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Editorial

by Chris Schlicht

In 2013 we are proud to celebrate our 125th anniversary. When William Rowlingson started the business in 1888, it was a very exciting time in Melbourne. The city was in the midst of a boom fuelled by the gold rush and in a very short period, had become the second largest city in the British Empire after London. A land boom was also taking place.

The latest technology when our firm started included the first commercially available automobile (the Benz Patent Motor Wagon) and Nikola Tesla obtained a patent for his AC induction motor. Patents were obtained for other inventions that year which were simple but still had a huge impact, including the wax paper drinking straw and the pneumatic bicycle tyre.

Not long after commencing business, the practice faced its first challenge, the depression of the 1890s. Many banks and businesses closed and unemployment in Melbourne was around 20%. However, our business weathered that early economic storm and many others since.

Today, our Melbourne office is located not far from our first address. Whilst we have not moved far physically, the business would now be unrecognisable to Mr Rowlingson. In particular, we are now paperless. We have developed from scratch our own electronic file storage system called POF DOCS. Further, we have been collaborating with IP Australia in the development of the program to enable B2B transaction capability and can now carry out most areas of our practice in this manner.

Of course, we would not be enjoying our longevity without the support of our broad client base. We appreciate this very much.

What makes our job so interesting is the opportunity to be a part of our clients' creative thinking. As we discuss in this newsletter, in 1982 we were among a small group of people who knew one of the best kept secrets in sporting history – the winged keel of *Australia II*. Today, we are assisting Bionic Vision Australia as it undertakes ground breaking research to develop a bionic eye.

Throughout the year we shall keep you informed of the various events we are hosting to mark our 125th birthday. We look forward to celebrating with you.

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The 125th Anniversary of Phillips Ormonde Fitzpatrick – a Brief Reflection

by Robert Cross

Patent agent William Rowlingson could hardly have known that in 2013, members of the firm he founded would be proudly celebrating the firm's 125th anniversary. Rowlingson's practice was established in Melbourne, acting for clients in the former British colony of Victoria, the five other colonies and internationally. Even after Albert Swanston joined the practice in 1889, Rowlingson may not have appreciated the changes that would follow if the six colonies federated. With the inauguration of the Commonwealth of Australia in 1901, the practice changed from operation under separate Colonial Patents Acts to the first federal patent legislation, the Patents Act 1903.

The evolution of Rowlingson's firm into Phillips Ormonde Fitzpatrick, and sister practice of Phillips Ormonde Fitzpatrick Lawyers, is due to the effort of several of its partners. English engineer Edwin Phillips, prior to becoming registered as a patent agent, gained valuable industrial experience installing lighting plants in Victorian mines and as a partner in a successful engineering company. On taking over the business in 1892, Phillips renamed it Phillips Ormonde & Co. Interestingly, the identity of Ormonde is still a mystery, although a letter published in 1916 indicates Mr Ormonde died many years ago, possibly sometime before 1892!

Phillips developed a thriving practice with a broad client base through wide-ranging business contacts, membership of the Chartered Institute of Patent Agents in London and broad interests in science and technology. Phillips also established and maintained contact with international researchers and inventors, such as Thomas Edison and Nikola Tesla. He also published a scientific magazine and a handbook for inventors.

In 1893, Phillips employed Cecil Woods LePlastrier who progressed to managing the firm and partnership in 1911. LePlastrier was actively involved with local industry leaders, often through his sporting interests such as polo. He was joined by Victor Kelson in 1921 and changed the firm's name to Phillips Ormonde LePlastrier & Kelson.

With Phillips retiring in 1921, LePlastrier assumed leadership of the firm and continued in partnership with Kelson. Bertram Fitzpatrick was employed in 1919 by Phillips and after gaining his technical qualifications, he became a partner in 1938. The firm was further strengthened in 1938 by the employment of patent attorney Geoffrey Sly. With the death of LePlastrier in 1952, Sly became Senior Partner. He was succeeded in 1964 by Fitzpatrick and the firm's name changed to Phillips Ormonde & Fitzpatrick. Apart from the ampersand disappearing in 2009, that name remains to this day.

A group of young patent attorneys developed under Fitzpatrick shaped the firm through to the end of the last century and beyond. The group comprised Peter Nichols, John Waters, Terrence Collins, Fitzpatrick's son David and Malcolm Royal. With David Fitzpatrick as Senior Partner, the group provided a strong, modern business focus with a keen emphasis on excellent work quality. The group also increased the firm's focus on in-house training of technical and administrative staff, which was started under Bertram Fitzpatrick.

