



**BENJAMIN
CAMERON**

Barrister

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**ADMISSIONS AND
QUALIFICATIONS**

Barrister: 2018

Solicitor: 2006

University of Sydney, Bachelor of Law (Hons 1) (2004)

University of Sydney, Bachelor of Arts (majoring in History and Government) (2000)

EXPERIENCE

2018-2020

Barrister, NSW Bar

Appearing led and unled in the Federal Court of Australia, and NSW Supreme Court, as junior Counsel in the NSW Court of Appeal, Land and Environment Court and AAT, and unled in the Local Court, as well as acting in various mediations.

Acting as Counsel in proceedings concerning patents, trademarks, designs, copyright, misleading / deceptive conduct, unconscionable conduct, defamation, taxation, judicial review, representative proceedings, breaches of contract, and breaches of fiduciary duty.

2019,

Lecturer, University of Sydney Law Extension Committee / LPAB,
lecturing in copyright and designs law.

2012 - 2018

Herbert Smith Freehills, Sydney, Senior Associate

Acting as a leading Senior Associate in a range of major litigation including Apple v Samsung, Anchorage Capital Partners v ACPA, Networks NSW merits review and judicial review proceedings.

2009 - 2012,

Herbert Smith, London, Solicitor,

Working in Litigation including major commercial cases in sectors including financial services, resources, retail, property development and international trusts, with UK and global clients.

2005 - 2008

Freehills, Sydney, Solicitor,

Working in intellectual property, commercial litigation and corporate (mergers and acquisitions, private equity).

CLIENT SECONDMENTS

2017

Tabcorp Limited, Sydney, providing legal and regulatory advice in the Financial Crime Regulatory team.

2011

Standard Chartered PLC, London, acting as legal advisor in Standard Chartered's global banking material litigation team, advising on major disputes in the UK, Sri Lanka, Singapore, Malaysia and Pakistan and other jurisdictions.

2005

Aristocrat Leisure Limited, Sydney, acting as legal advisor in Aristocrat's intellectual property team.

AWARDS

First Class Honours, Sydney University Law School.

Pitt Corbett Law Scholarship, Sydney University.

Walter Reid Scholarship, Sydney University.

Aspinal Kemp Law Scholarship, St Paul's College, Sydney University.

Cannington Law Scholarship, St Paul's College, Sydney University.

Foundation Scholarship, St Paul's College, Sydney University

PUBLICATIONS

International Patent Litigation (2nd Edition) (forthcoming) – co-author of Australian chapter.

“The Right of Publicity”, *Australian Intellectual Property Law Bulletin*, 2014, Volume 27, No. 1, 3-8.

“Applying the Designs Act 2003: Multisteps in the right direction”, 2013, co-authored with Stuart Irvine.

SELECTED RECENT CASES

Acting as junior Counsel, led by Peter Brereton SC and Christopher Withers, for the class plaintiffs in NSW Supreme Court Equity Division proceedings *Epaminondas Mastoris v DSHE Holdings Limited (receivers and managers appointed) (in liquidation)* 2018/52431 and *Haliburton Charles David Findlay v DSHE Holdings Limited (receivers and managers appointed) (in liquidation)* 2017/294069 concerning the collapse of the **Dick Smith** group of companies.

Acting as junior Counsel, led by Katherine Richardson SC, for the **Secretary of the Department of Planning and Environment** in judicial review proceedings brought pursuant to the *Environmental Planning and Assessment Act 1979* (NSW), resulting in the decision *Wirrabara Village Pty Limited v The Secretary of the Department of Planning and Environment* [2018] NSWLEC 138.

Acting as junior Counsel, led by Michael Elliott SC, for **JustCapital Portfolio Pty Ltd** in NSW Supreme Court Equity Division

proceedings concerning contested payments following class action settlements, resulting in the decision *Smith v Australian Executor Trustees Limited (No 5)* [2019] NSWSC 751.

Acting as junior Counsel, led by Tiffany Wong, for the **Legal Services Commissioner** in an appeal brought in the Court of Appeal, resulting in the decision *Livers v Legal Services Commissioner* [2018] NSWCA 319.

Acting as junior Counsel, led by Robert Dick SC and Christopher Withers, for **Iluka Resources Limited** in Federal Court proceedings NSD576/2018, *James Bonham as trustee for Aucham Super Fund v Iluka Resources Ltd*, being representative proceedings concerning losses alleged to have arisen from market announcements.

Acting as junior Counsel, led by Sandy Dawson SC, for **Ms Emma Husar**, former Federal Member for Lindsay, in Federal Court defamation proceedings NSD2254/2018, *Emma Jane Husar v Buzzfeed Pty Ltd & Others*.

