

GABRIELLA RUBAGOTTI

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Summary

Admitted as a solicitor in 2003 and called to the Bar in 2010, Gabriella practises in all areas of intellectual property (patents, trade marks, copyright and plant breeders' rights), media, competition, consumer and contract law, intentional torts, defamation, breaches of confidence and privacy law, including data breaches and the new statutory tort of serious invasion of privacy, and in the legal issues raised by artificial intelligence. She also practises in health practitioner regulation and professional discipline, representing medical specialists before AHPRA, the Medical Council of NSW and the HCCC.

She is ranked in Doyle's Guide (Australia and NSW), Chambers Asia Pacific, The Legal 500 and Australia's Best Lawyers, in the fields of intellectual property, technology, media and telecommunications, and defamation and media.

Gabriella's practice is increasingly directed to the legal questions raised by artificial intelligence: copyright and training data, the patentability of computer implemented inventions, privacy and automated decision making, and liability for generated content. She speaks on AI, law and policy, has a thorough understanding of the science behind large language models, and writes software with them. Her engagement with technology outpacing the law dates to the Copyright Tribunal proceedings on royalty rates for digital downloads, at the advent of online music distribution.

Gabriella's practice also has a particular focus on life sciences, drawing on deep fluency with medicine, biology and physiology, and she served as Counsel Assisting the *Royal Commission into Defence and Veterans' Suicide* and the *Queensland Commission of Inquiry into DNA Project 13*.

Gabriella appears regularly in the High Court of Australia, in appeals, special leave applications and removal applications. Her appearances include *Zip Co Ltd v Firstmac Ltd* (2026), *Self Care IP Holdings v Allergan Australia* (2023), *Realestate.com.au v Hardingham* (2022), *Monis v R* (2013), *Harbour Radio v Trad* (2012) and *Cush v Dillon* (2011).

Gabriella is fluent in Italian, regularly acting for Italian corporate clients including Lavazza SpA, Sanpellegrino SpA and Celli SpA. She is one of three cited translators of Lionello Puppi and Serena Baccaglini (eds), *Tiziano Vanitas: Il poeta dell'immagine e l'ombra della bellezza* (Silvana Editoriale, 2016). She also reads Classical Greek, with a particular interest in lyric poetry (Pindar, Sappho and Alcaeus).

Inquiries & investigations

Counsel Assisting the Royal Commission into Defence and Veterans' Suicide (2021-2024)

Commissioners: Mr Nick Kaldas APM, the Hon. James Douglas KC, Dr Peggy Brown AO

A four-year Commonwealth Royal Commission into the suicide and suicidality of serving and ex-serving Defence members. Gabriella led the Commission's work on biological and psychological suicide factors, conferring with over 100 experts, examining over 60 expert and Defence witnesses, and handling classified material.

Counsel Assisting the Commission of Inquiry to examine DNA Project 13 concerns, Qld (2023) Commissioner: the Hon. Dr Annabelle Bennett AC SC

A targeted inquiry into systemic failings in the DNA testing of crime samples at Queensland's forensic laboratory, with implications for homicide, attempted homicide and sexual assault investigations. Gabriella worked closely with the Commissioner on witness conferrals, systemic analysis and the drafting of the final report.

Medical regulatory investigations and professional discipline

Gabriella represents medical specialists in complaints, investigations and hospital credentialing disputes before AHPRA, the Medical Council of NSW and the HCCC. She appeared in *Ghosh v Medical Council of New South Wales* (2020) 102 NSWLR 303, a leading authority on the protective jurisdiction under s 150 of the *Health Practitioner Regulation National Law* (NSW).

Advisory work

Gabriella advises across her fields of practice. Recent advice includes the statutory tort of serious invasion of privacy in a matter concerning the covert distribution on social media of images of a minor taken in a medical setting, and copyright infringement in relation to Indigenous works and Indigenous cultural and intellectual property.

Representative court appearances

Gabriella has appeared in over 140 matters since being admitted to the Bar, including some of the most noteworthy cases in her areas of expertise. They include the following.