With the turn of the 21st century, the mantle has fallen on a new generation of talented patent and trade mark attorneys with technical expertise ranging well beyond the foundations laid by Rowlingson. The firm has also moved toward a corporate structure with a Board headed by Chair Greg Chambers and a Management Team headed by Graham Cowin.

We are extremely proud of POF's long and varied history and to still be acting for such a vast national and international client base. This is a huge achievement by all involved and provides the resolve to extend that history well beyond 125 years.

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Kodak – Capturing memories since 1888

by **Graham Cowin**

In 1888 George Eastman released the first Kodak camera, exposing consumers to an exciting technological phenomenon - simple, accessible photography. With its introduction, the Eastman Kodak Company (KODAK) was born, and with it, the notion of amateur photography.

Prior to Eastman's development, photography was cumbersome and complicated. The KODAK camera introduced snapshot technology which perfectly embodied KODAK's early slogan, 'You press the button, we do the rest'. Inexperienced photographers were assured they were capable of mastering both the camera and photography, and before long 'the film in the little yellow box' was available around the world.

Throughout its history, Eastman Kodak Company has been a pioneer in the photography industry, producing a range of innovative, mass market products and processes to make photography simpler and more affordable. During the 1970s, the company initiated the global transition from analogue to digital technology with the invention of the digital camera. More recently, the focus of the company has been on commercial and graphic arts printing presses, digital production systems, printing plates, as well as workflow software.

The innovation characterising Eastman Kodak Company's approach to business has been underpinned by a policy of seeking strong intellectual property rights. Patents have been obtained for a wide range of technologies relating to photography and imaging, including cameras, film, chemicals and printers. Key to the company's success and longevity were trade marks put in place to identify and distinguish Eastman Kodak Company's products and services. These trade marks, secured by registration and closely managed use, include BROWNIE, KODACOLOR, EKTACHROME, INSTAMATIC, KODAK, the letter K and the colour yellow. All have become global household brands and synonymous with photography.

Phillips Ormonde Fitzpatrick is proud to have been associated with Eastman Kodak Company and its subsidiaries for over 100 years and to have assisted in the protection of its intellectual property in Australia.

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The Winged Keel – Australian invention wins the America's Cup

by **Brad Fitzpatrick**

Most of the time, Phillips Ormonde Fitzpatrick serve clients by providing advice and guidance, but sometimes it's best if we say "no comment", as is clearly illustrated in the case of the winged keel.

The world renowned America's Cup is a trophy awarded to the winner of the America's Cup match races between two sailing yachts. In 1857, the famous cup was awarded to the New York Yacht Club who retained it for a staggering 132 years. Over the years, various challengers were easily defeated, however that was all set to change with a new invention from Australia.

By early September 1983, there were concerns that an Australian contender named Australia II would be different. The concerns were in regard to the design of the hull by Ben Lexcen, which provided the boat with greater manoeuvrability. After independent scrutineers confirmed the hull was within the rules and regulations, there was naturally great demand to see the keel. The Australian team went to great lengths to keep the keel hidden, even covering it with a green canvas skirt whenever it was out of the water. Security guards were posted to keep competitors away and even prevented Canadian divers from taking underwater photos of the keel.

Meanwhile back in Australia, POF held a copy of the drawings and the full explanation as to how the keel functioned online. POF were approached by Norport Pty Ltd in 1982 to file an Australian Complete Patent application with the inventor identified as Ben Lexcen. The application was titled, 'Yacht keel with fins near the tip'. Whilst a number of POF's attorneys were keen sailors, no one could appreciate the quantum change the invention would bring to hull design.

Once the challenger races were complete, there was no mistaking the invention's impact on the manoeuvrability and speed of Australia II, and significant sums of money were offered for anyone providing information on the keel. As the patent attorneys on record for Norport, POF fielded numerous requests from journalists and other interested parties, to which they all received a response of "no comment".

The decider came down to the last race with both US yacht Liberty and Australia II at three wins each. Coming into the last leg, Liberty was out in front, but failed to cover Australia II. Australia II went off to the opposite side of the course looking for wind, and when the two boats next crossed, it was Australia II that took the lead. The skipper of Australia II, John Bertrand, knew the keel would provide an advantage in any tacking duel, and Australia II tacked all the way up the final leg, winning by 41 seconds.

Once the Australia II was back in dock, the owner Allan Bond ordered the boat to be hoisted into the air revealing the keel to an adoring public for the first time.

Interestingly, the patent specification was published in August 1983, a full month before the Cup was won. POF were aware of this at the time of fielding the enquiries, but it was obviously not in the best interest of our client to point this out. Just think, the New York Yacht Club could have acquired complete drawings of the keel for the price of a photocopy.

