

Lucy Louise McGovern

Email: mcgovern@tenthfloor.org

Telephone: +61 (0)2 9232 4609

EDUCATION

2010 - 2014	Master of Economics, University of Sydney, Double Major: Econometrics and Economics
2004 - 2008	Bachelor of Laws (Honours), University of Sydney
2004 - 2006	Bachelor of Arts, Double Major: English and Philosophy, University of Sydney

ADMISSIONS

2011	High Court of Australia, Federal Court of Australia
2010	Supreme Court of New South Wales

BARRISTER, TENTH FLOOR CHAMBERS

Called to the Bar in 2016. Accepting commercial briefs in matters including intellectual property, trade practices, taxation, commercial, equity, regulatory, financial services, and construction law. Cases include:

Intellectual property and trade practices

- *Voxson Pty Ltd v Telstra Corporation Ltd & Ors* Federal Court proceedings NSD 2556 of 2013 and NSD 2436 of 2013 (patent infringement claim in relation to GPS and video conferencing technologies) led by Tony Bannon S.C. and Cynthia Cochrane, instructed by Allens Linklaters (settled)
- *Voxson Pty Ltd v Telstra Corp Ltd (No 10)* [2018] FCA 376 (evidence) – led by Cynthia Cochrane, instructed by AllensLinklaters
- *Voxson Pty Ltd v Telstra Corp Ltd (No 9)* [2018] FCA 227 (practice and procedure, inclusion of questions for experts' conclave) – led by Cynthia Cochrane, instructed by AllensLinklaters
- *Voxson Pty Ltd v Telstra Corp Ltd (No 8)* [2017] FCA 1427 (security for costs) –led by Cynthia Cochrane, instructed by AllensLinklaters
- *Mauricio Sanhueza trading as Planet Chef v Airtasker Pty Ltd* Local Court proceedings 2019/00082166, unled, instructed by Airtasker Pty Ltd.
- *Marseilles Dixon v Expedia Inc* NSW Civil and Administrative Tribunal proceedings GEN 18/44264 (misleading and deceptive conduct), unled, instructed by Bird & Bird
- *Universal Solar and Surface Science Pty Ltd v Hills Holdings Limited & Anor* Federal Court proceedings NSD 983 of 2013 (patent infringement claim in relation to solar surface coatings) – led by John Hennessey S.C and Cynthia Cochrane, instructed by Allens Linklaters (settled)
- *Active Skin Pty Ltd v Yey Pty Ltd* Trade mark opposition proceedings ACTIVE SKIN, unled, instructed by Hazan Hollander.
- *Meltwater Australia Pty Ltd v Copyright Agency Limited* Copyright Tribunal proceedings No. 2 of 2017 (copyright licensing) led by John Hennessey S.C. and Frances St John, instructed by Baker McKenzie
- *McDonald Jones Homes Pty Ltd & Anor v Mark Saliba & Anor* Federal Circuit Court SYD 3763 of 2017 (costs application in relation to copyright infringement proceedings) – unled, instructed by Hazan Hollander.

Taxation

- *Abichandani v Commissioner of Taxation* Administrative Appeals Tribunal 2018/1808-2012, 2018/1809-2013 – unled, instructed by Commissioner of Taxation.
- *Stallion (NSW) Pty Ltd v Commissioner of Taxation* Federal Court Proceedings NSD 197 of 2018 Federal

Court – brief to advise Commissioner of Taxation, instructed by MinterEllison

- *3 Bears Childcare Centre Pty Ltd v Deputy Commissioner of Taxation* [2018] FCA 1690 Federal Court (interlocutory application re statutory demand) – unled, instructed by the Deputy Commissioner of Taxation
- *Terrigal Developments Pty Ltd v Commissioner of Taxation* Federal Court proceedings NSD 1229 of 2017 (Part IVC appeal) – led by Michelle Hirschhorn, instructed by the Australian Taxation Office (discontinued).
- *Carr v Commissioner of Taxation* Federal Court proceedings [2017] FCA 1486 (administrative appeal) – led by Sheila Kaur-Bains, instructed by Sutton Douglas Lawyers Pty Limited
- *Chief Commissioner of State Revenue v Chauffeurs Pty Ltd* Supreme Court proceedings 2015/2550904 (payroll taxation dispute) – led by Sheila Kaur-Bains, instructed by NSW Crown Solicitor’s Office (settled).
- *Deputy Commissioner of Taxation v Qasim* District Court 2016/282753 (debt recovery) – unled, instructed by the Deputy Commissioner of Taxation (settled)
- *Deputy Commissioner of Taxation v Eugenie Vertzayias* Local Court proceedings 2017/82027 (income taxation proceedings) – unled, instructed by the Deputy Commissioner of Taxation (settled)

