

## Craig Smith SC



Craig Smith SC practises in commercial law, with a specialisation in intellectual property, contract, Australian Consumer Law and confidential information disputes.

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### QUALIFICATIONS

Bachelor of Engineering (Chemical Engineering) (Hons)  
Bachelor of Laws (Hons)  
Master of Laws

### CORRESPONDENCE

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### CHAMBERS

Douglas Menzies Chambers  
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### COMMERCIAL LAW

Competition | Contractual Disputes | Insurance

### TORT LAW

Professional Negligence

### INTELLECTUAL PROPERTY

Confidential Information | Copyright & Designs | Patents | Trade Marks

Craig has more than 24 years' experience working in these areas, including more than 14 years at the Victorian Bar. He has a Chemical Engineering Degree (Honours, Owen Potter Award for top graduate, Monash University), and frequently acts in proceedings involving technical and scientific subject matter, including chemistry, biotechnology, pharmacology, materials science, mechanics, electronics and physics.

Craig regularly appears in the Federal Court, Supreme Court, County Court, Patents Office and Trade Marks Office.

Before coming to the Bar in 2009, Craig was a Senior Associate at Freehills (now Herbert Smith Freehills), and worked in its litigation and intellectual property groups for 10 years. He also has a Bachelor of Laws (Honours, Monash University), and a Master of Laws (H1 average, University of Melbourne).

He is recommended in intellectual property disputes in guides including Doyles, Chambers & Partners, Legal 500 and Best Lawyers, and is a member of the Law Council of Australia's Intellectual Property Committee.

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## Recent Cases

### PATENTS

*UbiPark Pty Ltd v TMA Capital Australia Pty Ltd* [2023] FCA 885, [2022] FCA 111, acting for technology company to restrain unjustified threats of patent infringement

*Jusand Nominees Pty Ltd v Rattlejack Innovations Pty Ltd* [2023] FCAFC 178, [2022] FCA 540 acting for patentee in patent infringement and revocation proceedings involving mine safety equipment

*Vector Corrosion Technologies Limited v E-Chem Technologies Ltd* [2022] FCA 188, patent entitlement case in relation to steel reinforcing corrosion prevention

*Boehringer Ingelheim Animal Health USA v Intervet International BV* [2022] FCAFC 88, acting for the patent applicant in defending an appeal from an opposition relating to a veterinary formulation (trial and appeal)

*Ariosa Diagnostics, Inc v Sequenom, Inc* [2021] FCAFC 101, (infringement and validity of patent concerning pre-natal diagnosis with cell-free foetal DNA)

*Axent Holdings Pty Ltd v Compusign Australia Pty Ltd* [2020] FCA 1373, acting for the respondents to a patent infringement proceeding

*CSIRO v BASF Plant Science GmbH* [2020] FCA 328, acting for the patent applicant in an appeal relating to an amendment in relation to a biotechnology patent application

### TRADE MARKS

*Seven Network (Operations) Limited v 7-Eleven Inc* [2023] FCA 608, appeal from non-use decision

*Sportsbet v ArcNames (No 2)* [2022] VSC 819, trade mark dispute involving use of domain name, and ACL contraventions

*Gen-Probe Incorporated v Beckman Coulter, Inc* [2022] FCA 194, trade mark opposition appeal relating to medical

device trade mark (settled post-trial)

*Chevron Global Energy Inc v Ampol Australia Petroleum Pty Ltd* [2021] FCA 617, relating to use of unregistered colour mark for service station, and trade marks for fuel cards

*Kraft Foods Group Brands LLC v Bega Cheese Limited* [2020] FCAFC 65, relating to unregistered trade mark rights for peanut butter labelling

#### PATENT AND TRADE MARK OFFICE DECISIONS

Craig has appeared in more than 45 patent and trade mark office hearings, for both applicants and opponents, in relation to a wide range of subject matter, including in particular:

Biotechnology and life sciences: including cases for BASF Plant Science GmbH, Dow AgroSciences LLC, SPeeDx Pty Ltd, Cargill Inc, Branhaven LLC, Ionian Technologies and Meat and Livestock Australia;

Pharmaceuticals and chemistry: including cases for Apotex Pty Ltd, Sandoz, Construction Research and Technology GmbH (part of the BASF Group, Dow AgroSciences LLC and Rio Tinto, Berry Films;

Electrical, physics, mechanical and manufacturing: including cases for Mine Site Technology, Sportsbet, CCL Secure (Innovia), Caterpillar, Fugro Airborne Surveys Corp, Asahi Kasei and Leprino Foods Company.

#### CONTRACT, AUSTRALIAN CONSUMER LAW, REGISTERED DESIGNS, CONFIDENTIAL INFORMATION AND PRODUCT LIABILITY

Craig regularly acts in commercial disputes in the above areas, which has recently included cases involving misleading and deceptive conduct relating to manufacturing equipment, accounting advice, estate agent advice and the supply of defective goods (including diseased animals, products failing and causing fire and welding defects).