LIST G
BARRISTERS

Stephen Rebikoff SC



Stephen Rebikoff SC practises in intellectual property, commercial law and administrative law

QUALIFICATIONS

Bachelor of Arts (Hons)
Bachelor of Laws (Hons) (ANU)
Master of Laws (Cantab)

CORRESPONDENCE

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CHAMBERS

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COMMERCIAL LAW

Competition | Consumer Law | Contractual Disputes

INTELLECTUAL PROPERTY

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

PUBLIC LAW

Administrative Law | Aged Care | Appellate | Commissions & Inquiries | Freedom of Information | Judicial Review | Privacy

Stephen is an experienced trial and appellate advocate, and regularly appears in the Federal Court of Australia, Supreme Court of Victoria, Trade Marks Office and Administrative Appeals Tribunal. He has acted for many leading companies and brands, and for a wide range of government agencies and regulatory bodies. He is recommended in the Legal 500, Doyle's Guide to leading intellectual property and technology, media and telecommunications barristers and Best Lawyers Australia.

Prior to coming to the bar, Stephen was a Federal Court judge's associate and a solicitor at Mallesons Stephen Jaques. He holds First Class Honours degrees in Arts and Law from the Australian National University and a Master of Laws (First Class) from the University of Cambridge, where he specialised in intellectual property, competition and public law.

Stephen has published in the areas of intellectual property, privacy and administrative law, and was previously a senior reporter for the Federal Court Reports and Federal Law Reports. He is a member of the Intellectual Property Society of Australia and New Zealand and a volunteer lawyer with the Arts Law Centre of Australia.

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Recent Cases

INTELLECTUAL PROPERTY

Koninklijike Douwe Egberts BV v Cantarella Bros Pty Ltd (Federal Court – with Ed Heerey KC) Trade mark infringement and revocation in relation to shape of instant coffee jar.

National Cancer Foundation v Registrar of Trade Marks (Federal Court – with Melissa Marcus) First instance and appeal – revocation of trade mark registration in relation to charitable services.

Agricultural and Processed Food Products Export Development Authority of India v Registrar of Trade Marks (Federal Court) appeal from Trade Marks Office – registration of certification of trade mark comprising geographical indication for rice.

Toyota Jidosha Kabushiki Kaisha v Ozi4x4 Pty Ltd (Federal Court – with Tony Middleton) Trade mark infringement and passing off in relation to counterfeit car parts.

Swancom Pty Ltd v Jazz Corner Hotel Pty Ltd (Federal Court – with Ed Heerey KC) Trade mark infringement and revocation in relation to live music services.

US Dairy Export Council v Consorzio Per La Tutela Del Formaggio Gorgonzola and Consorzio Per La Tutela Del Formaggio Asiago (Trade Marks Office) registration of certification trade marks comprising geographical indications for cheese.

Sensis v Senses Direct Mail and Fulfilment (Federal Court – with Ed Heerey KC) Trade mark infringement and non-use in relation to direct mail services.

REA Group Pty Ltd v Fairfax Media Pty Ltd (Federal Court - with Will Houghton KC) Misleading or deceptive conduct in relation to comparative advertising for property apps.

Connect TV Pty Ltd v All Rounder Investments Pty Ltd (Federal Court - with Colin Golvan KC) Injunction and trial - breach of copyright in foreign television broadcasts.

NeoBev Pty Ltd v Bacchus Distillery Pty Ltd (Administrators appointed) (Federal Court - with Tom Cox SC) Invention and ownership of patent for alcohol production.

Realestate.com.au Pty Ltd v Real Estate 1 Ltd (Federal Court – with Will Houghton KC) Trade mark infringement and passing off in relation to websites and domain names.

Re Application by Pocket Full of Tunes Pty Ltd and Woodley (Copyright Tribunal) Fixing of statutory licence for use of well-known song for the services of the Commonwealth.

Acohs Pty Ltd v Ucorp Pty Ltd (Federal Court - with Rodney Garratt KC and Peter Wallis) First instance and appeal - breach of copyright in source code and software databases.

Gilbert v J and Facebook Inc (Federal Court – with Will Houghton KC) Injunction – Breach of confidence and breach of copyright in relation to publication of photos on the internet.

Telstra v Phone Directories Company (Federal Court – with David Catterns KC, Ross Macaw KC and Adrian Ryan SC) First instance and appeal - Breach of copyright in the *White Pages* and *Yellow Pages* directories.

Ice TV v Nine Network (High Court – intervening with David Catterns KC and Adrian Ryan SC) Breach of copyright in electronic program guides.

Cadbury Schweppes v Darrell Lea (Federal Court – with Noel Hutley SC and Michael Wyles KC) First instance and appeal – misleading or deceptive conduct and passing off in relation to colour.

ADMINISTRATIVE LAW

Clearview AI v Australian Information Commissioner (AAT) Interference with privacy by collection of images from Australia websites for inclusion in a facial recognition database.

Watson v Australian Electoral Commission (AAT) Registration of political party logo incorporating Eureka flag.

Australian National University v McGary (Federal Court – with Laura Hilly) First instance and appeal – scope of appeal proceedings before university disciplinary committee.

Abdullah v Commissioner, NDIS Quality and Safeguards Commission (ART) Imposition of banning order on unregistered NDIS provider.

Australian College of Theology v Tertiary Education Quality and Standards Agency (AAT) Registration of higher education provider as an Australian University.

Equality Australia v Commissioner of the Australian Charities and Not-for-profits Commission (Federal Court – with Julianne Jaques KC) Registration of a charitable entity as a public benevolent institution.

Australian Pesticides and Veterinary Medicines Authority v Arnica Pty Ltd (Federal Court) Injunction to restrain distribution of unregistered veterinary chemical products.

Migration Agents Registration Authority v Frugtniet (Federal Court –with Tim Begbie KC) First instance and appeal – availability of privilege against exposure to penalties in proceedings before the Administrative Appeals Tribunal.

Martindale ACF Pty Ltd v Australian Aged Care Quality Agency (AAT) Revocation of accreditation as an approved provider of nursing home services under Aged Care Act.

Australian Institute of Professional Education Pty Ltd v Australian Skills Quality Authority (AAT and Federal Court) Cancellation of registration as a provider of vocational education and training and issue of compulsory notice requiring production of information.

Hanlon v Assistant Treasurer and Australian Securities and Investments Commission (AAT) Refusal to register 'pommiebasher' as an offensive business name under Business Names Registration Act.

Cordover v Australian Electoral Commission (AAT) Access to source code of software used to conduct Federal Senate election count under Freedom of Information Act.

Collection Point Pty Ltd v Commissioner of Taxation (Federal Court) First instance and appeal – Obligation to write software to generate computerised records under Freedom of Information Act.

HZXD v Innovation Australia (AAT) Registration of "research and development activities" under Income Tax Assessment Act in relation to software development project.

Memberships

Intellectual Property Society of Australia and New Zealand (IPSANZ)

Volunteer lawyer with the Arts Law Centre of Australia

Victorian Bar - Commercial Bar Association