

GABRIELLA RUBAGOTTI

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Summary

Admitted as a solicitor in 2003 and called to the Bar in 2010, Gabriella's core practice is in intellectual property, with deep experience in trade marks, patents, copyright and plant breeders' rights, and related consumer and competition law. She is ranked by *Doyle's Guide* as a Leading Intellectual Property Junior Counsel in Australia and NSW, and is recognised by *Chambers Asia Pacific*, *The Legal 500*, and *Australia's Best Lawyers* (for Intellectual Property and Defamation & Media).

Gabriella also practises in defamation, breach of confidence, and privacy law (including data breaches and the new statutory tort for serious invasion of privacy), and in health practitioner regulation, where she represents medical specialists in AHPRA, Medical Council of NSW and HCCC matters and in hospital credentialing disputes.

Across these areas her practice has a particular focus on life sciences, drawing on a deep interest in and fluency with medicine, biology and physiology: she has appeared in pharmaceutical and veterinary patent cases, plant breeders' rights matters, and regulatory and misleading conduct claims in human and animal health.

Gabriella has appeared in numerous High Court of Australia matters, including *Self Care IP Holdings v Allergan Australia* (2023) 97 ALJR 388, the leading contemporary Australian authority on use as a trade mark. Her High Court practice also extends to landmark defamation and implied freedom of political communication cases, including *Monis v R* (2013), *Harbour Radio v Trad* (2012) and *Cush v Dillon* (2011).

Gabriella has served as Counsel Assisting two major public inquiries: the Royal Commission into Defence and Veterans' Suicide and the Queensland Commission of Inquiry into DNA Project 13.

Gabriella is a fluent Italian speaker and regularly acts for Italian corporate clients (including Lavazza S.p.A., Sanpellegrino S.p.A. and Celli S.p.A.), drafting affidavits, translating commercial documents and conferring with clients and witnesses in Italian.

Inquiries & Investigations

Royal Commission into Defence and Veterans' Suicide

Counsel Assisting (2021-2024)

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

A four-year Commonwealth Royal Commission into systemic issues relevant to suicidality and suicide of serving and ex-serving Defence members. Gabriella worked closely with the Commissioners and solicitors assisting, handling highly sensitive and classified material and engaging with Commonwealth and State government agencies. She led the Commission's work on biological and psychological suicide factors, conferring with more than 100 experts and examining more than 60 expert and Defence witnesses.

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

A targeted inquiry into systemic failings in the DNA testing of crime samples at the then Queensland Health Forensic and Scientific Services Laboratory, with implications for homicide, attempted homicide and sexual assault investigations. Gabriella worked closely with the Commissioner and solicitors assisting on witness conferrals, legal and procedural advice, analysis of systemic issues, and drafting of the final report.

Medical Regulatory Investigations and Professional Discipline

Gabriella practises in health practitioner regulation and represents medical specialists in complaints and investigations before AHPRA, the Medical Council of NSW, and the Health Care Complaints Commission, as well as in hospital credentialing and accreditation disputes. She appeared in the NSW Court of Appeal in *Ghosh v Medical Council of New South Wales* (2020) 102 NSWLR 303, a leading authority on the protective jurisdiction under section 150 of the *Health Practitioner Regulation National Law (NSW)*. Her clients have included orthopaedic and neurosurgeons and general practitioners.

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. *Richards (No 2) v Black Star Pastry Pty Ltd* (trade marks; special leave; led by H Bevan SC)
2. *Lehrmann v Network Ten Limited & Wilkinson* [2026] HCADisp 94 (defamation; special leave application; leading B Workman)
3. *Zip Co. Limited & Firstmac Limited* (trade marks; reserved; led by H Bevan SC)
4. *Cantarella Bros Pty Ltd v Lavazza Australia Pty Ltd* [2025] HCADisp 126 (trade marks; led by R Cobden SC; E Heerey SC)
5. *Self Care IP Holdings Pty Ltd v Allergan Australia Pty Ltd* [2023] HCA 8; 97 ALJR 388; 408 ALR; 171 IPR 120 (trade marks & consumer law; led by J Beaumont SC)
6. *Realestate.com.au Pty Ltd v Hardingham* [2022] HCA 39; 296 ALJR 40; 406ALR 678; 170 IPR 1 (contract & copyright; led by R Cobden SC)
7. *Age Company Pty Ltd & Ors v Liu* [2016] HCATrans 306 (defamation; special leave; led by B McClintock SC)
8. *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)
9. *Beckett v New South Wales* [2013] HCA 17; 248 CLR 432 (malicious prosecution; led by G Reynolds SC)
10. *The Age Company Ltd and Ors v Liu* [2013] HCATrans 205 (defamation; constitutional law; special leave; led by B McClintock SC)
11. *Monis v The Queen* [2013] HCA 4; 249 CLR 92 (constitutional law & statutory interpretation; led by G Reynolds SC)

