



BENJAMIN CAMERON

Barrister

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ADMISSIONS & QUALIFICATIONS

Barrister, 2018
Solicitor, 2006

LLB, University of Sydney (Hons I) (2004)

BA, University of Sydney (majoring in History & Government) (2000)

Awards: Pitt Corbett Scholarship, Walter Reid Scholarship, Aspinall Kemp Law Scholarship (St Paul's College) and Cannington Law Scholarship (St Paul's College)

EXPERIENCE

2018 - Present

Barrister, Banco Chambers

Appearing led and unled in the Federal Court of Australia, NSW Supreme Court, Victorian Supreme Court, NSW District Court and IP Australia, as junior counsel in the High Court, Federal Court of Australia Full Court, NSW Court of Appeal, NSW Land and Environment Court and the AAT, and unled in the Local Court and NCAT.

Acting in commercial cases of all kinds including class actions, equity proceedings, contract, breaches of fiduciary duty, and competition as well as intellectual property matters concerning patents, trademarks, designs and copyright. Other practice experience encompasses defamation, taxation, judicial review.

2019

Lecturer, University of Sydney Law Extension Committee/LPAB

Lecturing in copyright and designs law

2012 – 2018

Senior Associate, Herbert Smith Freehills, Sydney

Selected matters include Apple v Samsung, Anchorage Capital Partners v ACPA and Networks NSW merits review and judicial review proceedings. Includes a client secondment to Tabcorp in the Financial Crime Regulatory Team.

2009 - 2012

Solicitor, Herbert Smith, London

Working in intellectual property, commercial litigation and corporate (mergers, acquisitions and private equity).

RECENT CASES - UNLED

Appearing in Federal Court of Australia settlement approval proceedings for **CHC Investment Pty Ltd** concerning an application for settlement approval and payment of commission to a litigation funder: *Spozac Pty Ltd as trustee for the LDB Family Trust t/as Not Just Cakes v Tyro Payments Ltd* [2023] FCA 590 and *Spozac Pty Ltd as trustee for the LDB Family Trust t/as Not Just Cakes v Tyro Payments Ltd (No 2)* [2023] FCA 643.

Appearing in NCAT Appeal Panel proceedings for the successful respondent, **Swiss Concept Australia Pty Ltd**, concerning an appeal seeking to overturn a decision that a tenant surrender possession of premises following non-payment of rent: *Diamondlite Pty Ltd v Swiss Concept Australia Pty Ltd* [2022] NSWCATAP 82.

Appearing in NCAT for **J & D Florilegion** in proceedings COM22/53021 and COM23/06157 concerning commercial lease disputes.

Appearing in trade mark revocation opposition proceedings before a Delegate of the Registrar of Trade Marks for **Canberra Insulation Specialists Pty Ltd**.

Appearing in proceedings before a Delegate of the Registrar of Trade Marks for **Cantarella Bros Pty Ltd**, resulting in the decision *Trade mark application number 1955965 (Class 30) – Victoria Coffee with device - in the name of Cantarella Bros Pty Ltd*. [2021] ATMO 144.

Appearing for **Zimmermann Wear Pty Ltd** in Federal Circuit Court proceedings concerning design and copyright infringement.

Appearing for **Gulf Integrated Solutions Pty Ltd** and other respondents in Federal Court proceedings NSD2216/2018, **Gulf Conveyor Systems Pty Ltd v Gulf Integrated Solutions Pty Ltd and Others**, concerning allegations of misleading or deceptive conduct, unconscionable conduct and breaches of contract.

Appearing for subpoenaed parties (**Blue Sky Alternative Investments Limited** (subject to Deed of Company Arrangement) (Receivers and Managers Appointed)) in Federal Court defamation proceedings *NSD 2153 of 2019 Stead v Fairfax Media Publications Pty Ltd*.

Appearing in NSW District Court proceedings alleging breaches of consumer guarantees, *2020/00314244 Gersling Transport Pty Ltd V Stillwell Trucks Pty Ltd*, for **Daimler Truck and Bus Australia Pacific**.

Appearing in Supreme Court proceedings 2018/00192692, *Ingram v Burmeister*, concerning the contested appointment of statutory trustees.

RECENT CASES - CLASS ACTIONS

Appearing for **BHP Group Limited** in *Impiombato v BHP Group Ltd*, representative proceedings alleging mislead and deceptive conduct and continuous disclosure contraventions. Led by W Harris KC and K Loxley.