High Court of Australia

1. *Latham v Greenwich* (**defamation & constitutional law**; SLA; **leading** D de Mestre)
2. *Ferman v Ferman (Dec.) by His Legal Personal Representatives & Ferman* (**constitutional law**; SLA; led by F M Douglas KC)
3. *Richards (No 2) v Black Star Pastry Pty Ltd* (**trade marks**; SLA; led by H Bevan SC)
4. *Zip Co Limited v Firstmac Limited* [2026] HCA 16 (**trade marks**; led by H Bevan SC)
5. *Lehrmann v Network Ten Limited & Wilkinson* [2026] HCADisp 94 (**defamation**; special leave application; **leading** B Workman)
6. *Cantarella Bros Pty Ltd v Lavazza Australia Pty Ltd* [2025] HCADisp 126 (trade marks; led by R Cobden SC; E Heerey KC)
7. *Self Care IP Holdings Pty Ltd v Allergan Australia Pty Ltd* [2023] HCA 8; 277 CLR 186; 97 ALJR 388; 171 IPR 120 (trade marks & consumer law; led by J Beaumont SC)
8. *Realestate.com.au Pty Ltd v Hardingham* [2022] HCA 39; 406 ALR 678; 170 IPR 1 (contract & copyright; led by R Cobden SC)
9. *Age Company Pty Ltd & Ors v Liu* [2016] HCATrans 306 (**defamation**; special leave; led by B McClintock SC)
10. *Attorney-General (SA) v Corporation of the City of Adelaide* [2013] HCA 3; 249 CLR 1 (**constitutional law & statutory interpretation**; led by G Reynolds SC)

11. *Beckett v New South Wales* [2013] HCA 17; 248 CLR 432 (**malicious prosecution**; led by G Reynolds SC)
12. *The Age Company Ltd and Ors v Liu* [2013] HCATrans 205 (**defamation**; constitutional law; special leave; led by B McClintock SC)
13. *Monis v The Queen* [2013] HCA 4; 249 CLR 92 (**constitutional law** & **statutory interpretation**; led by G Reynolds SC)
14. *Kelly v Crosby & Ors* [2013] HCATrans 17 (**defamation**; special leave; led by B McClintock SC)
15. *Harbour Radio Pty Ltd v Trad* [2012] HCA 44; 247 CLR 31 (**defamation**; led by R McHugh SC)
16. *Harbour Radio Pty Ltd v Trad* [2012] HCATrans 51 (**defamation**; special leave; led by R McHugh SC)
17. *David v Abdishou* [2012] HCATrans 253 (**defamation**; special leave; led by G Reynolds SC)
18. *Daily Examiner v Mundine* [2012] HCATrans 362 (**defamation**; special leave; led by G Reynolds SC)
19. *Monis v R; Droudis v R* [2012] HCATrans 161 (**constitutional law**, special leave; led by G Reynolds SC)
20. *Cush v Dillon* [2011] HCA 30; 243 CLR 298 (**defamation**; led by G Reynolds SC)
21. *Monis v R; Droudis v R* [2011] HCATrans 97 (**removal application** under s 40(1), *Judiciary Act 1903* (Cth); led by G Reynolds SC)
22. *Monis v R; Droudis v R* [2011] HCATrans 76 (**removal application** under s 40(1), *Judiciary Act 1903* (Cth); led by G Reynolds SC)

Intellectual property: patents and plant breeders' rights

23. *Encompass Corporation Pty Ltd v InfoTrack Pty Ltd* [2019] FCAFC 161; 372 ALR 646; 145 IPR 1 (patents; patentability of computer implemented inventions; led by C Dimitriadis SC)
24. *Hayes v Gold Coast Suspension Pty Ltd* (settled; patent infringement; **unled**)
25. *Abbey Laboratories Pty Ltd v Virbac (Australia) Pty Ltd* [2024] FCA 1488 (patents, interlocutory injunction; **unled** & led by J Beaumont SC)
26. *Nutrafruit Pty Ltd v Fivefifty5 Super Foods Pty Ltd & Ors* (settled a week before hearing 2024; plant breeders' rights; led by H Bevan SC)
27. *DSI Aust. (Holdings) Pty Ltd v Garford Pty Ltd* [2013] FCA 132 (patents; led by S Goddard SC)
28. *Beadcrete Pty Ltd v Fei Yu t/as Jewels for Pools (No 2)* [2012] FCA 1139 (patents; led by S Goddard SC)

Intellectual property: trade marks and consumer law

29. *Cantarella Bros Pty Ltd v Lavazza Australia Pty Ltd* [2025] FCAFC 12; 184 IPR 27 (trade marks; led by R Cobden SC; E Heerey KC)
30. *Combe International Ltd v Dr August Wolff GmbH & Co. Kg Arzneimittel* [2021] FCAFC 8; 157 IPR 230 (trade marks; led by J Beaumont SC)
31. *The Enterprise 1701B Pty Ltd & Anor v Altitude 9 Holdings & Ors* (trade mark infringement and invalidity; **unled**)
32. *Internet Services Aust. 1 Pty Ltd ("The Iconic") v Shein Distribution Aust. Pty Ltd* (settled; trade mark infringement; **unled**)

