LIST G
BARRISTERS

Lucy Davis



Lucy accepts briefs in commercial law with a keen interest in intellectual property, consumer law and the automotive industry

QUALIFICATIONS

Master of Laws
Bachelor of Laws (Hons)
Bachelor of Arts
Bachelor of Science

CORRESPONDENCE

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CHAMBERS

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COMMERCIAL LAW

Competition | Consumer Law | Contractual Disputes | Taxation

INTELLECTUAL PROPERTY

Information Technology | Media & Entertainment

Lucy accepts briefs in commercial law with a keen interest in intellectual property, consumer law and the automotive industry. She approaches briefs with a commercial mindset and a true understanding of business complexity and drivers. Lucy was recognised in Doyle's list of Leading Intellectual Property Junior Counsel – Australia 2022 & 2023; Doyle's list of Leading Technology, Media & Telecommunications Junior Counsel – Australia - 2023; Doyle's list of Leading Intellectual Property Junior Counsel - Victoria, 2021 - 2023; Doyle's list of Leading Technology, Media & Telecommunications Junior Counsel - Victoria, 2020 - 2023.

Her recent experience includes:

> **Intellectual Property**: advising and appearing in a range of disputes in the Federal Courts, the Trade Marks Office and the Patents Office. Her work has involved advice on substantive rights, intellectual property management, preliminary dispute resolution, initiating proceedings, drawing pleadings, obtaining urgent interlocutory relief, evidentiary preparation, mediations and hearings.
> **Consumer law and franchising**: Lucy draws on her experience at Toyota Australia to assist clients in relation to consumer law matters and also to understand and protect their rights under franchising arrangements. Her briefs have included matters concerning misleading and deceptive conduct including the effect of trade dress and breach of consumer guarantees.
> **Commercial law**: advising and appearing in contractual disputes including those involving misuse of confidential information; contractual breaches; advising in relation to the Australian Design Rules and regulatory requirements for packaging.

Lucy's experience as a solicitor, including managing the legal department at Toyota Australia, allows her to provide advocacy and advice that is commercially sound. Lucy commenced as a lawyer at Corrs Chambers Westgarth managing contentious and non-contentious intellectual property and information technology matters. At Toyota Australia, Lucy was recognised for her ability to deal with complex matters including those involving regulators and franchisees navigating the legal framework and commercial objectives.

Lucy has advanced analytical skills and she was conferred a Master of Laws from University of Melbourne which included a thesis in intellectual property. She is regularly asked to present on intellectual property issues and her analysis is regularly published.

Lucy was the Chief Examiner and lecturer in Copyright and Designs at Monash University. She is currently chair of the Victorian committee of IPSANZ and on the editorial panel of the *Australian Intellectual Property Law Bulletin*.

Lucy read with Peter Wallis KC and her senior mentor is Philip Solomon KC.

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Recent Cases

REPORTED DECISIONS

Hoser v Georges [2023] FedCFamC2G 550, acting on behalf of respondents in successful strike out application

Grow MF Pty Ltd v Parthy [2023] FCA 442, obtained urgent interlocutory relief for company against former chief technology officer [subject to application for leave to appeal]

Henley Constructions Pty Ltd v Henley Arch Pty Ltd [2023] FCAFC 62; 171 IPR 225 (led by T Cordiner KC), acting

for successful respondent in appeal and cross-appeal [special leave application by Henley Constructions currently pending]

Bed Bath 'N' Table Pty Ltd v Global Retail Brands Australia Pty Ltd [2022] FCA 1380 (led by IP Horak KC), predominantly successful in opposing interlocutory application to file late evidence

Henley Arch Pty Ltd v Henley Constructions Pty Ltd [2021] FCA 1369 (led by T Cordiner KC), trade mark infringement and contravention of *Australian Consumer Law*

Clover Corporation Limited v Tobias [2020] FCA 1244 (led by IP Horak), opposing stay of an interlocutory order pending leave to appeal

PositiveG Investments Pty Ltd as Trustee for the PositiveG Trust v Li [2020] FCCA 2548, summary judgment for design infringement

Steven Borovec v K-fee System GmbH [2020] APO 2 (led by IP Horak), acting for opponent to patent registration

Comite International Olympique v Tempting Brands Netherlands BV [2019] ATMO 41, opposing trade mark application (subject to appeal; currently reserved)

Archibald v Powlett [2017] VSCA 259 (21 September 2017) (led by M Bearman), acting for respondent in appeal from County Court decision (pro bono)

Mercedes-Benz Australia/Pacific Pty Ltd v Commissioner of State Revenue [2016] VSCA 194 (led by M Flynn KC), acting for taxpayer

REPORTED IP AUSTRALIA DECISIONS

Nova Pharmaceuticals Australasia Pty Ltd v The Pharmacy Guild & anor [2023] ATMO 111

L'Oreal v Provendex Pty Ltd [2023] ATMO 81

*Mermaid (Brands) Limited v Yongfeng Trade Co Limited [*2022] ATMO 189

Steven Borovec v K-fee System GmbH [2020] APO 2 (led by IP Horak), acting for opponent to patent registration

SELECTED UNREPORTED / SETTLED MATTERS

Acting for brand owner & manufacturer protecting confidential information (lead by E Heerey KC & M Fleming, 2022-2023)

Acting for product owner in copyright and consumer law claim against imitator (2020-2022)

Acting for clothing brand owner in dispute with competitor over various consumer law contraventions (led by T Cordiner KC, 2021)

Acting for innovative manufacturer protecting confidential information (lead by IP Horak, 2020-2022)

Acting for aeronautical engineering company seeking declaration of unjustified threats and defending claim of patent infringement (led by IP Horak, 2020)

Acting for purchasers seeking specific performance of purchase of land (2018/19)

Acting for B2B e-commerce site protecting confidential information (2018/19)

Acting for trade mark owner seeking to enforce rights and defend non-use application (led by T Cordiner QC and P Wallis QC, 2019)

Acting for trade mark owner in infringement proceedings (led by T Cordiner QC, 2017/18)

SELECTED RECENT PUBLICATIONS

'When copying is OK — Chuchka escapes liability' (2021) 33(9) *IPLB* 160

'Craft beer, banks and fastcards: case note of opposition proceedings' (2018) 31(6) *IPLB* 98

Peter Wallis and Lucy Davis, 'Protecting intellectual property rights: interlocutory injunctions' (2017) 30(5) *IPLB* 109

Helen Symon, QC and Lucy Davis, 'Is a 'statutory fiction' necessarily a horror story for taxpayers?' (2016) 51(4) *Taxation in Australia* 203

'Trade mark cases update: wild geese and smoking cigars' (2016) 29(9) *IPLB* 206

SELECTED RECENT PRESENTATIONS

Patent Update 2023, IPSANZ presentation June 2023 (with Ian Horak KC, Sarah Huang and Nikkie Xu)

Copyright & Design Protection for 3D Articles: An Australian & New Zealand Perspective, IPSANZ National Conference, 2022 (with Jane Glover)

Advocacy Before IP Australia & the Federal Courts, IPSANZ junior practitioner series 2022 (with Ian Horak KC)

Patent Opposition Masterclass, 2 day comprehensive and practical masterclass designed and delivered together with Ben Fitzpatrick and Ian Horak for IPTA, 2020 (Melbourne) & 2021 (Sydney)

Interlocutory injunctions – managing intellectual property disputes, 2018