



Andrew McRobert
Barrister

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Areas of Practice

- Contract Disputes
- Corporate Fraud
- Defamation, Media & Entertainment
- Franchise Law
- Intellectual Property
- International Commercial Arbitration
- Professional Negligence
- Restraint of Trade
- Trade Practices & Consumer Protection

Educational Qualifications

- Master of Laws, Cornell Law School, 2009; CALI Award for First Amendment Theory (1st in class); CALI Award for Comparative Constitutional Law (1st in class)
- Master of Laws (Intellectual Property), Murdoch University, 2001
- Bachelor of Laws, Murdoch University, 1999
- Bachelor of Science, Murdoch University, 1999

Legal Experience

Andrew has over 12 years' experience as a solicitor practising in intellectual property (including patents), information technology and commercial litigation.

Before coming to the Bar, Andrew was Special Counsel with Norton Rose Fulbright. Andrew managed the successful parallel importation strategy at issue in *Paul's Retail Pty Ltd v Lonsdale Australia Ltd* [2012] FCAFC 130. He acted for Gilead Sciences in relation to patents covering its hepatitis C drug "Harvoni". In that matter, Andrew had carriage of Gilead's expert evidence about mathematical modelling of HCV infections.

Andrew also managed and successfully resolved trade mark and *Australian Consumer Law* proceedings brought against the Petstock network (both franchisor and franchisees) in the New South Wales registry of the Federal Court of Australia.

In 2013, he advised the ACCC in relation to its authorisation in respect of the Australasian Performing Right Association's arrangements for the acquisition and licensing of performing rights in music. Andrew acted for Foo Fighters in the band's Federal Court claim concerning unauthorised use of the track "Learn to Fly" and, in a later matter, for Queens of the Stone Age, in connection with similar allegations relating to its song "The Lost Art of Keeping a Secret".

Andrew also has broad litigation expertise, having acted for Matthew Joyce throughout the high-profile Sunland (Dubai Waterfront) litigation from 2009 to 2014.

Andrew acted for the two former independent directors of the Prime Trust managed investment scheme in two related proceedings in the Supreme Court of Victoria, which included allegations of contraventions of the *Corporations Act 2001* (Cth).

Andrew also lectured in three subjects in the Master of Laws (Intellectual Property) programme at Murdoch University.

Key Matters

- *Sunland Waterfront (BVI) Ltd v Matthew Joyce, Prudentia Investments Pty Ltd & Ors* [2013] VSCA 237 (ACL, tort of deceit, indemnity costs, private international law) ([Coverage](#))
- *KeepCup Pty Ltd v Jireh International Warehousing & Distribution Limited* VID 1490 of 2016 (registered designs, ACL) ([Coverage](#))
- *Paul's Retail Pty Ltd v Lonsdale Australia Ltd* [2012] FCAFC 130 (trade marks and parallel imports) ([Coverage](#))
- *G1PC Pty Ltd v Petstock Pty Ltd & Ors* NSD 1154 of 2015 (trade marks, ACL)
- *Australian Property Custodian Holdings Ltd v Wooldridge & Ors* S CI No. 2012 1199 (directors' duties, Corporations Act) ([Coverage](#))
- *Grohl & Ors v RE/MAX Franchising Pty Ltd* VID 456 of 2010 (copyright claims regarding Foo Fighters' song "Learn to Fly") ([Coverage](#))
- *Shelford Services Pty Limited v Baylor Research Institute* [2014] APO 20
- *Harris v Stiefel Research Australia Pty Ltd (a GSK Company)* SCI 2012 2918 (contract, fiduciary duty claims)
- *Energizer Australia Pty Ltd v Remington Products Australia Pty Ltd* [2008] FCA 58
- *Colorado Group Ltd v Strandbags Group Pty Ltd* [2007] FCAFC 184 (trade marks, passing off)
- *Louis Vuitton Malletier v Design Elegance Pty Ltd* (2006) 149 FCR 494 (pro bono; contempt)