

# MEHER GAVEN

## Curriculum Vitae

**Chambers:** 8 Wentworth  
180 Phillip Street  
Sydney NSW 2000

**Contact Details:** +61 2 8231 5926  
*meher.gaven@8wentworth.com.au*

**Education:** LLB, NSW University  
BVA (Bachelor of Visual Arts), Sydney University (SCA)

## LEGAL CAREER

**2012:** **Admitted as a Barrister NSW**

**2005/6:** **Associate to Justice Wilcox, Federal Court of Australia**

**2000:** **Admitted as an Australian Lawyer, practising as a solicitor**

## OVERVIEW OF CAREER

As a solicitor in 2000, Meher was in both private and government practice. In private practice, Meher's work was principally in commercial litigation and included intellectual property disputes and contractual and consumer claims.

As a senior litigator for the Australian Government Solicitor, Meher acted in a number of high profile litigation actions. Meher's government practice focused on Commonwealth enforcement action and included service to the ACCC and IP Australia. Meher also was seconded to the Arts Law Centre of Australia advising artists on a range of matters including intellectual property, contracts and employment issues.

As barrister, Meher has concentrated her practice in commercial litigation, intellectual property and employment law and has acted in a broad range of matters for corporate, government, not-for-profit organisations and individual clients. The focus areas of her practice are:

Intellectual Property;

General Commercial and Equity;

Consumer Law;

Discrimination and Employment law;

Property law;

Corporations and Bankruptcy;

Wills disputes; and

Appellate work in any of these areas.

## **CURRENT OR RECENT WORK**

### **Property matters**

- *Phung v Phung* [2019] NSWSC 117 – Briefed to appear in the Supreme Court for Plaintiff in relation to property claim for specific performance arising out of part-performance.
- *Johnston v Partridge* – briefed to appear for the Defendant in the Supreme Court proceedings in a proprietary estoppel case.
- *Savvas v Council of the City of Botany Bay* – Briefed to appear for the respondent Council in the Supreme Court in relation to a real property matter involving easement dispute and contractual dispute.
- *Horticulture Innovations Australia Ltd v Westley* [2015] NSWSC 1292 – Briefed to appear for twelve interested parties in a matter concerning whether the plaintiff should be allowed to trace monies held in Court where the interested parties were owed monies by the Defendant.

### **Intellectual property**

- *Primary Health Care Limited v Commonwealth of Australia* [2017] FCAFC 174 – Briefed to appear for the Commonwealth and all the States and Territories (led by Julia Baird SC) in a trade mark appeal before the Full Federal Court concerned with the registrability of use of the words ‘Primary Health Care’ and a logo mark incorporating such words (relevantly, under s 41, 42 and 44 of the *Trade Marks Act*).
- Meher accepts briefs to appear in the Trade Mark Office. Recent example: *166052400 Pty Ltd v Bundaberg & District RSL & Citizens Memorial Club* [2019] ATMO 34 (removal application)
- *Commissioner of Patents v AbbVie Biotechnology Ltd* [2017] FCAFC 129 – Appeared for the Commissioner (led by Christian Dimitriadis SC) in a Full Federal Court appeal heard in February 2017 concerned with whether Swiss type claims are capable of extension under s 70(2)(b) of the *Patents Act*.

- *Cantarella Bros Pty Ltd v Du Bois* [2016] FCA 1115 - Briefed to appear for the Applicant (led by Michael Green SC) in Federal Court proceedings alleging misuse of confidential information, infringement of copyright, contraventions of the Corporations Act and breach of contractual obligations in relation to employment duties.
- *Jones Tulloch Pty Ltd v Commissioner of Patents* [2016] FCA 1108 - Briefed to appear (unled) in Federal Court proceedings for the Commissioner in an application for judicial review of the Commissioner's decision concerned with statutory interpretation of s 97(4) of the *Patents Act* (re-examination powers).
- *Apple Inc v Register of Trade Marks* [2014] FCA 1304 – Appeared for Register of Trade Marks in Federal Court proceedings involving an appeal under s 35 of the Trade Marks Act 1995 (Cth) from a decision of the Registrar of Trade Marks to reject Apple's application for the 'APP STORE' trade mark (led by Julia Baird SC).
- *Dynamite Games Pty Limited v Aruze Gaming Australia Pty Limited* [2013] FCAFC 96 – Appeared for respondent to Full Court appeal concerned with the validity and infringement of a standard patent and an innovation patent relating to electronic gaming machines (led by Tony Bannon SC and Neil Murray).
- *Tiles Sydney Pty Ltd v J2 Pty Ltd and Anor* – Briefed to advise and appear (unled) for the Defendants in Supreme Court proceedings seeking injunctive relief arising out of alleged trade mark infringement.
- *LG Electronics Australia Pty Limited v Dyson Appliances (Aust) Pty Ltd* – Briefed to appear for the Applicant (led by Michael Hall SC) in the Federal Court re contraventions of section 18, 29(1)(a) and 33 of the Australian Consumer Law.

