

Sophie Goddard SC

Barrister-at-law, Nigel Bowen Chambers

Background and Qualifications

Sophie Goddard SC is a specialist intellectual property barrister admitted in 1991. She has extensive experience as a trial lawyer and an appellate advocate. She was a founding member of Nigel Bowen Chambers and was appointed as senior counsel in 2007.

Sophie has advised and appeared in intellectual property matters across all areas of patents, trade marks, copyright, breach of confidence, industrial designs, misleading conduct and passing off. She is also expert in competition and consumer law cases, confidential information and trade secrets. Sophie acts on behalf of Australian and International clients in patent litigation (and patent oppositions) concerning pharmaceutical, biotechnology, mining and engineering patents, as well as in all other areas of intellectual property.

Sophie also regularly advises on film, television, entertainment and general intellectual property matters.

Experience at the Bar and Notable Cases

Recent cases of note include:

Commissioner of Patents v Thaler, whether an Artificial Intelligence (system DABUS) can be the 'inventor' under the Patents Act – appeal before the Full Court of the Federal Court (constituted by a bench of five justices) (2022).

Allergan Australia Pty Ltd v Self Care IP Holdings Pty Ltd, trade mark infringement and consumer law, BOTOX trade mark – appeal before the Full Court of the Federal Court (2021).

Bendigo and Adelaide Bank Ltd v Community First Credit Union Ltd, trade mark revocation and appeal from opposition to registration – appeal before the Full Court of the Federal Court (2021).

Brien Holden Vision Institute Limited v Nthalmic Holding Pty Ltd, patent, breach of confidence (matter settled 2021).

Encompass Corporation v Infotrack Pty Ltd, patent revocation for want of manner of manufacture – appeal before the Full Court of the Federal Court (constituted by five justices) (2019).

Community First Credit Union Ltd v Bendigo & Adelaide Bank Ltd (2019), trade mark revocation and appeal from opposition to registration; proceedings in the Federal Court (2019).

Glaxosmithkline Consumer Healthcare Investments (Ireland) (No. 2) Ltd v Apotex Pty Ltd pharmaceutical patent, infringement and revocation proceedings: appeal before the Full Federal Court (2017); and at first instance in the Federal Court (2016).

Bohemia Crystal Pty Ltd v Host Corporation Pty Ltd, trade mark infringement and cancellation proceedings in the Federal Court (2017).

Isconova AB and Erasmus University Rotterdam Medical Center, patent opposition by CSL Ltd, patent, biotechnology (2017).

Industrial Galvanizers Corporation Pty Ltd v Safe Direction Pty Ltd, patent revocation proceedings, Federal Court (2017).

JR Consulting & Drafting Pty Ltd v Cummings contract and copyright, trade marks and confidential information proceedings - appeal before the Full Federal Court (2016) (special leave to the High Court resisted); and at first instance in the NSW Supreme Court, Equity Division (2014).

Garford Pty Ltd v Dywidag Systems International Pty Ltd patent, infringement and revocation proceedings – appeal before the Full Federal Court (2015) and at first instance in the Federal Court (2013).

The Board of Trustees of the Leland Stanford Junior University opposition by Santaris Pharma A/S (2015) patent, biotechnology (matter settled).

Electronic Tax-Free Shopping Ltd v Fexco Merchant Services (2015) patent, Federal Court.

Yu v Beadcrete Pty Ltd patent, infringement and revocation proceedings, appeal before the Full Federal Court (2014) and at first instance in the Federal Court (2013).

Mercedes Corby & ors v Allen & Unwin (2013) copyright, Federal Court

Millenium & Copthorne International Ltd v Kingsgate Hotel Group Pty Ltd (2012) trade marks, Federal Court.

Apotex v Les Laboratoires Servier pharmaceutical patent, infringement and revocation proceedings, Federal Court (2012).

Elecon Australia Pty Ltd v PIV Drives GmbH (2010) Full Federal Court (2009) Federal Court, breach of confidence, copyright and trade mark infringement proceedings.

Solahart Industries Pty Ltd v Solar Shop Pty Ltd (2010) Federal Court, trade mark infringement, trade practices and passing off.

Peter Bodum A/S v DKSH Australia Pty Ltd (2010) appeal before the Full Federal Court, trade practices and passing off.

Early cases in the High Court, include (as junior counsel) - in patents - *Lockwood Security Products Pty Ltd v Doric Products Pty Ltd* (the subject of two appeals to the High Court, determined in 2004 and 2007 respectively) and *Kimberly-Clark Australia Pty Ltd v Arico Trading International Pty Ltd* in 2001; and registered designs - *Polyaire Pty Ltd v K-Aire Pty Ltd* (2005).

Memberships and Recognition

Sophie is listed in several directories for her work in the field of intellectual property including:

Best Lawyers in Australia, 2023 Edition – Recognised for Biotechnology Law and Intellectual Property

Chambers and Partners 2022 – Intellectual Property Silks Asia Pacific and Global

Doyles Guide 2021 – Recommended as “leading Intellectual Property Senior Counsel”

The Legal 500 Asia Pacific 2022 – TMT & IP - *'Sophie has deep knowledge of IP, particularly patents. She applies this critically and strategically in the matters she acts in - and as a great team leader she is able to ensure that all members of the legal team perform to their best. She is terrific to work with - flexible; strategic and technically exceptional.'*

World Trade Mark Review 2018 – Recommended as *“as hard hitting as they come; she is a veritable encyclopaedia in trademark law.”*

World Trade Mark Review 2017 – Recommended as *“academically and intellectually able and very experienced.”* *“An outstanding IP barrister across trademarks, patents and copyright.”*

Sophie is a member of the Copyright Society of Australia and IPSANZ (the Intellectual Property Society of Australia and New Zealand).

Sophie co-moderated at the round table session on biosimilars at the IBA Conference in Sydney in October 2017.

She has given papers on intellectual property at specialist conferences held by the Commonwealth Lawyers Association; Copyright Society of Australia and the Intellectual Property Society of Australia and New Zealand (IPSANZ).

Publications Include:

“Intellectual Property and State Sovereignty of Health Policy: “The Big Tobacco Litigation” (2012) (Commonwealth Lawyers Association)

Reimaging Copyright for the 21st Century Conference, Canberra (2009).

“How Copyright has been developed by the Courts – the relevance of animus furandi” (2009) 27 Copy Reprtr 105. (The Copyright Reporter is the Journal of the Copyright Society of Australia).