LIST G
BARRISTERS

Clare Cunliffe SC



Clare Cunliffe SC practises in intellectual property, competition, consumer protection and general commercial litigation.

QUALIFICATIONS

Bachelor of Laws (Hons) (Melb)
Bachelor of Arts (Hons) (Melb)
Diploma Intellectual Property Law (Bristol)

CORRESPONDENCE

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CHAMBERS

Emmerson Chambers
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COMMERCIAL LAW

Appellate | Commercial Arbitration | Competition | Consumer Law

INTELLECTUAL PROPERTY

Appellate | Confidential Information | Copyright & Designs | Information Technology | Media & Entertainment | Patents | Privacy & Data Protection | Telecommunications | Trade Marks

PUBLIC LAW

Administrative Law | Judicial Review

Clare has particular expertise in intellectual property litigation, with extensive experience in patent revocation and infringement proceedings (including pharmaceutical patent injunctions) and patent oppositions, trade mark infringement and revocation proceedings, non-use applications and oppositions, and copyright litigation, as well as litigation concerning the misuse of confidential information in the pharmaceutical context.

Before joining the Bar, Clare was a Senior Associate at Corrs Chambers Westgarth in Melbourne where she practised in intellectual property litigation, focusing on patent litigation, and general commercial litigation. Clare has also worked in the United Kingdom, at boutique intellectual property firm Powell Gilbert, and at Allens. From 2005 to the present, Clare co-authored the Australian chapter of Kluwer's Global Patent Litigation.

Clare is regularly listed Doyle's Guide to Leading Victorian Intellectual Property Barristers and in Doyle's Leading Intellectual Property Junior Counsel – Australia (2023) as a pre-eminent junior counsel.

She is also listed in Chambers Intellectual Property: The Bar as a Band 1 practitioner and in the Legal 500 Asia-Pacific as a Leading Junior. Clare is also recognised in Lexology.

Clare was president of the Intellectual Property Society of Australia and New Zealand from 2022-2025 (after more than ten years on the executive committee). She is president of AIPPO Australia. She is also on the Law Council's Intellectual Property Committee.

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Recent Cases

Lundbeck v Sandoz (acting for Lundbeck in a long running dispute as to escitalopram, which is presently in the High Court of Australia)

Juno v Celgene (acting for Celgene in relation to Revlimid, in a proceeding involving a compound patent and seven method of treatment patents)

*Merck v Sandoz (*acting for Merck in relation to its compound patent for sitagliptin)

ACCC v AFG (acting for the ACCC against Australasian Food Group in a case where the ACCC alleges AFG engaged in exclusive dealing)

MMD Design and Consultancy Limited v Camco Engineering Pty Ltd (acting for MMD Design and Consultancy Limited, initially in a preliminary discovery application and then in patent infringement and revocation proceedings)

ACCC v Megasave (acting for the ACCC against Megasave in circumstances where the ACCC alleges that Megasave made false representations to potential franchisees)

Toolgen v Fisher (acting for Mr Fisher in a case about the patentability of gene editing technology, involving novel issues of support and enablement)

VMS v Sarb (acting for Sarb in a long running dispute concerning parking technology)

Sportsbet Pty Ltd v Crownbet Pty Ltd (acting for Sportsbet in a dispute about Crownbet's right to use the name Sportingbet. Sportsbet obtained an injunction)

Samsung Bioepis v Fresenius (acting for Samsung Bioepis in a dispute against Fresenius relating to Fresenius' patent for a formulation of adalimumab, which resulted in Fresenius surrendering its patent)

Teva v Boehringer Ingelheim (acting for Teva in a dispute against Boehringer Ingelheim concerning three patents protecting tiotropium)

Roche v Sandoz (acting for Roche in a dispute concerning rituximab, where Roche obtained interlocutory injunctive relief against Sandoz based on four method of treatment patents)

Pokemon Company International, Inc v Redbubble Ltd (acting for Pokemon in a copyright case against Redbubble)

Memberships

From 2012 to 2015, Clare was the secretary of the Intellectual Property Society of Australia and New Zealand (IPSANZ). From 2016 to 2018, she was the Treasurer and in 2018 became Vice President. In 2022 Clare was appointed President of IPSANZ, a position she still holds. She has been a committee member of the International Association for the Protection of Industrial Property (AIPPI Australia) from 2013. In 2016 she became Treasurer, a position she held until 2023 when she became President. She is also Vice Chair of AIPPI's Global Amicus Curiae Committee, a member of the global Enforcement Committee, and chair of AIPPI Australia's Continuing Professional Development Committee.