

John Hennessy SC

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Mr Hennessy is recognised as one of Australia's leading intellectual property silks according to Chambers & Partners, Doyle's Guide to the Australian Legal Profession and World Trademark Review. He regularly appears in the Federal Court of Australia, both at first instance and on appeal, and has appeared in a number of leading intellectual property cases in the High Court of Australia. He also appears in the Australian Patent Office, the Australian Trade Marks Office, the Copyright Tribunal of Australia and in arbitral proceedings.

Practice areas include: patents, trade marks, copyright, designs, passing-off, confidential information, trade names and misleading advertising, and all other aspects of intellectual property; broadcast and media; information technology; and telecommunications.

Admissions

- Admitted to the Bar: 1997
- Appointed Senior Counsel: 2011

Memberships of professional associations

- Intellectual Property Society of Australia and New Zealand
- Copyright Society of Australia
- Chartered Institute of Arbitrators
- Bar Association of New South Wales
- Bentham Club, University of London

Appointments

- Member of Federal Court of Australia Patent User Group Committee
- Member of Federal Court of Australia IP User Group Committee
- Member of Copyright Tribunal of Australia User Group
- Director of Tenthfloor Chambers Limited

Education

- B.Ec; LLB; LLM (Lond)

Clients

Clients for whom Mr Hennessy regularly appears include: inventors, manufacturers, pharmaceutical and technology companies, film studios and production companies, television and radio broadcasters, internet service providers, software designers, content providers, record companies, print publishers, regulatory authorities and industry associations.

Selection of cases

Broadcast and media: *Re Phonographic Performance Company of Australia* (2016) 117 IPR 540; *Re Phonographic Performance Company of Australia Ltd* (2015) 114 IPR 316; *Today FM (Sydney) Pty Ltd v Australian Communications & Media Authority* (2014) 218 FCR 461; *Phonographic Performance Company of Australia Ltd v Commercial Radio Australia Ltd* (2013) 209 FCR 331.

Confidential information: *Aristocrat Technologies Australia Pty Ltd v Ainsworth Game Technology Limited* [2018] FCA 1511; *SAI Global Property Division Pty Ltd v Richard Jones* [2018] NSWSC 438; *Kafataris v Davis* (2014) 109 IPR 29.

Copyright: *Universal Music Australia Pty Ltd v TPG Internet Pty Ltd* (2018) 126 IPR 219; *Roadshow Films Pty Ltd v Foxtel Management Pty Ltd* (2017) 122 IPR 81; *Roadshow Films Pty Ltd v iiNet Ltd* (2012) 248 CLR 42; *National Rugby League Investments Pty Ltd v SingTel Optus Pty Ltd* (2012) 201 FCR 147; *Aristocrat Technologies Australia Pty Ltd v Global Gaming Supplies Pty Ltd* (2010) 84 IPR 222; *IceTV Pty Ltd v Nine Network Australia Pty Ltd* (2009) 239 CLR 45.

Passing-off: *Change Group International Plc v City Exchange Mart Pty Ltd* [2013] FCA 1048; *Primary Health Care Ltd v Australian General Practice Network Ltd* [2010] FCA 239; *Zip Heaters (Australia) Pty Ltd v Culligan Australia Pty Ltd* [2009] FCA 278.

Patents: *H Lundbeck A/S v Sandoz Pty Ltd* (2019) 137 IPR 408; *Australian Mud Company Pty Ltd v Coretell Pty Ltd* (2018) 134 IPR 359; *Asia Pacific Trading (Aust) Pty Ltd v Doric Products Pty Ltd*; *Universal Solar and Surface Science Pty Ltd v Hills Holdings Ltd* NSD 983/2013; *Coretell Pty Ltd v Australian Mud Company Pty Ltd* (2017) 250 FCR 155; *Kafataris v Davis* (2016) 120 IPR 206; *Australian Mud Company Pty Ltd v Coretell Pty Ltd* (2014) 106 IPR 49; *Regency Media Pty Ltd v MPEG LA, LLC* (2014) 231 FCR 588; *MPEG LA, LLC v Regency Media Pty Ltd* (2014) 105 IPR 202; *Kafataris v Davis* (2014) 109 IPR 29.

Trade Marks: *Calico Global Pty Ltd v Calico LLC* (2019) 140 IPR 72; *Bohemia Crystal Pty Ltd v Host Corporation Pty Ltd* (2018) 129 IPR 482; *Aristocrat Technologies Australia Pty Ltd v Global Gaming Supplies Pty Ltd* (2016) 329 ALR 522; *Veda Advantage Ltd v Malouf Group Enterprises Pty Ltd* (2016) 241 FCR 161; *Primary Health Care Ltd v Commonwealth* (2016) 117 IPR 73; *Allam v Aristocrat Technologies Australia Pty Ltd* (2012) 95 IPR 242; *Optical 88 Limited v Optical 88 Pty Ltd* (2011) 197 FCR 67.

Trade names and misleading advertising: *Energizer Australia Pty Ltd v Procter & Gamble Australia Pty Ltd* [2016] FCA 347; *Samsung Electronics Australia Pty Ltd v LG Electronics Australia Pty Ltd* (2015) 113 IPR 11; *Sandfire Resources Limited v CAER* [2014] FCA 1173; *Primary Health Care Ltd v Australian General Practice Network Ltd* [2010] FCA 239.

Rankings

Mr Hennessy is named in Band 1 of Chambers & Partners 2023 Asia-Pacific Guide for Intellectual Property. Doyle's Guide 2023 has listed Mr Hennessy as Leading Technology, Media & Telecommunications Senior Counsel and Recommended Intellectual Property Senior Counsel. Mr Hennessy is recognised in Best Lawyers Australia 2024 for his work in Intellectual Property Law. Legal 500 also recognises Mr Hennessy as a Band 1 Leading silk in the areas of Technology, Media & Telecommunications and Intellectual Property.