

CATHERINE BEMBRICK

5 Wentworth Chambers

Email: Catherine.Bembrick@5wentworth.com; Tel: +612 8066 6145

Admissions

Barrister , New South Wales (Ludlow's award: highest aggregate mark July 2014 bar exams)	2015
Solicitor , New South Wales and High Court of Australia	2006

Areas of practice

- Competition and Consumer Law.
- Intellectual Property.
- General Commercial Law.
- Employment and Industrial.

Experience

Senior Associate / Solicitor : Allens Linklaters	2006-2015
Associate : Slaughter and May London	2010-2011
Inner Temple Trust Pegasus Scholar : London Bar	2009
Associate to Hon Justice Bennett AO : Federal Court of Australia	2008-2009

I have appeared in matters including:

- Patents:
 - *Voxson Pty Ltd v Telstra Corporation and Others (No 7)* [2017] FCA 267; *Voxson Pty Ltd v Telstra Corporation and Others (No 8)* [2017] FCA 1427 (led by N Murray).
- Trade marks:
 - *Frucor Beverages Limited v The Coca-Cola Company* [2018] FCA 993; *Frucor Beverages Limited v The Coca-Cola Company* [2017] FCA 298 (led by M Darke SC).
 - *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).
- Competition and Consumer:
 - *Crescent Funds Management Pty Ltd v Crescent Capital Partners Management Pty Limited* [2017] FCAFC 2; *Crescent Capital Partners Management Pty Limited v Crescent Funds Management (Aust) Limited* [2016] FCA 299 (led by M Darke SC).
 - *Sola Tube Australia Pty Ltd v Solar Bright International Pty Ltd* [2017] FCCA 657 (led by A Fox).
 - *Australian Parking and Revenue Control Pty Ltd v Reino International Pty Ltd* [2016] FCA 744 (led by C Burgess).
 - *ACCC v Pfizer Australia Pty Ltd* [2015] FCA 113 (represented Pfizer as a solicitor).

- *Re Medicines Australia* [2007] A CompT 4 (represented Medicines Australia as a solicitor).
- Employment and industrial:
 - *FWO v Delahill Pty Ltd & Anor* [2018] FCCA 3629 (unled).
 - *FWO v Australian Sales & Promotions Pty Ltd & Anor* [2016] FCCA 2804 (unled).
- Commercial and contract:
 - *Smartpay Australia Pty Ltd v Auscabs Payment Solution Pty Ltd* [2016] Supreme Court of NSW, unreported (unled).
 - *Dowling v Ultraceuticals Pty Ltd* [2016] NSWSC 386 (led by S Lawrance).
 - *The Owners – Strata Plan 75602 v Eastmark Holdings Pty Ltd* [2015] NSWSC 1981 (led by F Corsaro SC and E Peden).
- Commissions and Inquiries:
 - Counsel in the 2016 Inquiry into North Sydney Council, assisting the Commissioner (led by E Raper).

Advisory experience includes advising clients on:

- the *Competition and Consumer Act 2010* (Cth) and its application to distribution arrangements, exclusive dealing, general commercial agreements and potential cartel conduct;
- the Australian Consumer Law including the prohibitions on misleading or deceptive conduct and consumer guarantees;
- merger authorisations and obtaining ACCC clearance;
- the first criminal cartel prosecution brought in the UK;
- breach of confidence matters;
- restraint of trade;
- patent, trade mark and copyright;
- breach of contract; and
- employment and industrial matters, including accessorial liability re same.

Qualifications

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

- Glanville Williams Prize: top Master of Laws student Jesus College 2008-2009.
- Sir Peter Gadsden Prize: top Australian Masters student Jesus College 2008-2009.
- Cambridge Commonwealth Trust Bursary recipient.

Bachelor of Laws (Hons I); 2005

Bachelor of Arts (Hons II.i), University of Sydney 2001

- Client negotiation and witness examination finalist 2003, 2004.
- Honours in Ancient History.
- Scholarship: Bowman Cameron University of Sydney Arts Faculty 1998.

Other relevant experience

- Chair of the Medicines Australia Code of Conduct Committee and Appeals Committee. Medicines Australia is the Australian prescription pharmaceuticals industry body and the Committee determines whether pharmaceutical companies have breached the Medicines Australia Code of Conduct.
- University of Sydney Law Extension Committee casual academic lecturer in Evidence law.
- Headnote author for the Intellectual Property Reports.
- Headnote author for the New South Wales Law Reports.

Memberships

- New South Wales Bar Association.
- Intellectual Property Society of Australia and New Zealand.

Select publications

- Has the Bar been raised? Standard of proof in patent opposition proceedings (2016) 107 *Intellectual Property Forum* 67: C Cochrane and C Bembrick.
- Who has custody of a police officer's goatee? *Workplace Review* (2015) 6 WR 49: C Bembrick.
- Australian Consumer Law: False or Misleading Extended Warranties Representations (March 2015) *Law Society Journal*: C Bembrick.
- Competition and Convergence Regulation: Too much of a good thing? (2012) *Communications Law Bulletin* 31(2): K Stellios and C Bembrick.