

## Bruce Caine KC



Bruce Caine KC has specialised in intellectual property law for over 35 years.

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### QUALIFICATIONS

Bachelor of Business (Accounting)  
Bachelor of Laws (Hons)

### CORRESPONDENCE

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### CHAMBERS

Emmerson Chambers  
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### COMMERCIAL LAW

Consumer Law | Equity & Trusts

### INTELLECTUAL PROPERTY

Appellate | Confidential Information | Copyright & Designs | Patents | Trade Marks

Bruce has appeared in some of Australia's leading intellectual property cases. His central areas of expertise include patents, trade marks, copyright, confidential information, consumer protection and other commercial and equity matters.

Bruce frequently appears for and advises major international clients drawn from the pharmaceutical, telecommunications and mining industries. He has extensive experience in both trial and appellate work. Bruce appears chiefly in the Federal Court of Australia, all State Supreme Courts and the High Court of Australia. Bruce also appears before IP Australia in relation to patent and trade mark matters and conducts and appears at mediations.

Bruce is listed in both Doyle's Guide to Leading Victorian Intellectual Property Barristers (2023) and Doyle's Guide to Leading Australian Intellectual Property Barristers (2022), as a pre-eminent senior counsel.

Bruce has been listed in Chambers Intellectual Property: The Bar as a Band 1 practitioner for over 10 years. In 2022, his review read: *"In addition to acknowledging that "he would be counsel of choice in patent matters," interviewees respect him as a "very experienced silk" who is "always across the subject matter and always a pleasure to work with" and who has justifiably maintained his position "at the top of the lists for a long time."*

Bruce is also listed in the Legal 500 Asia-Pacific (2023) as a Leading Silk. His review reads: *" One of the leading IP barristers. Uncanny ability to distil complex matter into elegant submissions."*

Prior to joining the Bar, Bruce was Associate to the Honourable Justice King who was the judge in charge of the Industrial Property List in the Supreme Court of Victoria. He read in the Chambers of Dr John Emmerson KC, one of Australia's pre-eminent IP barristers.

*Liability limited by a scheme approved under the Professional Standards Legislation*

## Recent Cases

### COMMERCIAL AND INTELLECTUAL PROPERTY

*Kraft Foods Group Brands LLC v Bega Cheese Ltd* (on appeal; Special Leave to the High Court refused) (2020) 151 IPR 369

### COPYRIGHT

*State of Escape Accessories Pty Ltd v Schwartz* (at trial and on appeal to the Full Federal Court which is pending) (2020) 156 IPR 199 (copyright in a work of artistic craftsmanship)

*Pokemon Company International, Inc v Redbubble Ltd* (2017) 129 IPR 1 (copyright and consumer protection)

*Barrett Property Group Pty Ltd v Dennis Family Homes Pty Ltd* (2011) 91 IPR 1 (copyright in builder's plans)

### PATENTS

*Mylan Health Pty Ltd v Sun Pharma ANZ Pty Ltd* (at trial and on appeal to the Full Federal Court; Special Leave to the High Court refused) (2019) 138 IPR 402; (2020) 153 IPR 199; [2020] HCASL 234

*Commonwealth Scientific and Industrial Research Organisation v BASF Plant Science GmbH* (2020) 151 IPR 181

*BlueScope Steel Ltd v Dongkuk Steel Mill Co, Ltd (No 2)* (2019) 152 IPR 195

*Dyno Nobel Inc v Orica Explosives Technology Pty Ltd (No 2)* (2019) 148 IPR 442

*Pfizer Ireland Pharmaceuticals v Samsung Bioepis AU Pty Ltd (No 2)* [2019] FCA 657 (ongoing)

*SNF (Australia) Pty Ltd v BASF Australia Ltd* (at trial and on appeal to the Full Federal Court) (2018) 136 IPR 478 ; (2019) 140 IPR 276

*Sanofi-Aventis Deutschland GmbH v Alphapharm Pty Ltd* (2018) 135 IPR 396

*Apotex Pty Ltd v ICOS Corp (No 3)* (2018) 135 IPR 13 (Amendment of the patent)

*F Hoffman-La Roche AG v Sandoz Pty Ltd* (2018) 134 IPR 172

*ESCO Corp v Ronneby Road Pty Ltd* (2018) 131 IPR 1 (on appeal to the Full Federal Court)

*Damorgold Pty Ltd v Blindware Pty Ltd* (2017) 130 IPR 1

*Sandvik Intellectual Property AB v Quarry Mining & Construction Equipment Pty Ltd* (at trial and on appeal to the Full Federal Court) (2016) 118 IPR 421; (2017) 126 IPR 427

*Product Management Group Pty Ltd v Blue Gentian LLC* (on appeal to the Full Federal Court; Special Leave to the High Court refused) (2015) 116 IPR 54

#### TRADE MARKS AND CONSUMER PROTECTION

*Australian Meat Group Pty Ltd v JBS Australia Pty Ltd* (on appeal; special leave to the High Court refused) [2018] FCAFC 207; HCATrans 105 (17 May 2019)

*AFT Pharmaceuticals (AU) Pty Ltd v Reckitt Benckiser (Australia) Pty Ltd (No 3)* [2020] FCA 1352

*Rodney Jane Racing Pty Ltd v Monster Energy Company* (2019) 142 IPR 275

*Lumen Australia Pty Ltd v Frontline Australasia Pty Ltd* (2018) 137 IPR 189 (also included an action under the Circuit Layouts Act 1989 (Cth))

*Mars Australia Pty Ltd v Sweet Rewards Pty Ltd* (2009) 81 IPR 354

*Playcorp Group of Companies Pty Ltd v Peter Bodum A/S* (at trial and on appeal to the Full Federal Court) (2010) 84 IPR 542; (2011) 92 IPR 222

*Dr Martens Australia Pty Ltd v Figgins Holdings Pty Ltd* (1999) 44 IPR 281

*Shape Shopfitters Pty Ltd v Shape Australia Pty Ltd (No 3)* (2017) 124 IPR 435