

Richard Cobden SC

Barrister-at-law, Nigel Bowen Chambers

Background and Qualifications

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 & Hemsley, Solicitors, Sydney, 1980-1992

Barrister in chambers, 1992 to present

Appointed Senior Counsel, NSW, 2005

Experience at the Bar and Notable Cases

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 2 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* (retransmission 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).

Memberships and Recommendations

- New South Wales Bar Association
- Intellectual Property Association of Australia and New Zealand (IPSANZ)
- Copyright Society
- World Trademark Review 2018 – Recommended as “his forte lies at the point where intellectual property intersects with the music business and entertainment law”
- World Trademark Review 2017 – Recommended as “has been a standout in this area for countless years”
- Doyle’s Guide 2021 – Recommended as “preeminent” – Intellectual Property & TMT Senior Counsel
- Best Lawyers in Australia 2023 Edition – Recognised for Alternative Dispute Resolution, Entertainment Law and Intellectual Property.
- Chambers and Partners 2022 – Band 1 Intellectual Property Silks Asia Pacific and Global
- The Legal 500 Asia Pacific 2022 – Intellectual Property