Appearing for **Boral Limited** in *Parkin v Boral Limited*, representative proceedings alleging mislead and deceptive conduct and continuous disclosure contraventions. Led by C Withers SC and T Kane.

Appearing for **Iluka Resources Limited** in *James Bonham as trustee for Aucham Super Fund v Iluka Resources Ltd* [2022] FCA 71, representative proceedings alleging mislead and deceptive conduct and continuous disclosure contraventions. Resulting in the third Australian judgment in shareholder class actions. Led by C Withers SC

Appearing for the **a2 Milk Company Limited**, in two sets of representative proceedings in the Supreme Court of Victoria, brought by Jake Thomas and Yue Xiao, proceedings No. S ECI 2021 03645 and No. S ECI 2021 04403. Led by C Withers SC.

Appearing for **Lendlease Corporation Limited**, in representative proceedings the NSW Supreme Court, brought by David William Pallas & Julie Ann Pallas as trustees for the Pallas Family Superannuation Fund and Martin John Fletcher, proceeding 2019/00122037. Led by E Collins SC.

Appearing for the class plaintiffs in NSW Supreme Court Equity Division proceedings *Epaminondas Mastoris v DSHE Holdings Limited (receivers and managers appointed) (in liquidation)* 2018/52431 and *Haliburton Charles David Findlay v DSHE Holdings*

Limited (receivers and managers appointed) (in liquidation) 2017/294069 concerning the collapse of the **Dick Smith** group of companies. The matter was settled part way through a long running hearing. Led by P Brereton SC and C Withers SC.

RECENT CASES – COMMERCIAL, EQUITY AND COMPETITION

Appearing for **EG Fuelco (Australia) Limited**, in NSW Supreme Court and Federal Court of Australia proceedings against Ampol Australia Petroleum Pty Ltd, concerning misleading or deceptive conduct, breach of contract and contraventions of Part IV of the *Competition and Consumer Act 2010* (Cth). An interlocutory injunction application to permit Ampol access to 87 sites to conduct re-branding works was refused *EG FuelCo (Australia) Ltd v Ampol Australia Petroleum Pty Ltd* [2021] NSWSC 989. Led by G Rich SC and S Mirzabegian SC.

Appearing for **JustKapital Portfolio Pty Ltd** in NSW Supreme Court Equity Division proceedings concerning contested payments following class action settlements, resulting in the decision *Smith v Australian Executor Trustees Limited (No 5)*[2019] NSWSC 751. Led by M Elliot SC.

Appearing for the plaintiffs in NSW Supreme Court Equity Division Commercial List proceedings 2018/00392208, *Lesley LenaBridge and Others v Anthony Sean Keogh and Others*, concerning misleading or deceptive conduct and breaches of fiduciary duty. Led by A McInerney SC and S Gray.

Appearing for an applicant financial institution in Administrative Appeals Tribunal proceedings brought against Innovation and Science Australia concerning research and development taxation concessions. led by K Stern SC and C Burnett SC.

Appearing in NSW District Court proceedings concerning alleged breaches of contract and misleading or deceptive conduct, *2020/00135051 Shao v Zhang and Anor*, for Yidan Zhang and Oceania Investments Group Pty Ltd. Resulting in the successful defence of the claim and cross-claim: *Shao v Zhang and Anor; Zhang and Anor v Shao* [2022] NSWDC 38. Led by A Harding SC

RECENT CASES - PATENTS

Appearing in Federal Court patent infringement and revocation proceedings *NSD1099/2022* brought by **Angel Group Co. Ltd**, against Sensen Networks. Led by H Bevan SC.

Appearing in Federal Court patent infringement and revocation proceedings *NSD394/2019 Hanwha Solutions Corporation & Anor v LONGi Green Energy Technology Co. Ltd* for **LONGi Green Energy Technology** and other respondents. Led by A Lang SC

Appearing for **Polarcus Seismic Ltd** and other respondents in Federal Court proceedings *NSD2158/2018, PGS Australia Pty Ltd v Polarcus Seismic Ltd and Others*, concerning allegations of patent infringement. Led by J Cooke.

Appearing for **RAU-Be Beteiligungen GmbH**, Lohmann & Rauscher Pty Ltd in Federal Court proceedings *NSD 2373* of 2018 concerning alleged patent infringement. Led by S Chrysanthou

Appearing for the plaintiff in Federal Court proceedings *NSD1267/2017, John Hood v Bush Pharmacy Pty Ltd* and related proceedings, concerning allegations of patent infringement, trade mark infringement and misleading or deceptive conduct. Resulting in the successful judgment for the applicant: *Hood v Bush Pharmacy Pty Ltd* (2020) 158 IPR 229; [2020] FCA 1686. Led by M Green SC and B Oliak

Appearing for **Boehringer Ingelheim Pharma GmbH** in Federal Court proceedings *VID 1617/2018 Teva Pharma Australia Pty Ltd v Boehringer Ingelheim Pharma GmbH & Co. KG* concerning alleged patent infringement.

