



## MEHER GAVEN

### Curriculum Vitae

**Chambers:** 5 Wentworth  
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**Education:** LLB, NSW University  
BVA (Bachelor of Visual Arts), Sydney University (SCA)

### LEGAL CAREER

**2012:** Admitted as a Barrister NSW

**2000:** Admitted as an Australian Lawyer

### OVERVIEW OF CAREER

Since her admission as a solicitor in 2000, Meher has acted for both government and private clients. Meher's private practice as a solicitor was principally in commercial litigation and included intellectual property disputes and contractual and consumer claims. Meher's government practice focused on Commonwealth enforcement action and included service to the ACCC, IP Australia, the Department of Human Services, the National Industrial Chemicals Notification and Assessment Scheme and the Companies Auditors Liquidators and Disciplinary Board. Meher also undertook a secondment at the Arts Law Centre of Australia. As a senior litigator at the Australian Government Solicitor, Meher acted in a number of high profile litigation matters including:

- 'Air cargo' cartel proceedings commenced by ACCC – Involvement in investigation and proceedings brought against numerous airlines.
- *ACCC v Cabcharge Australia Ltd* [2010] FCA 1261– Misuse of market power case against Cabcharge - Assisted with evidence gathering for Newcastle taxi drivers.

- *ACCC v Visy Industry Holdings Pty Ltd* [2007] FCA 1617 – Assisted with trial preparation and was a recipient of the AGS Australia Day Award for that matter.
- *ACCC v Personalised Chocolates 4 U Pty Ltd* [2010] FCA 709 – Proceedings alleging breaches of Part V of the Trade Practices Act (as it was then) and breaches of the Franchising Code of Conduct. Matter was resolved by consent judgment.
- *Alphapharm Pty Ltd v H Lundbeck A/S (No 2)* [2008] FCA 1036 – Appeared for Commissioner of Patents on question of statutory construction of *Patents Act*.

Meher was also an associate to Justice Wilcox in the Federal Court in 2005 and 2006 obtaining experience in a variety of areas of law including intellectual property, trade practices, administrative law and employment law. Justice Wilcox delivered a number of significant judgments during this time, such as *Universal Music Australia Pty Ltd v Sharman License Holdings Ltd* [2005] FCA 1242 and *Nikolich v Goldman Sachs JB Were Services Pty Ltd* [2006] FCA 784.

Since coming to the Bar in 2012, Meher has continued to build her practice in commercial litigation and intellectual property. She acts for corporate, government, not-for-profit organisations and individual clients. As a Barrister her main areas of practice are:

General Commercial  
 Intellectual Property  
 Competition and Consumer law  
 Corporations  
 Employment law  
 Administrative law  
 Equity

#### **CURRENT OR RECENT RETAINERS AS A BARRISTER**

- *Cantarella Bros Pty Limited v Charles du Bois & Ors* – Briefed to appear for the Applicant (led by Michael Green SC) in Federal Court proceedings alleging misuse of confidential information, infringement of copyright and contraventions of the *Corporations Act*.
- *AbbVie Biotechnology v Commissioner of Patents* – Briefed to appear for the Commissioner (led by Christian Dimitriadis SC) in proceedings in the Administrative Appeals Tribunal regarding an appeal from the Commissioner’s decision to refuse an extension of time pursuant to section 70 of the *Patents Act*.
- *Australian Writers’ Guild Ltd and Australian Writers’ Guild Authorship Collecting Society Limited v Audio-Visual Copyright Society Ltd* - Briefed to appear for the Applicants (led by Chris Ronalds SC) in Federal Court proceedings related to a copyright collecting society dispute with claims alleging breach of trust and

misleading or deceptive conduct.

- *LG Electronics Australia Pty Limited v Dyson Appliances (Aust) Pty Ltd* – Briefed to appear for the Applicant (led by Michael Hall SC) for injunctive relief arising out of alleged contraventions of section 18, 29(1)(a) and 33 of the *Australian Consumer Law*. The matter was resolved by consent judgment.
- Briefed to appear for an Appellant (led by David Bennett AC QC) in a Supreme Court appeal arising out of a Legal Profession Admission Board’s decision to refuse an application for re-admission as a lawyer.
- *Tiles Sydney Pty Ltd v J2 Pty Ltd and Anor* – Briefed to advise and appear (unled) for the Defendants in Supreme Court proceedings seeking injunctive relief arising out of alleged trade mark infringement. The matter was resolved by consent judgment.

### **SELECT APPEARANCES**

- *Horticulture Innovations Australia Ltd v Westley* [2015] NSWSC 1292 – Appeared (unled) for twelve interested parties with leave to appear granted in relation to the question of whether the plaintiff should be allowed to trace monies held in Court in circumstances where the interested parties were owed monies by the Defendant.
- *Apple Inc v Register of Trade Marks* [2014] FCA 1304 – Appeared for Register of Trade Marks in Federal Court proceedings involving an appeal under s 35 of the *Trade Marks Act 1995* (Cth) from a decision of the Registrar of Trade Marks to reject Apple’s application for the ‘APP STORE’ trade mark (led by Julia Baird, SC).
- *Preece v Preece* [2014] FCCA 1647– Bankruptcy proceedings – appeared for creditor (unled); also appeared in relation to interlocutory hearings on appeal to the Federal Court of Australia. Also briefed to appear on the appeal to the Federal Court (unled) with the appeal being withdrawn on the day it was to be heard.
- *Dynamite Games Pty Limited v Aruze Gaming Australia Pty Limited* [2013] FCAFC 96 – Appeared for respondent to Full Court appeal concerned with the validity and infringement of a standard patent and an innovation patent relating to electronic gaming machines (led by Tony Bannon SC and Neil Murray).
- *Margan v Australian Human Rights Commission & Ors* [2013] FCA 612 – Appeared for State of NSW (unled) on the hearing of an application for leave to appeal.
- *John Christopher Burke v Inspector-General in Bankruptcy* [2014] FCAFC 112 – Appeal concerned with statutory construction of provisions of *Bankruptcy Act* (led by Michael Heath).

- ICAC Inquiry into NSW public sector concerning allegations relating to mining exploration licences (led by Hugh Stowe).
- *Mylan v Health Services Union NSW* [2013] FCA 190 – Appeared for respondent in matter involving summary dismissal of proceedings commenced under the *Fair Work Act* (led by Hugh Stowe).
- *Brasco Australia Pty Ltd v Chris Papantoniou* (unpublished) – Summary judgment obtained (unled).
- Appeared for Coles Supermarket Pty Ltd (unled) in an interlocutory application for costs with indemnity costs awarded for costs arising out of compliance with a subpoena in Federal Court proceedings.
- Numerous appearances (unled) in the Federal Court and Supreme Court.

#### **MEMBERSHIPS**

- Intellectual Property Society of Australia and New Zealand
- Copyright Society of Australia
- NSW Bar Association