

Hamish Bevan

Barrister-at-law, Nigel Bowen Chambers

Background and qualifications

Hamish was called to the Bar in May, 2006. He has established a strong practice, principally in the areas of intellectual property and administrative law.

Hamish is a graduate of the University of Sydney with a Bachelor of Arts (Honours Class I) (English Literature) and a Bachelor of Laws (First Class Honours).

He was the Associate to the Hon Justice A R Emmett (then of the Federal Court of Australia), following which he practised as a solicitor in litigation and dispute resolution at Allens Arthur Robinson (now Allens).

Experience at the Bar and notable cases

Hamish's practice in intellectual property extends to all areas of that field: trade marks, copyright, patents and designs, as well as passing off and related consumer law and confidential information. He frequently advises and represents diverse clients, including from the pharmaceutical and healthcare sectors, as well as those in mining, telecommunications, technology and gaming, and fast-moving consumer goods and luxury brands.

In administrative law, Hamish has particular distinction in migration cases, appearing regularly on behalf of the Minister for Immigration, as well as applicants (often pursuant to the Courts' referral schemes for legal assistance).

In addition, Hamish also has broad experience in commercial law, such as contract, building and construction, and retail leases, in both advisory and appearance roles.

Hamish appears regularly in the Federal Court of Australia and the Federal Circuit Court of Australia, and also in the Supreme Court of New South Wales. He attends hearings at IP Australia, and also at tribunals at both the Commonwealth and State levels.

Selected cases of interest include:

Patents

Nichia Corp v Arrow Electronics Australia Pty Ltd [2015] FCA699, (No 3) (2017) 240 FCR 13, [2017] FCA 864 and (No 4) [2017] FCA 864 (Yates J)

CQMS Pty Ltd v Bradken Resources Pty Ltd (2016) 120 IPR 44, [2016] FCA 847 (Dowsett J)

Warner-Lambert Co LLC v Apotex Pty Ltd (2014) 311 ALR 632, 106 IPR 281, [2014] FCAFC 59 (Allsop CJ, Jagot and Nicholas JJ)

Aristocrat Technologies Australia Pty Ltd v Konami Australia Pty Ltd (2015) 114 FCR 28, [2015] FCA 735 (Nicholas J) and Konami Australia Pty Ltd v Aristocrat Technologies Australia Pty Ltd (2016) 119 IPR 402, [2016] FCAFC 103 (Besanko, Perram and Jagot JJ)

Konami Gaming Inc v Aristocrat Technologies Australia Pty Ltd (2015) 110 IPR 524, [2015] FCA 92 (Bennett J)

Reckitt Benckiser Healthcare (UK) Ltd v GlaxoSmithKline Australia Pty Ltd (2013) 103 IPR 405, [2013] FCA 583 and (No 2) (2013) 103 IPR 472, [2013] FCA 736 (Rares J) and GlaxoSmithKline Australia Pty Ltd v Reckitt Benckiser Healthcare (UK) Ltd (2013) 305 ALR 363, 103 IPR 487, [2013] FCAFC 102 (Bennett, Jagot and Griffiths JJ) and [2013] FCAFC 150 (Allsop CJ, Middleton and Katzmann JJ)

Beadcrete Pty Ltd v Fei Yu trading as Jewels 4 Pools (No 2) (2013) 100 IPR 188, [2013] FCA 187 (Jagot J) and Fei Yu trading as Jewels 4 Pools v Beadcrete Pty Ltd (2014) 107 IPR 516, [2014] FCAFC 117 (Dowsett, Middleton and Robertson JJ)

DSI Australia (Holdings) Pty Ltd v Garford Pty Ltd (2013) 100 IPR 19, [2013] FCA 132 (Yates J) and Garford Pty Ltd v DYWIDAG Systems International Pty Ltd (2015) 110 IPR 30, [2015] FCAFC 6

Esco Corp v PAC Mining Pty Ltd (2008) 76 IPR 191, [2008] FCA 640 (Tamberlin J) and PAC Mining Pty Ltd v Esco Corp (2009) 80 IPR 1, [2009] FCAFC 18 (Sundberg, Jessup and Middleton JJ) and Esco Corp v PAC Mining Pty Ltd [2009] HCATrans 176 (High Court)

Mont Adventure Equipment Pty Ltd v Phoenix Leisure Group Pty Ltd (2009) 176 FCR 575, [2015] FCAFC 84 (Emmett, Bennett and Jagot JJ) (for the Institute of Patent and Trade Mark Attorneys as interveners)

Memcor Australia Pty Ltd v GE Betzdearborn Canada Co (2009) 84 IPR 1, [2009] FCAFC 163 (Emmett, Stone and Bennett JJ)

