

# Joe Petry

Barrister-at-law, Nigel Bowen Chambers

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## Practice Overview

Joe accepts briefs in all areas of law. He focuses particularly on intellectual property, media, commercial litigation, and all areas of public law.

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## Admissions

Barrister	2024
High Court of Australia	2018
Supreme Court of NSW	2018

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## Education

Master of Laws (Public Law)   London School of Economics and Political Science	2023
<i>Major papers: 'Secret Evidence and Special Advocates: Australia on the Precipice'</i> <i>'Should It Be Harder For Politicians To Sue For Defamation?'</i>	
Bachelor of Laws (Honours Class I)   University of Newcastle	2017
Bachelor of Communication (Journalism, with Distinction)   University of Newcastle	2015

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## Professional Experience

Australian Government Solicitor	Senior Lawyer	2020-24
Federal Court of Australia	Associate to Hon. Justice Burley	2019-20
Office of the Director of Public Prosecutions	Solicitor	2018-19
William Roberts Lawyers	Solicitor	2018

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## Selected Cases as Barrister

### Commercial

- *Munro v Wheeler (No 3)* [2025] NSWDC 3: **Defamation**. Appeared for successful 2<sup>nd</sup> D (a pet detective) in trial about a missing dog and related social media posts. Several defences made out including justification and qualified privilege. Led by P Larkin SC.
- *Dyson Technology Ltd v SharkNinja Pty Ltd* (FCA, settled): **Patents**. Acted for SharkNinja infringement proceeding. Cross-Claim for invalidity. Led by P Flynn SC.
- *Sunny International Hardware Group Pty Ltd v Sunny Group (VIC) Pty Ltd* (FCA, ongoing): **Trade Marks**. Acting for Applicant in trade mark, ACL and passing off claims. Led by J Ambikapathy.
- *Borambola Wines Pty Ltd v DOTT Developments Pty Ltd* (TMO, ongoing): **Trade Marks**. Opposition proceeding. Led by E Heerey SC.

### Public and criminal law

- *Attorney-General (Cth) v Benbrika* (VSC): **Public interest immunity and protective orders**. Appeared for the Director-General of Security. Third party in high-risk offender proceeding. Led by T Glover SC.

- *Regan v National Disability Insurance Agency* (ART, consent outcome): **Merits review**. Appeared for the NDIA. Led by T Liu.
- *EUS21 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* (FCFCOA, reserved): **Judicial review**. Appeared for Minister. Unled.
- *Zahed, Abdul v R* [2025] NSWCCA 24: **Appeal against criminal sentence** – accessory after the fact to murder. Led by M Thangaraj SC.

## Selected Cases as Solicitor at AGS

### Patents

- ***Commissioner of Patents v Thaler* (2022) 289 FCR 45**: whether an artificial intelligence can be an “inventor” for the purpose of the *Patents Act*. Instructed S Goddard SC and H Bevan SC.
- ***Commissioner of Patents v Ono Pharmaceutical Co. Ltd* (2022) 291 FCR 1; *Merck Sharp & Dohme Corp. v Sandoz Pty Ltd* (2022) 291 FCR 26**: two cases about the proper construction of the pharmaceutical patent term extension scheme. Instructed C Moore SC and F Roughley.
- ***Repipe Pty Ltd v Commissioner of Patents* (2021) 164 IPR 1; *Repipe Pty Ltd v Commissioner of Patents* [2022] HCATrans 084**: manner of manufacture. Instructed C Dimitriadis SC and M Evetts.
- ***Airco Fasteners Pty Ltd v Commissioner of Patents* [2021] FCA 1594**: the Commissioner successfully opposed applications for judicial review of, and an out of time appeal from, the Commissioner’s decision to allow amendments. Instructed L Thomas.
- ***Advanta Seeds Pty Ltd v Commissioner of Patents & Anor* (AAT)**: merits review of the Commissioner’s decision to refuse an extension of time to pay patent renewal fees.
- ***Dei Gratia v Commissioner of Patents* (2024, judgment reserved)**: manner of manufacture case – patent claiming logistics method. Instructed C Dimitriadis SC and M Evetts.

### Public law

- ***Minister for Home Affairs v Pender* [2021] NSWSC 1644**: first continuing detention order application in NSW under the Criminal Code. Instructed P Herzfeld SC, Z Heger and C Ernst.
- ***R v Duong* (Magistrates’ Court of Victoria, unreported)**: first prosecution for foreign interference offence under Div 92 of the Criminal Code. Acted for the Director-General of Security in setting aside subpoena and making PII claims. Instructed R Sharp.
- ***R v Collaery* (Supreme Court of ACT, discontinued)**: application of the *National Security Information Act 2004* (Cth) to the prosecution. Instructed J Kirk SC and T Glover in hearing concerning AG’s proposed reliance on court-only evidence.
- ***R v Campbell* (District Court of NSW, unreported)**: criminal drug trial. Acted for the AFP in setting aside subpoenas. Instructed R Bhalla.
- ***Alexander Abramov v Minister for Foreign Affairs (No 2)* [2023] FCA 1099**: judicial review of Minister’s decision to sanction a Russian billionaire. Briefed P Herzfeld SC and B Lim.
- ***R v Savage* (District Court of NSW, ongoing)**: prosecution for foreign bribery under the Criminal Code. Acted for the AFP at s 82 hearing and in response to subpoena. Instructed P Melican.

## **Professional Memberships**

NSW Bar Association

Australian Association of Constitutional Law

Australian Institute of Administrative Law

Communications and Media Law Association

Intellectual Property Society of Australia and New Zealand