Financial services / corporations

- *OneSteel Manufacturing Pty Limited (administrators appointed)* [2017] NSWSC 21 (defective registrations under the Personal Properties and Securities Act) – led by Noel Hutley S.C, John Hyde-Page and Brendon Lim, instructed by Arnold Bloch Leibler.
- *AFM Masonry Pty Ltd v Edifice Australia Pty Ltd* Supreme Court proceedings (application to set aside statutory demand) – unled, instructed by Gardner Ekes Lawyers.
- *Credit Corp Services Pty Ltd v P.H.* District Court proceedings 2015/00262096 (dispute pursuant to national consumer credit protection provisions) – led by Andrew Tokley S.C, instructed by PJ Kerr & Co Solicitors.

Construction / land & environment

- *Counsel’s Chambers Limited v Fratelli Fresh Holdings Pty Ltd* Supreme Court proceedings 2018/00152196 (nuisance) – unled, instructed by Carroll & O’Dea Lawyers.
- *Ben & Nonie Nicholls v Character Building and Carpentry Pty Ltd* NCAT proceedings HB 17/47088 (construction dispute) – unled, instructed by Resolve Litigation (settled).
- *Bunnings Group Limited v Artistic Projects Pty Ltd* Local Court proceedings 2017/00190395 (construction dispute) – unled, instructed by Chanine Group Pty Limited (formerly Artistic Projects Pty Ltd) (settled).
- *Laurence Rodny & Anor v Angela Stricke & Ors* SC 17/45456 (adjournment application) – unled, instructed by Clyde & Co

Commercial

- *Dental Corporation Pty Ltd v Hungki (Matthew) Lee and Anor* [2016] NSWSC 1859 (restraint of trade) – led by Cynthia Cochrane and David Harris, instructed by Dental Corporation.
- *Progressive Legal v Rosy Marketing* NCAT proceedings (employment dispute) – unled, instructed by Progressive Legal (settled).
- *Bolac Enterprise Pty Ltd v Aircraft Owner Group Pty Limited* 2018/00183771 – unled, instructed by Progressive Legal.

Family provision

- *Evreniadis v Kerr* Supreme Court proceedings 2017 / 1533092 (family provision dispute) – led by Lindsay Ellison S.C., instructed by PJ Kerr & Co Solicitors

OTHER PROFESSIONAL EXPERIENCE

- 2015 – 2016 **In-house counsel (6 month secondment), Retail & Business Banking - Westpac Banking Corporation**
Advisory: Reviewed and advised on home loans advertisements, publications and media releases across the Westpac, St George, BankSA, Bank of Melbourne brands. Advised on home loan restructure disputes and privacy issues. Collaborated with stakeholders across the Product, Compliance, Risk, Credit and Regulatory teams on projects including developing an interactive home loan platform online platform called ‘Wonder’ and managing loan closures.
Internal processes: Updated relevant company policies and managed stakeholders to maintain compliance with company procedures and processes.
- 2011 - 2015 **Associate, Minter Ellison Lawyers, Intellectual Property Practice (Lawyer 2011 – 2013)**
Litigation: Conducted intellectual property litigation in the Federal Court of Australia, involving drafting pleadings and affidavits, briefing and interviewing experts, conducted legal research and liaised with counsel and colleagues. Examples include:
- *ESCO Corporation & Anor v Bradken Resources Pty Ltd & Anor* NSD1386/2012 (patent infringement, revocation and amendment proceedings in relation to mining equipment);
 - *Novartis Pharmaceuticals Pty Limited v Bayer Australia Limited* NSD 314/2013 (misleading and deceptive conduct in relation to a pharmaceutical product);
 - *Luxottica Retail Australia Pty Ltd v Specsavers Pty Ltd* NSD1555/2010 (misleading and deceptive conduct in relation to comparative advertising);
 - *Zurich Insurance Company Ltd & Anor v Zurich Securities Pty Ltd* NSD968/2009 (trade mark infringement proceedings in relation to financial services).
- Drafting and advisory: Provided tailored and timely advice to clients in relation to a broad spectrum of intellectual property issues, including product recalls; passing off; trade mark infringement; parallel importation; comparative advertising; domain name disputes; discount pricing; pharmaceuticals and therapeutic goods regulations; and franchising. Drafted intellectual property licences/assignments, supply and sponsorship agreements; Conducted due diligences; Prosecuting trade mark applications.
- 2011 - 2012 **In-house counsel (6 month secondment), Consumer Division - SingTel Optus Pty Limited**
Contract review: Reviewed proposed changes to Optus’ Standard Forms of Agreement governing mobile phone, broadband and home line contracts for individuals and small to medium businesses. Drafted sponsorship agreements in relation to Optus’ Community Grants program.
Copy clearance advice: Reviewed and advised on advertisements, publications and media releases in relation to compliance with Australian Consumer Law and *Telecommunications Consumer Protections*, including misleading and deceptive conduct, unsolicited consumer agreements, component pricing and consumer guarantee issues.

