



Friday, 20 December 2019

## Weekly Intellectual Property Law A Weekly Bulletin listing Decisions of Superior Courts of Australia covering Intellectual Property Law

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### Executive Summary (1 minute read)

**Chhabra v McPherson as Trustee for the McPherson Practice Trust (FCAFC)** - copyright - artistic works - dismissal of copyright infringement claim - appeal dismissed

**BlueScope Steel Limited v Dongkuk Steel Mill Co., Ltd (No 2) (FCA)** - patent - applicant contended respondent infringed 'various claims' of patents of which applicant was registered proprietor - no infringement by respondent - respondent succeeded in part on contention of invalidity in respect of claims - applicant's interlocutory application to amend patent dismissed

# Benchmark

## Summaries With Link (Five Minute Read)

### **Chhabra v McPherson as Trustee for the McPherson Practice Trust [2019] FCAFC 228**

Full Court of the Federal Court of Australia

Greenwood, Charlesworth & Burley JJ

Copyright - respondents were law firm partners - appellants claimed respondents used 'logos and the Kaden Boriss name' under 'bare licence revocable at will' - appellants claimed they revoked licence and that respondents had, by subsequent use of the logos and the Kaden Boriss name, infringed 'copyright subsisting in the artistic works' - appellants also contended respondent had 'engaged in passing off and contravened the Australian Consumer Law' - primary judge dismissed appellants' originating application - appellants challenged primary judge's rejection of their claim of infringement of copyright - whether first appellant was copyright's 'sole owner' - whether first appellant as 'co-owner' of copyright could revoke licence independently - whether licence revocable at will - whether licence was revoked - *Copyright Act 1968 (Cth)* - *Copyright (International Protection) Regulations 1969 (Cth)* - held: appeal dismissed.

[Chhabra](#)

[From Benchmark Tuesday, 17 December 2019]

### **BlueScope Steel Limited v Dongkuk Steel Mill Co., Ltd (No 2) [2019] FCA 2117**

Federal Court of Australia

Beach J

Patent - applicant contended respondent infringed 'various claims' of '257 Patent' and '258 Patent' (Patents) - applicant was Patents' registered proprietor - applicant contended respondent, without applicant's 'licence or authority', 'imported and authorised other persons to offer for sale, sell and supply in Australia' a product which infringed Patents - respondent denied infringement - respondent contended applicant 'made unjustified threats' concerning 'alleged infringing conduct' - respondent also sought revocation of Patents in relation to various claims on basis the claims were invalid - applicant, by interlocutory application, also sought to amend 257 Patent ('amendment application') - whether claims failed 'to disclose the best method' - *Patents Act 1990 (Cth)* - held: applicant's claims of infringement failed - 'asserted claims' of 257 Patent' and some asserted claims of 258 Patent invalid - amendment application refused.

[BlueScope Steel](#)

[From Benchmark Friday, 20 December 2019]



# Benchmark

**Out there**

**By:** Rev David Conolly

So big, that sea  
out there.

So big.

Stopped in your tracks,  
silence claims you.

What is it, child of Mary?

Could it be that, in your  
sunny spirit of  
adventure,  
you sense  
the sudden passing  
of a shadow?

But the dream  
of a world  
of peace,  
healed by love,  
could remain

just that  
a dream.

Unless  
you step,  
bravely  
and surely,  
to where  
we're waiting.

Out there.

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