### **Employment / discrimination**

- *Duraisamy v Sydney Trains*: Briefed to appear (with Elizabeth Raper) before the Court of Appeal for Respondent in relation to application for leave to appeal decisions concerned with an employment dispute.
- *Duraisamy v Sydney Trains* [2019] NSWDC 250: Briefed to appear for Sydney trains in relation to abuse of process argument and indemnity costs. Indemnity costs awarded.
- *Nandutu v University of Sydney* [2018] FCA 118 – Briefed to appear for the University in the Federal Court proceedings concerned with allegations under the *Sex Discrimination Act* and *Australian Consumer Law*.
- *A and C obo B v State of New South Wales* – briefed (with Elizabeth Raper) for the Respondent in a large claim alleging sexual harassment and disability discrimination against the State of New South Wales.

- *Eurydice Kathestides v The Owners – Strata Plan 3035* – Briefed (unled) for the Respondent (strata body) to defend a discrimination claim in the Federal Court of Australia arising out of deliberations concerned with refusal of a by-law.
- *Roberts v Department of Justice, Corrective Services NSW* [2017] NSWCATAD 310 – Briefed to appear for the Respondent (unled) to defend a discrimination claim brought by an inmate. Matter included consideration of applicability of *Felons (Civil Proceedings) Act* 1981 (NSW) to NCAT proceedings.
- *Margan v Australian Human Rights Commission & Ors* [2013] FCA 612 – Briefed to appear for State of NSW (unled) on application for leave to appeal in a discrimination matter.
- *Mylan v Health Services Union NSW* – Briefed for the Health Services Union (HSU) (led by Hugh Stowe) in a Supreme Court civil recovery action against Michael Williamson and others; *Mylan v Health Services Union NSW* [2013] FCA 190: Summary dismissal application under the *Fair Work Act*.

### **Corporations / Bankruptcy**

- *Tianrong Investments Pty Ltd & Anor v Mark Sydney Von Somogy & Others* - Corporations matter in the Supreme Court – Briefed to appear for Plaintiffs (led by Anthony Cheshire SC): proceeding included application for appointment of a provisional liquidator following urgent ex-parte interlocutory relief in December 2017. The matter was resolved in March 2018.
- *John Christopher Burke v Inspector-General in Bankruptcy* [2014] FCAFC 112 – Appeal involving statutory construction of provisions of *Bankruptcy Act* (led by M Heath).
- *Preece v Preece* [2014] FCCA 1647– Bankruptcy proceedings – appeared for creditor (unled); also appeared in relation to interlocutory hearings on appeal to the Federal Court of Australia. Briefed to appear for Respondent to appeal in the Federal Court (unled); the appeal was withdrawn on the day it was to be heard.

### **Estates**

- Regularly briefed to appear in the Supreme Court (unled) in relation to wills and estates disputes and family provision proceedings.

### **Other**

- Non-litigious advice: briefed to provide non-litigious contractual advice to a financial institution, a Commonwealth government enforcement agency in relation to investigations, practitioners in relation to disciplinary matters and the Crown in relation to Crown copyright.
- *Hilton v Legal Profession Admission Board* [2017] NSWCA 232; *Hilton v Legal Profession Admission Board* [2016] NSWSC 1617: Re-admission application (led by D Bennett AC QC).