33. *Cantarella Bros Pty Ltd v Lavazza Australia Pty Ltd (No 4)* [2024] FCA 419 (costs; led by R Cobden SC; E Heerey KC)
34. *Cantarella Bros Pty Ltd v Lavazza Australia Pty Ltd (No 3)* [2023] FCA 1258 (trade marks; led by R Cobden SC & E Heerey KC)
35. *Cantarella Bros Pty Ltd v Lavazza Australia Pty Ltd (No 2)* [2021] FCA 894 (practice & procedure; led by R Cobden SC)
36. *Cantarella Bros Pty Ltd v Lavazza Australia Pty Ltd* [2020] FCA 1895 (practice & procedure; led by R Cobden SC)
37. *Community First Credit Union Ltd v Bendigo and Adelaide Bank Ltd* [2019] FCA 1553; 146 IPR 186 (trade marks; led by S Goddard SC)
38. *Primary Healthcare Ltd v Cth & Ors* [2016] FCA 313 (trade marks; led by J Baird SC)
39. *Specsavers Pty Ltd v Coastal Contacts Pty Ltd* [2012] FCA 102 (consumer law; led by T Blackburn SC)
40. *Allen House Mirror & Glass Pty Ltd v Hamilton* [2012] FCA 464 (trade marks; **unled**)
41. *Nokia Corp. v Renae Millaras (No 1), (No 2), (No 3)* [2010] FCA 1396, 1217, 1174 (trade marks; **unled**)
42. *Home Grown Brands Australia Pty Ltd v Sperling Enterprises Pty Ltd* [2021] FCCA 1597 (consumer law; **unled**)

Intellectual property: copyright and breach of confidence

43. *PPK Mining Equipment Pty Ltd v GET Engineering Pty Ltd* [2026] FCA 599 (interlocutory dispute within claim for breach of confidence; **unled**)
44. *Troy Laboratories Australia Pty Ltd v Randlab Pty Ltd* [2026] FCA 947 (breach of confidence, copyright infringement, preliminary discovery; **leading** B Workman)
45. *Troy Laboratories Australia Pty Ltd v Jhanker* (ongoing; breach of confidence, copyright infringement, preliminary discovery; **leading** B Workman)
46. *United Petroleum Franchise Pty Ltd v Class Marketing & Management t/as Class PR* (ongoing; injurious falsehood, copyright infringement, ACL claims; led by R Cobden SC)
47. *Qantas Airways Ltd v Fogarty* (settled; search orders, breach of confidence, copyright infringement; led in part by R Cobden SC)
48. *University of Sydney v ObjectiVision Pty Limited* [2019] FCA 1625; 148 IPR 1 (contract, copyright & equity; led by C Dimitriadis SC)
49. *Societe Des Produits Nestle SA v Aldi Stores* [2010] FCA 218 (breach of confidence & copyright; **unled**)
50. *Head Sport GmbH v Andrews* (copyright infringement, ACL; **unled**)
51. *Metricon Homes Pty Ltd v McCarthy Homes (Qld) Pty Ltd* (infringement of copyright in building plans; **unled**)
52. *Metricon Homes Pty Ltd v Bold Properties (Qld) Pty Ltd* (infringement of copyright in building plans; **leading** D Lander)
53. *Metricon Homes Pty Ltd v Papaluca & Ors* (infringement of copyright in building plans; **unled**)
54. *McDonald Jones Homes Pty Ltd v Caleb Driver* [2026] FedCFamC2G 123 (infringement of copyright in building plans, breach of settlement terms, enforcement under deed; **unled**)

55. *Metricon Homes Pty Ltd v Tanchevski* (settled; infringement of copyright in building plans; **leading** G Tsang)
56. *Smith v NSW Crime Commission* (ongoing; breach of confidence, negligence, tortious breach of statutory duty; **leading** B Workman)

Oppositions and other proceedings before IP Australia

Gabriella appears regularly, and always **unled**, in oppositions, removals and other administrative hearings before IP Australia, in more than 40 such matters, including the following.

57. *LD&D Australia Pty Ltd v The a2 Milk Company Limited* [2019] ATMO 85 (trade mark opposition; **unled**, succeeding against R Cobden SC)

