CATHERINE BEMBRICK

LLM (Hons) (Cantab), LLB (Hons), BA (Hons) (USyd) Tel: +61 2 8066 6145

Email: catherine.bembrick@5wentworth.com

Admissions

Barrister, New South Wales 2015

(Ludlow's award: highest aggregate mark July 2014 bar exams)

Solicitor, New South Wales and High Court of Australia 2006

Qualifications

University of Cambridge: Master of Laws (Hons I) 2009

- First class honours in each subject: EU Competition Law (first in course), Intellectual Property, International Intellectual Property and International Commercial Litigation.
- Glanville Williams Prize: top Master of Law student Jesus College 2008-2009.
- Sir Peter Gadsden Prize: top Australian Masters student Jesus College 2008-2009.
- Cambridge Commonwealth Trust Bursary recipient.

University of Sydney: Bachelor of Laws (Hons I) 2005 Bachelor of Arts (Hons II.i) 2001

- Honours in Ancient History.
- Scholarship: Bowman Cameron University of Sydney Arts Faculty 1998.

Professional experience

5 Wentworth Chambers Barrister 2015 – ongoing

I regularly advise on and appear in: intellectual property disputes (trade marks, patents, copyright and passing off); employment disputes (adverse action, unfair dismissal and Award contraventions); competition and consumer law matters (including misleading or deceptive conduct); Inquiries and general commercial and equity matters. Recent cases include:

- Counsel in the Inquiry into North Sydney Council, assisting the Commissioner.
- Misleading or deceptive conduct and passing off: Crescent Capital Partners Management Pty Limited v Crescent Funds Management (Aust) Limited [2016] FCA 299 (led by M Darke SC).
- Misleading or deceptive conduct / strike out proceedings: Australian Parking and Revenue Control Pty Ltd v Reino International Pty Ltd [2016] FCA 744 (led by C Burgess).
- Trade marks: Opposition by the Coca-Cola Company to registration of the Colour GREEN in the name of Frucor Beverages Limited [2016] ATMO 38 (led by S Burley SC).
- Commercial dispute / without prejudice privilege: Martin Patrick Dowling v Ultraceuticals Pty Ltd [2016] NSWSC 386 (led by S Lawrance).
- Equity and contract dispute: *The Owners Strata Plan 75602 v Eastmark Holdings Pty Ltd* [2015] NSWSC 1981 (led by F Corsaro SC and E Peden).
- Employment: FWO v Delahill Pty Ltd [2016] Federal Circuit Court (pending) (unled); FWO v ASAP Pty Ltd [2016] – Federal Circuit Court (pending) (unled).

Allens Senior Associate 2011-2015 Solicitor 2006-2011

 Competition and Consumer Group: undertaking general advisory work (Part IV CCA and Australian Consumer Law), merger clearances and regulatory investigations.

- Selected litigation experience:
 - ACCC v Pfizer Australia Pty Ltd [2015] FCA 113 acting for Pfizer Australia in defence of misuse of market power and exclusive dealing allegations.
 - ACCC v Prysmian & Ors [2013] FCA 294 acting for Viscas Corporation (Japanese company) in cartel proceedings, including settlement.
 - Jarra Creek Central Packing Shed Pty Ltd v Amcor Limited [2011] FCA 298 assisting in preparation of Amcor's defence of cartel class action damages claim.
 - Re Medicines Australia [2007] A CompT 4 acting for Medicines Australia Inc seeking review of an ACCC authorisation determination.
- Selected advisory work:
 - Advising clients in a range of industries on the application of the Competition and Consumer Act 2010 (Cth) to distribution arrangements, exclusive dealing, general commercial agreements, potential cartel conduct and regulatory investigations.
 - Advising on the application of the merger control provisions and obtaining ACCC merger clearance in respect of several high profile mergers including Johnson & Johnson's 2012 acquisition of Synthes Inc.

Slaughter and May Associate 2010-2011

- Associate: Competition Group, London (secondment from Allens).
- Selected experience:
 - Acting for major British gas company in an investigation by the UK energy regulator.
 - Advising in Competition Appeal Tribunal proceedings.
 - Lead Associate on three significant OFT merger clearance notifications (including a merger to monopoly).

Inner Temple Trust Pegasus Scholar 2009

- Inner Temple Trust Scholarship three month placement at the London bar: Monckton Chambers, One Essex Court and Charter Chambers.
- Experience includes preparing submissions for the first criminal cartel prosecution brought in the UK (Competition Appeal Tribunal) and advising on breach of confidence matters.

Federal Court Associate to Hon Justice 2007-2008 Bennett AO

 Assisting her Honour on patent, copyright, trade mark, trade practices, administrative, native title, competition and employment law matters.

Other relevant experience

- Chair of the Medicines Australia Code of Conduct Committee and Appeals Committee. The Committee determines whether pharmaceutical companies have breached the Medicines Australia Code of Conduct.
- Reviewer and headnote author for the Intellectual Property Reports: Lexis Nexis.
- Presenter for College of Law CLE series and Legalwise Seminar CPD programme.

Recent publications

- Who has custody of a police officer's goatee? Workplace Review (2015) 6 WR 49.
- Australian Consumer Law: False or Misleading Extended Warranties Representations (March 2015) Law Society Journal.
- Competition and Convergence Regulation: Too much of a good thing? (2012) Communications Law Bulletin 31(2) (co-author Kon Stellios).
- Bumper Crop: Recent port terminal services access undertakings in the wheat access regime (2012) Australian Journal of Competition and Consumer Law 20(1).
- Amendments to the National Access Regime: Incentives to invest or empty words? (2010) *Trade Practices Law Journal* 18(1).