- 2010 - 2011 **Lawyer, Minter Ellison Lawyers, Financial Services Practice**
Due diligence: Prepared documentation for the acquisition of aged care assets and shares; assisting in the privatisation process of energy retailer, EnergyAustralia.
Advice: Prepared advice regarding corporate governance and directors' duties.
- 2010 **Associate to Justice Graham, Federal Court**
Research: Conducted research to assist his Honour prepare judgments in cases relating to trusts, corporate and commercial issues in the two months preceding his Honour's retirement.
Court practice & procedure: Proof read and cross-referenced draft judgments.
- 2009 – 2010 **Law Graduate, Hazan Hollander Lawyers**
Intellectual property: Managed trade mark practice, liaised with clients in relation to trade mark registrations, assisted in trade mark infringement litigation.
Client management: Provided advice in Family Court proceedings, prepared maintenance applications, managed client relationships.
- 2007 - 2008 **Paralegal, Clayton Utz**
Commercial litigation: Assisted in preparation for superannuation litigation, including conducting research and preparing court documents.

PRO BONO

- 2011 - 2015 **Camp Quality, Relationship Manager**
Acting as relationship manager for Camp Quality on behalf of Minter Ellison Lawyers, including undertaking contracts review, advising on privacy issues, organising and delegating requests to colleagues, drafting sponsorship agreements.
- 2011 - 2015 **Arts Law Centre of Australia, Relationship Manager**
Providing specialised and tailored intellectual property advice to visual artists, performers and writers as part of Arts Law Centre's Telephone Advice Service.
- 2012 - 2015 **Taronga Zoo**
Drafted sponsorship agreement for Great Ocean Precinct, as part of a sustainable seafood initiative. Advised on operational queries.

PUBLICATIONS

- 2019 *'Remedies in IP litigation'*, co-author Andrew Fox, presented at Legalwise
- 2016 *'Extended joint criminal enterprise'*, Bar News: The Journal of the NSW Bar Association, Issue: Summer 2016
- 2015 *'Some issues relating to privacy and young people'*, Privacy Law Bulletin, March 2015, co-authors Charles Alexander and Helen Paterson
- 2014 *'The Cloud: the problem for data processors'*, Privacy Law Bulletin, December 2014, co-author Charles Alexander
- 2012 *"Apple v Samsung – global smartphone and tablet IP war rages on"* (2012) 25(5) IPLB, co-author John Fairbairn
"Telstra's Privacy Breach" Privacy Law Bulletin, October 2012, co-author Charles Alexander

PROFESSIONAL ASSOCIATIONS & COURSES

- 2015 - 2016 Licensing Executives Society Aus & NZ (LESANZ) (Committee Member 2015)

2015 Mediating the Litigated Case, Mediation Course, Pepperdine University
2014 - 2016 International Association of Privacy Professionals (iappANZ) (Summit Committee Member
2015)
Communications and Media Law Association (CAMLA)

AWARDS

2005 - Present Member, Golden Key International Honour Society
2009 Dux of Comparative Constitutional law, Radboud University, The Netherlands
2003 Premier's Award for all-round Excellence in the NSW Higher School Certificate
Pymble Ladies' College Prize for All-round Excellence in English