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An eye to the future – the development of the Bionic eye

by **Ross McFarlane**

Globally, over one and a half million people have progressive vision loss as a result of retinitis pigmentosa, the primary cause of inherited blindness. In Australia, over 50,000 people suffer from profound blindness, with age-related macular degeneration responsible for almost half of all legal blindness in Australia.

POF client, Bionic Vision Australia, is undertaking ground breaking research to develop a bionic eye, which will one day restore a sense of vision to people with vision impairment due to retinitis pigmentosa and age-related macular degeneration.

Bionic Vision Australia is a national consortium of researchers from the Bionics Institute, Centre for Eye Research Australia, NICTA, the University of Melbourne and the University of New South Wales. The National Vision Research Institute, the Royal Victorian Eye and Ear Hospital and the University of Western Sydney are project partners.

The project brings together a cross-disciplinary group of world-leading experts in the fields of ophthalmology, biomedical engineering, electrical engineering and materials science, neuroscience, vision science, psychophysics, wireless integrated circuit design, and surgical, preclinical and clinical practice.

Successful implantation

Bionic Vision Australia researchers successfully performed the implantation of an early prototype bionic eye with 24 electrodes in May 2012.

The recipient, Ms Dianne Ashworth, received what she calls a 'pre-bionic eye' implant that enables her to experience some vision. A passionate technology fan, Ms Ashworth was motivated to make a contribution to the bionic eye research program. After years of hard work and planning, Ms Ashworth's implant

was switched on in August 2012, while researchers held their breaths in the next room, observing via video link.

"I didn't know what to expect, but all of a sudden, I could see a little flash...it was amazing. Every time there was stimulation there was a different shape that appeared in front of my eye," Ms Ashworth said.

The implant was only switched on and stimulated after the eye had recovered fully from the effects of surgery. The next phase of this work involves testing various levels of electrical stimulation with Ms Ashworth.

How it works

The early implanted prototype consists of a retinal implant with 24 electrodes. A small lead wire extends from the back of the eye to a connector behind the ear. An external system is connected to this unit in the laboratory, allowing researchers to stimulate the implant in a controlled manner in order to study the flashes of light. Feedback from Ms Ashworth will allow researchers to develop a vision processor so images can be built using flashes of light. This early prototype does not incorporate an external camera – yet. This is planned for the next stage of development and testing.

Researchers continue development and testing of the Wide-View implant with 98 electrodes and the High-Acuity implant with 1024 electrodes. Patient tests are planned for these devices in due course.

Phillips Ormonde Fitzpatrick acts as Intellectual Property Manager for Bionic Vision Australia.

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Image courtesy of Bionic Vision Australia

Gene Patents Still in Play

by **Mark Wickham**

In the landmark Australian case, *Cancer Voices Australia v Myriad Genetics Inc* [2013] FCA 65 on 4 March the Federal Court of Australia has found that patent claims directed to the gene BRCA1 (which has been found to exhibit particular mutations in women with an enhanced risk of developing breast and ovarian cancer) are valid.

Costs have been awarded against patient advocacy group Cancer Voices Australia, and breast cancer survivor Yvonne D'Arcy.

The decision affirms the existing position in Australia that isolated genetic material is patentable subject matter (i.e. a 'manner of manufacture').

The patent in question is the Australian equivalent of the US patent held by Myriad Genetics that concerned BRCA1 and BRCA2. In July 2011, the US Court of Appeals for the Federal Circuit (CAFC) ruled that patent claims directed to DNA molecules that are 'isolated' cover subject matter capable of patent-eligible protection under 35 USC §101 (which is the US equivalent to the "manner of manufacture" requirements under Australian law). In essence, the CAFC viewed that the claimed molecules in question "do not exist in nature." This recent judgement affirms the Australian position is in line with that of the United States.

Prior to this decision, the position in Australia regarding the patentability of genes was based largely as set out in the 1995 decision *Kirin-Amgen Inc v Board of Regents of University of Washington* (1995) 33 IPR 557. In this decision, it was held that a claimed isolated gene can essentially constitute an "artificially created state of affairs" that is not "a mere chemical curiosity or a mere discovery" and is therefore capable of satisfying the requisite considerations of being in itself a "manner of manufacture" under patent law to ensure it is worthy of patent protection.