12. *Kelly v Crosby & Ors* [2013] HCATrans 17 (defamation; special leave; led by B McClintock SC)
13. *Harbour Radio Pty Ltd v Trad* [2012] HCA 44; 247 CLR 31 (defamation; led by R McHugh SC)
14. *Harbour Radio Pty Ltd v Trad* [2012] HCATrans 51 (defamation; special leave; led by R McHugh SC)
15. *David v Abdishou* [2012] HCATrans 253 (defamation; special leave; led by G Reynolds SC)
16. *Daily Examiner v Mundine* [2012] HCATrans 362 (defamation; special leave; led by G Reynolds SC)
17. *Monis v R; Droudis v R* [2012] HCATrans 161 (constitutional law, special leave; led by G Reynolds SC)
18. *Cush v Dillon* [2011] HCA 30; 243 CLR 298 (defamation; led by G Reynolds SC)
19. *Monis v R; Droudis v R* [2011] HCATrans 97 (removal application under s. 40(1), *Judiciary Act 1903* (Cth)); led by G Reynolds SC)
20. *Monis v R; Droudis v R* [2011] HCATrans 76 (removal application under s. 40(1), *Judiciary Act 1903* (Cth)); led by G Reynolds SC)

Full Court of the Federal Court of Australia

21. *Latham v Greenwich* (reserved November 2025; defamation, implied freedom; unled)
22. *Hanna v Secretary, Department of Social Service* (2025; successful appeal from *Hanna v Secretary, Department of Social Services* [2023] FCA 1255 (Jackman J); settled before final hearing, success on all issues; orders entered in favour of client appellant; unled)
23. *Cantarella Bros Pty Ltd v Lavazza Australia Pty Ltd* [2025] FCAFC 12; 184 IPR 27 (trade marks; led by R Cobden SC; E Heerey SC)
24. *Combe International Ltd v Dr August Wolff GmbH & Co. Kg Arzneimittel* [2021] FCAFC 8; 157 IPR 230 (trade marks; led by J Beaumont SC)
25. *Encompass Corporation Pty Ltd v InfoTrack Pty Ltd* [2019] FCAFC 161; 372 ALR 646; 145 IPR 1 (patents; led by C Dimitriadis SC)

Federal Court of Australia

26. *Hayes v Gold Coast Suspension Pty Ltd* (ongoing; patent infringement; unled)
27. *PPK Mining Equipment Pty Ltd v GET Engineering Pty Ltd* (ongoing; breach of confidence; leading G Tsang)
28. *Troy Laboratories Australia Ltd v Randlab Pty Ltd* (ongoing, breach of confidence, copyright infringement, preliminary discovery; leading B Workman)
29. *Troy Laboratories Australia Ltd v Jhanker* (ongoing, breach of confidence, copyright infringement, preliminary discovery; unled)
30. *United Petroleum Franchisee Pty Ltd v Class Marketing & Management t/as Class PR* (ongoing; injurious falsehood, copyright infringement, ACL claims; led by R Cobden SC)
31. *Qantas Airways Ltd v Fogarty* (ongoing; search orders, breach of confidence, copyright infringement; led in part by R Cobden SC)
32. *Internet Services Aust. 1 Pty Ltd ("The Iconic") v Shein Distribution Aust. Pty Ltd* (settled; trade mark infringement; unled)
33. *Greenwich v Latham (No 3)* [2025] FCA 312 (defamation final relief; unled & led by G Reynolds SC)