Defamation, media and contempt

58. *Latham v Greenwich* [2026] FCAFC 82 (defamation, implied freedom; **unled**)
59. *George v Council of the King's School* [2026] FCA 394 (suppression order application; **unled**)
60. *Greenwich v Latham (No 3)* [2025] FCA 312 (defamation final relief; **unled** & led by G Reynolds SC)
61. *Greenwich v Latham (No 2)* [2025] FCA 131 (defamation final relief; led by G Reynolds SC)
62. *Appleroth v Ferrari Australasia Pty Ltd (No 5)* [2023] FCA 744 (suppression; **unled**)
63. *Palmer v McGowan (No 5)* [2022] FCA 893; 404 ALR 621 (defamation; led by P Gray SC)
64. *Tate v Australian Broadcasting Corporation* [2019] FCA 610 (defamation; led by P Gray SC)
65. *Crosby v Kelly* [2013] FCA 1343 (defamation; led by B McClintock SC)
66. *Liu v The Age Co. Ltd* (2012) 285 ALR 386; (2012) 257 FLR 360 (constitutional law & civil procedure; **unled** & led by B McClintock SC)
67. *Liu v The Age Co. Ltd* [2016] NSWCA 115; 92 NSWLR 679 (defamation; led by B McClintock SC)
68. *Enders v Erbas* [2014] NSWCA 70 (defamation; led by M McHugh SC)
69. *The Age Co. Ltd v Liu* [2013] NSWCA 26; 82 NSWLR 268 (constitutional law; led by B McClintock SC)
70. *Daily Examiner v Mundine* [2012] NSWCA 195 (constitutional law, defamation; led by G Reynolds SC)
71. *Sigalla v TZ Pty Ltd* [2011] NSWCA 334 (contempt; led by G Reynolds SC)
72. *Tate v Duncan-Strelec* [2020] NSWSC 52 (and preceding decision; criminal contempt; **unled**)
73. *McGinn v Peter Clisdell Pty Ltd (No 2)* [2018] NSWSC 1856 (defamation; **unled**)
74. *Kenny v ABC* [2014] NSWSC 190 (defamation; led by B McClintock SC)
75. *Tate v Duncan-Strelec* [2013] NSWSC 1446 (contempt; led by B McClintock SC)
76. *Qureshi v John Fairfax Publications* [2012] NSWSC 1605 (defamation; led by B McClintock SC)

Administrative law, health and regulatory

77. *Hanna v Secretary, Department of Social Services* (2025; appeal from *Hanna v Secretary, Department of Social Services* [2023] FCA 1255 (Jackman J); resolved before final hearing with success on all issues and orders entered in favour of the appellant; **unled**)

78. *Ghosh v Medical Council of New South Wales* [2020] NSWCA 122; 102 NSWLR 303 (administrative law & *Health Practitioner Regulation National Law (NSW)*; led by F M Douglas KC)
79. *GR v Secretary, Department of Families, Disabilities and Community Services* [2019] NSWCA 277 (family law & civil procedure; led by FM Douglas KC)

Commercial and other

80. *Perpetual Corporate Trust Ltd v Maneva Pty Ltd* (2026; NSWSC; contested application for transfer under the *Jurisdiction of Courts (Cross-vesting) Act 1987*; **unled**)
81. *Tofler v Director of Public Prosecutions (NSW)* (2026; NSWDC; conviction and severity appeal by way of rehearing on the record; **unled**)
82. *Eccheli & Eccheli (No 14)* [2026] FedCFamC1F 372 (contested interim property applications; led by S Williams KC and **unled**)
83. *Housman v Camuglia* [2021] NSWCA 106; 104 NSWLR 615 (contract; led by G Sirtes SC)
84. *Senses Northbridge Pty Ltd v Sahab (No 3)* [2020] NSWSC 345 (contract; led by S Epstein SC)
85. *Inlon Pty Ltd v Farmgard Pty Ltd* [2019] NSWSC 718 (civil procedure; led by FM Douglas KC)
86. *Strata Plan 47027 v McGinn* [2018] NSWSC 1228 (civil procedure; **unled**)
87. *Inlon Pty Ltd v Celli SpA* [2017] NSWSC 569 (contracts, equitable remedies; led by F M Douglas KC)
88. *Uber BV & Anor v Howarth* [2017] NSWSC 54 (tort of intimidation; injunction in equity's auxiliary jurisdiction & under s 66, *Supreme Court Act 1970*; led by B McClintock SC)
89. *Qantas Airways Ltd v Lucinda Holdforth* [2015] NSWSC 821 (civil procedure; **unled**)
90. *Built NSW v Evolvebuilt* [2014] NSWSC 255 (civil procedure; led by FM Douglas KC)
91. *National Australia Bank v Smith* [2014] NSWSC 1605 (consumer law; led by B McClintock SC)

Speaking and seminars

Gabriella speaks at, chairs and contributes to seminars and conferences on intellectual property, media law and emerging technologies, including artificial intelligence.

Chambers and professional roles

Gabriella has served on the New South Wales Bar Association's Wellbeing Committee and on its Media and Information Law and Technology Committee, and she assists with the Bar Practice Course. She also mentors practitioners developing intellectual property practices, including through the mentoring program of the Intellectual Property Society of Australia and New Zealand.