At appeal, the Federal Court of Australia further held the view that the isolation of a gene is fundamentally akin to the discovery of a class of chemical compounds, and by analogy, entitles the patentee to broad protection for genes and the products related to those specifically isolated genes. Accordingly, provided that the applicant can point to some difficulty in reaching a particular result, isolated genes and any biological or genetic material derived therefrom are considered subject matter worthy of patent protection.

In the intervening period between the 1995 decision and the most recent Federal court judgement, there were a number of government inquiries to review Australia's position on intellectual property rights relating to biological materials. A discussion of the inquiries and previous decisions can be found on our blog: <http://blog.pof.com.au/2011/01/11/gene-patents-in-australia-where-do-we-stand>

On 4 March 2013, a Notice of Appeal was filed by cancer survivor Yvonne D'Arcy against the decision. It appears from the grounds of the Notice that the Appellant will again present arguments that;

- > the claimed nucleic acids are the same as those naturally occurring in cells,
- > the isolated nucleic acids are the mere discovery of products of nature,
- > the detection of mutations and polymorphisms was the mere discovery of phenomena of nature,
- > the properties of the isolated nucleic acids had not changed as a result of human intervention.

The Appeal is expected to be heard on 17 April 2013.

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Countdown to Raising the Bar – Final Reminder - Patents

by Karen Spark

In previous editions of Inspire, we have detailed changes to Australian patent law that take effect on 15 April 2013 under The *Intellectual Property Laws Amendment (Raising the Bar) Act 2012*. As a result of those changes, patentability requirements in Australia will increase, making it harder to obtain the grant of an Australian patent.

The set of draft regulations for the Raising the Bar Act were published in late 2012 and public consultation on the draft regulations is now complete. IP Australia recently advised that various amendments to the draft regulations have been proposed as a result of matters raised during the public consultation period.

Here are a few of the important changes applicable under the Raising the Bar regulations you should be aware of:

- > A search fee of AUS\$1400 will apply to any complete patent application where there is no search available to IP Australia at examination. For example, it would apply to non-Convention, non-PCT, non-Divisional applications; or Convention applications where no search is available from another Patent Office at the time of examination; or divisional applications where a new invention is claimed.
- > The deadline for filing a request for examination following the issue of a Direction by IP Australia, will be reduced from six months to two months. Failure to request examination within two months of the date of the Direction will result in the patent application lapsing.

- > If not previously provided at the time a request for examination is filed, the patent applicant must provide a statement confirming the basis upon which they claim entitlement to receive the grant of a patent. Examination cannot be requested without that information.
- > The deadline for obtaining acceptance of the application will be reduced from a maximum of 21 months to only 12 months. The 12 month period will be calculated from the date of issue of the first examination report.

To avoid the impact of the increased patentability requirements, patent applicants should ensure that a request for examination of any pending Australian patent application is filed prior to 15 April 2013. Similarly, they should consider early filing of any new complete patent application (PCT, Convention or non-Convention) and requesting examination prior to 15 April 2013.

Please contact us at attorney@pof.com.au if you need further assistance in determining what action you should take in relation to any pending or proposed new Australian patent applications.

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Countdown to Raising the Bar – Final Reminder - Trade marks

by Natasha Marshall

The *Intellectual Property Laws Amendment (Raising the Bar) Act 2012* and Regulations will make a number of significant changes to Trade Mark Law and Practice in Australia. **The changes will come into effect on 15 April 2013.**

Trade Mark Oppositions

The trade mark opposition period will reduce from three months to two months. Bear this in mind for any current watching services in Australia and update them accordingly.

i) New two-step Opposition process

An Opponent will be required to file a Notice of Intention to Oppose (NIO) within two months from the date of advertisement of a trade mark; and a Statement of Grounds and Particulars (SGP) within one month from the date of filing the NIO.

ii) Notice of Intention to Defend

A trade mark Applicant must file a Notice of Intention to Defend (NID) its trade mark application within one month of being given the Opponent's SGP, otherwise the opposed trade mark will lapse from the Register.

iii) Extensions

Extensions of time for filing a NIO and/or a SGP may be requested. An application for an extension must be accompanied with a Declaration setting out the facts and circumstances which warrant the granting of additional time. It will be left to the Examiner's discretion whether to grant an extension, and if so, to decide the length of time of that extension.

iv) Amendment to Statement of Grounds and Particulars

An Opponent may seek to amend its SGP to, for example, amend the grounds for opposition or add a new ground for opposition.

v) Evidence

The time frames for filing Evidence-in-Support and Evidence-in-Answer remain the same - three months. However, the time frame for filing Evidence-in-Reply

has been reduced to two months. It will still be possible to apply for extensions of time for filing evidence, however, they will be more difficult to obtain as threshold requirements will be stricter.

vi) Cooling Off Period

The new Act introduces a cooling off period to allow parties to negotiate settlement of an opposition. A Registrar will grant a cooling off period if satisfied that both parties agree to try to negotiate settlement. The cooling off period will be for six months, which a Registrar may extend for another six months if satisfied that the parties agree that they need further time. The Registrar cannot permit more than 12 months' time for the cooling off period.

vii) Hearing of Oppositions

The Registrar may decide that a Hearing should be conducted even if not requested by the parties. The Registrar must also hold a Hearing if requested to do so by one of the parties.