Appearing in patent amendment opposition proceedings for **Cantarella Bros Pty Ltd**, resulting in the decision *Cantarella Bros Pty Ltd v Koninklijke Douwe Egberts B.V.* [2022] APO 12. Led by M Green SC.

RECENT CASES – TRADEMARKS

Appearing in Federal Court trade mark proceedings VIC61/2023 concerning a 3-dimension shape trade mark for a container in proceedings brought by Douwe Egberts against **Cantarella Bros**. Led by A Bannon SC.

Appearing in Federal Court trade mark and misleading or deceptive conduct proceedings NSD1567/2023 brought by **H.B. Fuller Co Australia** against Duluxgroup (Australia). Led by H Bevan SC.

Appearing in Federal Court trade mark appeal proceedings concerning three separate trade marks, NSD1711/2019 *Energy Beverages LLC v Cantarella Bros Pty Ltd* for **Cantarella Bros**. Resulting in the dismissal of each appeal: *Energy Beverages LLC v Cantarella Bros Pty Ltd* [2022] FCA 113. Led by A Bannon SC and M Green SC.

Appearing unled in trade mark revocation opposition proceedings before a Delegate of the Registrar of Trade Marks for **Canberra Insulation Specialists Pty Ltd**.

Appearing unled in proceedings before a Delegate of the Registrar of Trade Marks for **Cantarella Bros Pty Ltd**, resulting in the decision *Trade mark application number 1955965 (Class 30) – Victoria Coffee with device - in the name of Cantarella Bros Pty Ltd*. [2021] ATMO 144.

RECENT CASES – DESIGNS AND COPYRIGHT

Appearing before the Copyright Tribunal of Australia for **Netflix, Inc** in *Australasian Performing Right Association Limited and Australasian Mechanical Copyright Owners' Society Limited CT 1 of 2021*. Led by P Brereton SC.

Appearing before the Copyright Tribunal of Australia for **DLA Group Pty** in *The DLA Group Pty Limited ACN 003 329 039 and the State of Western Australia CT 1 of 2022*. Led by M Green SC.

Appearing unled for **Zimmermann Wear Pty Ltd** in Federal Circuit Court proceeding SYG424/2020 *Zimmermann Wear Pty Ltd v Mohini Narain* concerning design and copyright infringement.

SELECTED CASES – ADMINISTRATIVE LAW

Appearing for the **Legal Services Commissioner** in two appeals brought in the Court of Appeal, resulting in the decisions *Livers v Legal Services Commissioner* [2018] NSWCA 319 and *Livers v Legal Services Commissioner* [2020] NSWCA 317. Led by T Wong SC.

Appearing in Federal Court judicial review proceedings for The Hon Greg Hunt MP as **Minister for Health** in VID1605/2018 *Ross Barnett v The Hon Greg Hunt MP as Minister For Health & Anor*, and for **The Secretary, Australian Government Department of Health** in VID407/2021 *Ross Barnett v The Secretary, Australian Government Department of Health*. Led by K Richardson SC.

Appearing for the **Secretary of the Department of Planning and Environment** in judicial review proceedings brought pursuant to the *Environmental Planning and Assessment Act 1979* (NSW), resulting in the decision *Wirrabara Village Pty Limited v The Secretary of the Department of Planning and Environment* [2018] NSWLEC 138. Led by K Richardson SC.

SELECTED CASES - DEFAMATION

Appearing for **Ms Emma Husar**, former Federal Member for Lindsay, in Federal Court defamation proceedings NSD2254/2018 brought against BuzzFeed. Led by S Dawson SC.

SELECTED CASES - CRIME

Appearing in Federal Court proceedings concerning alleged cartel conduct *NSD1316 – NSD1324/2020 Commonwealth Director Of Public Prosecutions v Australia And New Zealand Banking Group Limited* for **JP Morgan**. Led by B Walker SC and N Owens SC.

PUBLICATIONS

“The Right of Publicity”, *Australian Intellectual Property Law Bulletin*, 2014, Volume 27, No. 1, 3-8.

“Applying the Designs Act 2003: Multisteps in the right direction”, 2013, co-authored with Stuart Irvine.