34. *Greenwich v Latham (No 2)* [2025] FCA 131 (defamation final relief; led by G Reynolds SC)
35. *Abbey Laboratories Pty Ltd v Virbac (Australia) Pty Ltd* [2024] FCA 1488 (patents, interlocutory injunction; unled & led by J Beaumont SC)
36. *Nutrafruit Pty Ltd v Fivety5 Super Foods Pty Ltd & Ors* (settled a week before hearing 2024; plant breeders' rights; led by H Bevan SC)
37. *Cantarella Bros Pty Ltd v Lavazza Australia Pty Ltd (No 4)* [2024] FCA 419 (costs; led by R Cobden SC; E Heerey SC)
38. *Cantarella Bros Pty Ltd v Lavazza Australia Pty Ltd (No 3)* [2023] FCA 1258 (trade marks; led by R Cobden SC & E Heerey KC)
39. *Appleroth v Ferrari Australasia Pty Ltd (No 5)* [2023] FCA 744 (suppression; unled)
40. *Palmer v McGowan (No 5)* [2022] FCA 893; 404 ALR 621 (defamation, led by P Gray SC)
41. *Cantarella Bros Pty Ltd v Lavazza Aust. Pty Ltd (No 2)* [2021] FCA 894 (practice & procedure; led by R Cobden SC)
42. *Cantarella Bros Pty Ltd v Lavazza Aust. Pty Ltd* [2020] FCA 1895 (practice & procedure; led by R Cobden SC)
43. *University of Sydney v ObjectiVision Pty Limited* [2019] FCA 1625; 148 IPR 1 (contract, copyright & equity; led by C Dimitriadis SC)
44. *Community First Credit Union Ltd v Bendigo and Adelaide Bank Ltd* [2019] FCA 1553; 146 IPR 186 (trade marks; led by S Goddard SC)
45. *Tate v Australian Broadcasting Corporation* [2019] FCA 610 (defamation; led by P Gray SC)
46. *Primary Healthcare Ltd v Cth & Ors* [2016] FCA 313 (trade marks; led by J Baird SC)
47. *DSI Aust. (Holdings) Pty Ltd v Garford Pty Ltd* [2013] FCA 132 (patents; led by S Goddard SC)
48. *Crosby v Kelly* [2013] FCA 1343 (defamation; led by B McClintock SC)
49. *Liu v The Age Co. Ltd* (2012) 285 ALR 386; (2012) 257 FLR 360 (constitutional law & civil procedure; unled & led by B McClintock SC)
50. *Beadcrete Pty Ltd v Fei Yu t/as Jewels for Pools (No. 2)* [2012] FCA 1139 (patents; led by S Goddard SC)
51. *Specsavers Pty Ltd v Coastal Contacts Pty Ltd* [2012] FCA 102 (consumer law; led by T Blackburn SC)
52. *Allen House Mirror & Glass Pty Ltd v Hamilton* [2012] FCA 464 (trade marks; unled)
53. *Societe Des Produits Nestle SA v Aldi Stores* [2010] FCA 218 (breach of confidence & copyright; unled)
54. *Nokia Corp. v Renae Millaras (No. 1), (No.2), (No.3)* [2010] FCA 1396, 1217, 1174 (trade marks; unled)

Federal Circuit and Family Court of Australia

55. *Head Sport GmbH v Andrews* (breach of copyright, ACL; unled)
56. *Metricon Homes Pty Ltd v McCarthy Homes (Qld) Pty Ltd* (breach of copyright in building plans; unled)
57. *Metricon Homes Pty Ltd v Bold Properties (Qld) Pty Ltd* (breach of copyright in building plans; unled)
58. *Metricon Homes Pty Ltd v Papaluca & Ors* (breach of copyright in building plans; unled)
59. *McDonald Jones Homes Pty Ltd v Caleb Driver* (settled; breach of copyright in building plans, breach

of settlement terms, enforcement under deed; unled)

60. *Metricon Homes Pty Ltd v Tanchevski* (settled; breach of copyright in building plans; leading G Tsang)
61. *Home Grown Brands Australia Pty Ltd v Sperling Enterprises Pty Ltd* [2021] FCCA 1597 (consumer law; unled)

