

RICHARD COBDEN SC

TERTIARY QUALIFICATIONS

Bachelor of Arts (BA), University of Sydney, 1980
Bachelor of Laws (LLB), University of Sydney, 1983

PROFESSIONAL QUALIFICATIONS & HISTORY

Solicitor of the Supreme Court of New South Wales and of the High Court of Australia, 1985-1992

Barrister of the Supreme Court of New South Wales and of the High Court of Australia, 1992 to date

Senior Counsel, New South Wales, from 28 September 2005

Paralegal, then solicitor and then Senior Associate, Allen Allen & Hemsley, Solicitors, Sydney, 1980-1992

Barrister in chambers, 1992 to present

Appointed Senior Counsel, NSW, 2005

PROFESSIONAL PROFILE

Barrister since 1992 admitted in New South Wales, Victoria and the High Court; Senior Counsel NSW 2005; practising primarily in the area of intellectual property: copyright, trade marks, patents, confidential information, passing-off and related trade names and consumer protection law. Also in telecommunications, broadcasting, trade practices (competition) law and general commercial and equity matters. Particularly specializing in matters concerning the music business and entertainment law.

Regularly appearing in the Federal Court of Australia (both first instance and appellate work) and the Copyright Tribunal of Australia. Also appearing in the Supreme Court of New South Wales.

Appearances in the High Court of Australia have included appearing as junior counsel in leading copyright cases *Telstra Corporation Limited v APRA* (the music on hold case), *Phonographic Performance Company of Australia v Federation of Australian Commercial Television Stations*, *Network Ten Pty Limited v TCN Channel Nine Pty Limited* (the Panel case) and *Stevens v Sony CE* (the

technological protection devices case) and as one of two senior counsel for the respondent in *IceTV v Nine*; as senior counsel in *PPCA v Commonwealth*, a constitutional challenge relating to the Copyright Act (judgment reserved), and senior and junior counsel in a number of special leave applications.

Regularly advising on entertainment, music, film and general intellectual property matters.

Copyright cases of interest include *Metrokane v Sheldon and Hammond* (s. 77 copyright/design overlap); leading junior counsel in *Universal Music & Ors v Sharman* (the Kazaa case); senior counsel in *Screenrights v ASTRA* (re-transmission rates payable by subscription broadcasters); *Foxtel v Mod Shop* (the first case to go to final hearing on broadcast decoding devices) at trial and *Haddad v Foxtel* on appeal; *PPCA Nightclubs reference* (Copyright Tribunal); *The Polo/Lauren Co LP v Ziliani* (label exceptions to copyright infringement).

Recent cases include senior counsel at trial in *Aristocrat v Global Gaming*, leading senior counsel for the successful respondent in *Roadshow Films & Ors v iiNet* and in the appeal from that decision in which iiNet was again successful; the *PPCA Fitness Centres reference* (Copyright Tribunal); senior counsel for Screen Australia in *Beyond Productions v Screen Australia* in the Administrative Appeals Tribunal; senior counsel for the successful patentee Delnorth in the leading case on innovation patents, *Delnorth v Dura-Post* (upheld on appeal).

July 2011