Australian Consumer Law (allegations of misleading advertising) – appeared at trial and on appeal (led by Bannon SC)
- *LG Electronics Australia v LG Energy Solutions* – injunction application for contravention of ss18, 29 of the *Australian Consumer Law* and trade mark/copyright infringement, heard April 2017 (unled)
- *Australian Therapeutic Supplies v Bonflect* (2013) – obtained ex parte injunctions in Federal Court case re breaches of ACL/trade mark infringement (unled)
- *ACCC v MSY Technology (no 2)* [2011] FCA 382 – trade practices/ breach of statutory warranties/ penalties (unled)
- *ACCC v Prouds Jewellers* [2008] FCAFC 199 - Part V, *Trade Practices Act* (led by Bannon SC)