NSW Court of Appeal

62. *Housman v Camuglia* [2021] NSWCA 106; 104 NSWLR 615 (contract, led by G Sirtes SC)
63. *Ghosh v Medical Council of New South Wales* [2020] NSWCA 122; 102 NSWLR 303 (administrative law & *Health Practitioner Regulations*; led by F M Douglas KC)
64. *GR v Secretary; Department of Families; Disabilities and Community Services* [2019] NSWCA 277 (family law & civil procedure; led by FM Douglas KC)
65. *Liu v The Age Co. Ltd* [2016] NSWCA 115; 92 NSWLR 679 (defamation; led by B McClintock SC)
66. *Enders v Erbas* [2014] NSWCA 70 (defamation; led by M McHugh SC)
67. *The Age Co. Ltd v Liu* [2013] NSWCA 26; 82 NSWLR 268 (constitutional law; led by B McClintock SC)
68. *Daily Examiner v Mundine* [2012] NSWCA 195 (constitutional law, defamation; led by G Reynolds SC)
69. *Daily Examiner Pty Ltd v Mundine* [2012] NSWCA 195 (defamation; led by G Reynolds SC)
70. *Sigalla v TZ Pty Ltd* [2011] NSWCA 334 (contempt; led by G Reynolds SC)

NSW Supreme Court

71. *Smith v NSW Crime Commission* (ongoing; breach of confidence, negligence, tortious breach of statutory duty; leading B Workman)
72. *Senses Northbridge Pty Ltd v Sahab (No 3)* [2020] NSWSC 345 (contract; led by S Epstein SC)
73. *Tate v Duncan-Strelec* [2020] NSWSC 52 (and preceding decision; criminal contempt; unled)
74. *Inlon Pty Ltd v Farmgard Pty Ltd* [2019] NSWSC 718 (civil procedure; led by FM Douglas KC)
75. *McGinn v Peter Clisdell Pty Ltd (No 2)* [2018] NSWSC 1856 (defamation; unled)
76. *Strata Plan 47027 v McGinn* [2018] NSWSC 1228 (civil procedure; unled)
77. *Inlon Pty Ltd v Celli SpA* [2017] NSWSC 569 (contracts, equitable remedies; led by F M Douglas KC)
78. *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)
79. *Qantas Airways Ltd v Lucinda Holdforth* [2015] NSWSC 821 (civil procedure; unled)
80. *Built NSW v Evolvebuilt* [2014] NSWSC 255 (civil procedure; led by FM Douglas KC)
81. *National Australia Bank Limited v Smith* [2014] NSWSC 1605 (consumer law; led by B McClintock SC)
82. *Kenny v ABC* [2014] NSWSC 190 (defamation; led by B McClintock SC)
83. *Tate v Duncan-Strelec* [2013] NSWSC 1446 (contempt; led by B McClintock SC)
84. *Qureshi v John Fairfax Publications* [2012] NSWSC 1605 (defamation; led by B McClintock SC)

Recognition

Doyle's Guide:

Leading Intellectual Property Junior Counsel—Australia, 2023-2025

Leading Intellectual Property Junior Counsel—NSW, 2023- 2025

Recommended Intellectual Property Junior Counsel—NSW, 2016-2022

Recommended Technology, Media & Telecommunications Junior Counsel—NSW, 2016-2025

Australia's Best lawyers:

Recognised for Intellectual Property and Defamation & Media, 2020-2026

Chambers Asia & Pacific:

Intellectual Property—the Bar Australia, 2024-2026

'Gabriella has exceptional advocacy skills and an excellent command of IP law.'

'Gabriella deals with issues pragmatically and suggests solutions which are easy to implement. She is very easy to work with, knowledgeable and efficient.'

The Legal 500 Asia & Pacific:

TMT & IP—2022-2025 (*'Gabriella has first-rate technical knowledge and attention to detail, but also shows excellent creativity when coming up with smart and effective legal strategies'*)

World Trademark Review:

2018 (*'recommended junior counsel'*)

2017 (*'a lateral thinker who has a sharp understanding and sensitivity to trademark oppositions'*)

2016 (*"A brilliant tactician in the courtroom"... an obvious choice for many instructing counsellors'*)

2015 (*"Methodical, innovative and highly intelligent", Gabriella Rubagotti... wins praise from all corners for her achievements in the trademark field'*)

2014 (*'Gabriella Rubagotti stands out'*)

Languages:

Italian (fluent; practises daily)

Classical Greek (with a particular interest in lyric poetry – Pindar, Sappho, Alcaeus)
