Neil Murray SC

Barrister

Tenth Floor Chambers

Wentworth/Selborne Chambers, 10/180 Phillip Street, Sydney, NSW, 2000
T: +61 2 9222 1271 **E**: murray@tenthfloor.org **W**: www.tenthfloor.org

---

Silk since 2018. Barrister since 2004. Admitted as a legal practitioner in 1998.

Areas of practice

All areas of intellectual property and related fields, including:

- patents
- trade marks
- copyright
- *Australian Consumer Law* and passing off
- confidential information
- administrative law, particularly reviews of decisions of the Copyright Tribunal of Australia, the Commissioner of Patents and the Registrar of Trade Marks

Description

Neil appears for and advises clients across a range of industries including pharmaceuticals (generic, biosimilar and originator), engineering, mining, information technology, telecommunications, music, consumer goods, liquor, gaming, finance and local government. He represents clients in the Federal Court of Australia at trial and on appeal; the High Court of Australia; the Supreme Court of New South Wales; the Trade Marks Office; the Patents Office; the Copyright Tribunal; and at mediations.

His chambers are in Sydney, but he appears in cases in Melbourne, Canberra, and other Australian cities. His cases are often part of multinational litigation, involving the United States of America, the United Kingdom and/or Europe.

Before joining the Bar, he was a senior associate specialising in intellectual property disputes in a leading Australian-based multinational law firm. He is a member of the Intellectual Property and Federal Court Liaison Committees of the Law Council of Australia, the Intellectual Property Society of Australia and New Zealand and the Copyright Society of Australia.

Recommendations

Chambers & Partners
Global Guide 2026
Asia-Pacific Guide 2026
Band 1

Lexology Index (formerly Who's Who Legal)
2026
Global Elite Thought Leader Patents and Trade Marks
Thought Leader – Patent Litigation

LIABILITY LIMITED BY A SCHEME APPROVED UNDER PROFESSIONAL STANDARDS LEGISLATION

Doyle's Guide to the Australian Legal Profession:
Leading intellectual property senior counsel, New South Wales, 2026
Recommended intellectual property senior counsel, Australia, 2026

Listed in "*Best Lawyers*" survey, 2010-2027 - intellectual property.

Selected cases

Patents

Apotex v sanofi-aventis (leflunomide); High Court of Australia, patentability of methods of treatment and infringement of patent for a new medical use of known drug.

Northern Territory v Collins; High Court of Australia, (the leading case on statutory indirect infringement)

AstraZeneca v Apotex (rosuvastatin); High Court of Australia, construction and application of ss 7(2), (3) of the Patents Act 1990 (obviousness), on appeal from a five-judge bench of the Full Federal Court.

Aktiebolaget Hassle v Alphapharm (omeprazole); (as instructing solicitor), High Court of Australia, seminal case on obviousness.

Mylan Health v Sun Pharma (fenofibrate); Full Federal Court, five-judge bench, multiple grounds of invalidity in respect of 3 pharmaceutical patents.

Regeneron Pharmaceuticals v Sandoz (aflibercept), Full Federal Court, appeal against refusal to grant interlocutory injunction (settled while appeal judgment reserved).

Dyno Nobel v Orica, Full Federal Court, 4-day appeal following a 4-week trial, involving 4 patents for methods of mining.

Rakman International v Boss Fire & Safety; Full Federal Court, novelty, innovative step, unjustified threats, misleading and deceptive conduct in alleging infringement.

Warner-Lambert v Apotex (pregabalin); Full Federal Court, first appellate decision on whether application for listing on the Pharmaceutical Benefits Scheme constitutes patent infringement.

Idenix Pharmaceuticals v Gilead Sciences (sofosbuvir), Full Federal Court, sufficiency, fair basis, utility and novelty issues in respect of a patent for nucleoside compound for treating hepatitis-C.

Bristol-Myers Squibb Co v Apotex (aripiprazole); Full Federal Court, construction, novelty and obviousness of patent claims to a polymorph of a known compound and test for exclusive licence under *Patents Act 1990*.

Dynamite Games v Aruze Gaming Australia; Full Federal Court, inventive step and innovative step for standard and innovation patents concerning gaming machines.

SNF (Australia) v Ciba Specialty Chemicals Water Treatments; Full Federal Court, validity and infringement of patents concerning treatment of mining waste.

Les Laboratoires Servier v Apotex (perindopril arginine); Full Federal Court, obligation on patentee to describe best method, false suggestion, form of declaratory relief, patent amendment.

Les Laboratoires Servier v Apotex (perindopril erbumine); Full Federal Court, patent amendment.

Samsung Electronics v Apple Inc; Full Federal Court, principles of interlocutory injunctions.

AstraZeneca v Pharmacor (dapagliflozin), Federal Court of Australia, successfully obtained interlocutory injunction (only the 2nd in Australia for a pharmaceutical patent in previous 8 years); trial pending.

Apple Inc v Samsung Electronics; Federal Court of Australia, patent infringement and validity of over 20 patents concerning touch screen devices, heard by two judges concurrently over nearly four months.

Copyright

Roadshow Films v iiNet; Full Federal Court, liability of ISP for copyright infringement by users of BitTorrent.

EMI Songs v Larrikin Music Publishing; Full Federal Court, the Kookaburra Sits in the Old Gum Tree/Down Under case.

National Rugby League v Optus; Full Federal Court, extent of time-shifting exception and liability for provision of online television recording service.

Aristocrat Technologies Australia v DAP Services (Kempsey); Full Federal Court, damages for copyright infringement.

Universal Music v Sharman License Holdings; Federal Court of Australia, liability of providers of Kazaa software for copyright infringement by users.

AGL Energy v Greenpeace Australia Pacific; parody defence to alleged copyright infringement.

Trade Marks/misleading and deceptive conduct/passing off

Campomar Sociedad Limitada v Nike International Inc; High Court of Australia (as instructing solicitor), removal of trade marks from the Register and principles concerning misleading and deceptive conduct under the *Trade Practices Act 1974*, now the *Australian Consumer Law*.

Energy Beverages LLC v Cantarella Bros; Full Federal Court, appeal from Trade Marks Office and trial judge from opposition to registration of trade mark, consideration of scope of goods claimed in the application.

Martin & Pleasance v A Nelson & Co; Full Federal Court, appeal against grant of interlocutory injunction arising from alleged trade mark infringement and misleading and deceptive conduct.

AFT Pharmaceuticals v Reckitt Benckiser; Full Federal Court, misleading and deceptive conduct claims in relation to pharmaceutical advertising and whether claims had adequate scientific foundation.

E & J Gallo Winery v Lion Nathan Australia; Full Federal Court, removal of trade mark from Register for non-use and trade mark infringement.

AFT Pharmaceuticals v Reckitt Benckiser; Federal Court of Australia, further case between these parties about whether adequate scientific foundation for claims made in pharmaceutical advertisements.

Shape Shopfitters v Shape Australia; Federal Court of Australia, action under the *Australian Consumer Law* and the *Trade Marks Act*.

Gain Capital v Citigroup; Federal Court of Australia, appeal from a decision of a delegate of the Registrar of Trade Marks.