Trade marks

Accor Australia & New Zealand Hospitality Pty Ltd v Liv Pty Ltd [2017] FCAFC 56 (Greenwood, Besanko and Katzmann JJ)

1-800-Flowers.Com, Inc v Registrar of Trade Marks (2012) 201 FCR 488, [2012] FCA 209 (Katzmann J)

Bavaria NV v Bayerischer Brauerbund eV (2009) 177 FCR 300, [2009] FCA 428 (Bennett J)

Pioneer Computers Australia Pty Ltd v Pioneer KK (2009) 176 FCR 300, [2009] FCA 135 (Bennett J)

Mars Australia Pty Ltd v Sweet Rewards Pty Ltd (2009) 81 IPR 354, [2009] FCA 899 (Perram J) and (2009) 84 IPR 12, [2009] FCAFC 174 (Emmett, Bennett and Edmonds JJ)

Australian Postal Corp v Sendle Pty Ltd [2017] ATMO 42 (Office)

NV Sumatra Tobacco Trading Co v Qantas Airways Ltd [2016] ATMO 107 (Office)

Hilton Hospitality Inc v Waldorf Australia Group Pty Ltd [2013] ATMO 22 (Office)

Q Dance Australia Pty Ltd v Avant Media Pty Ltd (2011) 93 IPR 282, [2011] ATMO 56 (Office)

Viaquara SA v Pfizer Products Inc (2010) 86 IPR 643, [2010] ATMO 27 (Office)

Designs, copyright and confidential information

Apple Inc v Samsung Electronics Co Ltd (NSD 308 of 2013) (Yates J) (case settled before judgment)

Top Plus Pty Ltd v K Square Pty Ltd (No 2) [2010] FMCA 67; (No 3) [2010] FMCA 590, (No 4) [2010] FMCA 671 (Raphael FM)

Iseek Communications Pty Ltd v Jones [2017] NSWSC 251 (Emmett A-JA)

Elecon Australia Pty Ltd v PIV Drives GmbH (2010) 93 IPR 174, [2010] FCAFC 56 (Emmett, Perram and Yates JJ)

Trade Practices / Australian Consumer Law

GlaxoSmithKline Australia Pty Ltd v Reckitt Benckiser (Australia) Pty Ltd (NSD 1090 of 2015) (Foster J) (judgment reserved)

Sola Tube Australia Pty Ltd v Solar Bright International Pty Ltd [2017] FCCA 657 (Judge Emmett)

Specsavers Pty Ltd v The Optical Superstore Pty Ltd (No 3) (2012) 290 ALR 263, [2012] FCA 504 and (No 4) (2012) ATPR ¶42-403, [2012] FCA 652 (Katzmann J) and Specsavers Pty Ltd v The Optical Superstore Pty Ltd (2012) 208 FCR 78, [2012] FCAFC 183 (Foster, Barker and Griffiths JJ)

Luxottica Retail Australia Pty Ltd v Specsavers Pty Ltd (2010) 89 IPR 316, [2010] FCA 1344 (Katzmann J)

Nick Scali Pty Ltd v Super A-Mart Pty Ltd (2010) 189 FCR 550 (Yates J)

Singtel Optus Pty Ltd v Vodafone Pty Ltd [2010] FCA 1448 (Nicholas J)

Public and Administrative Law

Kraues v Office of the Migration Agents Registration Authority (NSD 82 of 2017) (Perry J) (judgment reserved)

SZVMA v Minister for Immigration and Border Protection [2016] FCA 1058 (Farrell J) and [2017] FCAFC 85 (Barker, Robertson and Burley JJ)

Rawsthorne v Minister for Immigration and Citizenship [2012] FCA 1211 (Perram J) and (2013) 140 ALD 524, [2013] FCAFC 39 (Cowdroy, Katzmann and Farrell JJ)

Defence Force Retirement and Death Benefits Authority v Mathews (2011) 192 FCR 160, [2011] FCA 160 (Moore J)

Minister for Immigration and Citizenship v Toma (2011) 191 FCR 362, [2011] FCA 91 (Edmonds J)

SZMGX v Minister for Immigration and Citizenship [2009] FCAFC 67 (Bennett, Reeves and Foster JJ)

Memberships and recommendations

- New South Wales Bar Association
- Intellectual Property Association of Australia and New Zealand (IPSANZ)
- Copyright Society
- World Trade Mark Review 2017 – Recommended as “an excellent advocate and lateral thinker”
- Doyles Guide 2017 – Recommended as “leading junior” – Intellectual Property