Acting as junior Counsel, led by Anthony McInerney SC and Sinclair Gray, for plaintiffs in NSW Supreme Court Equity Division Commercial List proceedings 2018/00392208, *Lesley Lena Bridge and Others v Anthony Sean Keogh and Others*, concerning misleading or deceptive conduct and breaches of fiduciary duty.

Acting as junior Counsel, led by Kristina Stern SC and Chloe Burnett, for an applicant financial institution in Administrative Appeals Tribunal proceedings brought against Innovation and Science Australia concerning research and development taxation concessions.

Acting as Counsel for **Gulf Integrated Solutions Pty Ltd** and other respondents in Federal Court proceedings NSD2216/2018, **Gulf Conveyor Systems Pty Ltd v Gulf Integrated Solutions Pty Ltd and Others**, concerning allegations of misleading or deceptive conduct, unconscionable conduct and breaches of contract.

Acting as Counsel for **Polarcus Seismic Ltd** and other respondents in Federal Court proceedings NSD2158/2018, *PGS Australia Pty Ltd v Polarcus Seismic Ltd and Others*, concerning allegations of patent infringement.

Acting as Counsel for the plaintiff in Supreme Court proceedings 2018/00192692, *Ingram v Burmeister*, concerning the contested appointment of statutory trustees.

Acting as junior Counsel, led by Michael Green SC and Beth Oliak, for the plaintiff in Federal Court proceedings NSD1267/2017, *John*

Hood v Bush Pharmacy Pty Ltd and related proceedings, concerning allegations of patent infringement, trade mark infringement and misleading or deceptive conduct.

Acting as junior Counsel, led by Ruth Higgins SC, Robert Yezerski and Peter Strickland, for a Commonwealth regulator in relation to an investigation.

As a solicitor

Acting for **Tabcorp Limited** in relation to the first civil penalty prosecution under the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) brought by the Australian Transaction Reports and Analysis Centre (AUSTRAC) in the Federal Court of Australia.

Acting for **Apple Limited and Apple Australia** in multiple sets of Federal Court of Australia proceedings with Samsung Electronics Co. Limited concerning allegations of patent infringement, design infringement, and breaches of the Competition and Consumer Act 2010 (Cth), including successfully acting for Apple in relation to Samsung's appeal to the Federal Court of Australia Full Court on the issue of relying on additional evidence (*Samsung Electronics Co. Limited v Apple Inc.* [2013] FCAFC 138).

Acting for **Anchorage Capital Group L.L.C. and ACPA Pty Ltd** in defending proceedings alleging trade mark infringement, misleading and deceptive conduct and passing off, including obtaining indemnity costs. Advised and acted for the respondents in their successful response to the Applicant's appeal to the Federal Court of Australia Full Court appeal. (*Anchorage Capital Partners Pty Limited v ACPA Pty Limited (No 2)* [2014] FCA 1165, *Anchorage Capital Partners Pty Limited v ACPA Pty Limited (No 3)* [2015] FCA 1436, *Anchorage Capital Partners Pty Limited v ACPA Pty Limited (No 4)* [2016] FCA 218, *Anchorage Capital Partners Pty Limited v ACPA Pty Ltd* [2018] FCAFC 6).

Acting for **Ausgrid, Endeavour Energy and Essential Energy** in successful merits review proceedings before the Australian Competition Tribunal concerning regulatory revenue determinations by the Australian Energy Regulator. Also advised and acted on applications by the Australian Energy Regulator to the Federal Court of Australia Full Court seeking judicial review of the Australian Competition Tribunal's decisions (decision reserved). (*Applications by Public Interest Advocacy Centre Ltd and Ausgrid* [2016] ACompT 1, *Applications by Public Interest Advocacy Centre Ltd and Endeavour Energy* [2016] ACompT 2, and *Applications by Public Interest Advocacy Centre Ltd and Essential Energy* [2016] ACompT 3).

Acting for **Cantarella Bros. Pty Ltd** in Federal Court of Australia proceedings concerning breach of confidence, copyright

infringement, breach of contract and contraventions of the Corporations Act 2001 (Cth), including urgent interlocutory proceedings which successfully obtained an interlocutory injunction. (*Cantarella Bros. Pty Ltd v Du Bois* [2016] FCA 1115).

Acting for **Cantarella Bros. Pty Ltd** in Australian Patent Office and Federal Court of Australia proceedings opposing patent applications by a number of parties.

Acting for a **major pharmaceutical company** in Federal Court of Australia proceedings for patent infringement, including urgent interlocutory proceedings which successfully obtained an interlocutory injunction.