Enforcement

A Court will be able to award additional amounts in assessing damages for infringement of a registered trade mark. In assessing damages, a Court will have regard to: the flagrancy of the infringement; the need to deter similar infringement; the conduct of the infringing party; and any benefits shown to have been derived by the infringing party because of the infringement.

Customs Seizure Practice

Customs will be allowed to provide a trade mark owner who has a Customs Notice of Objection in place, with information about importers/exporters of seized goods. Customs may also allow trade mark owners to inspect seized goods. Importers of seized goods will be required to make a claim for the release of goods if they wish to have them returned.

Federal Magistrates

The Federal Magistrates Court will be given jurisdiction to hear and decide trade mark matters which are appealed from the Registrar, and, which are on infringement.

Substantive Law

The presumption of registrability is clarified in an amended Section 41. That is, when the Registrar is unsure of whether a trade mark is capable of distinguishing the goods and/or services claimed, the presumption of registrability should apply.

Please contact the Trade Mark Group at attorney@pof.com.au if you need further assistance or have any questions in regard to the imminent changes to Trade Mark Law in Australia.

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Google Wins High Court Appeal

by Russell Waters

Earlier this month, the Australian High Court handed down its decision in a long-running battle between Google Inc. and the Australian Competition and Consumer Commission (ACCC), which alleged that Google had breached the *Trade Practices Act 1974* with its AdWords program (*Google Inc. v Australian Competition and Consumer Commission* [2013] HCA 1 (6 February 2013)). All five judges held that Google's actions did not breach the Act and allowed the appeal.

Background

[This action was commenced under the *Trade Practices Act 1974*, which was replaced by *The Australian Consumer Law* during the course of the proceedings].

The ACCC originally took action against Google (and several of its AdWords customers) in the Federal Court, alleging misleading and deceptive conduct. The conduct in question related to "Sponsored Links", which appeared on screen when a consumer used the Google search engine. The ACCC first alleged that it was not made sufficiently clear that these Sponsored Links were in fact paid advertisements. It further alleged that the information in some of the links was itself misleading and deceptive. This was because some AdWords advertisers had used names and trade marks owned by their competitors as keywords in their AdWords advertisement, resulting in a misleading suggestion that they were sponsored or authorised by, or otherwise connected to, the owner of the name or trade mark.

The primary judge dismissed the action against Google, finding that the Sponsored Links were sufficiently differentiated from the "organic" search results generated by the Google search algorithms. The primary judge also found that, although the advertisements relied upon by the ACCC did contain representations that were misleading or deceptive, these representations had not been made by Google.

The ACCC appealed the decision to three judges of the Full Federal Court. It did not appeal the finding on whether the Sponsored Links were sufficiently identified as advertisements, but did appeal the finding

that the misleading representations appearing in certain links were not made by Google.

The appeal judges noted that Google determined that the advertisement would appear with a blue "headline" incorporating a link to the advertiser's website, a green "address" showing the website to which the headline was linked, and black "text" containing a brief advertising message. Because Google determined that the ads would appear in this form on a consumer's computer screen and because Google controlled the algorithm that determined which AdWords advertisements would appear in response to a given keyword search, Google was held to have produced the statements appearing in the advertisements as a principal, rather than simply providing a conduit for the advertisers to make the statements. Accordingly, Google was unanimously held to have breached the Act by making misleading or deceptive statements.

Both the primary judge and the judges of the Full Federal Court discussed the "publisher's defence" under s.85(3) of the Act (noted below), but held that this would not be available to Google in the circumstances of the case.

The High Court

In a joint judgement delivered by the High Court judges French CJ, Crennan and Kiefel JJ, it was held that each relevant aspect of a Sponsored Link was determined by the advertiser, and the determination of whether a particular advertisement was displayed was an automated response wholly determined by the keywords and other content selected by the advertiser. Google did not create, in any authorial sense, the Sponsored Link which was displayed along with the "organic" search results.

It was further held that an ordinary and reasonable user of the Google search engine would have understood that the Sponsored Links were advertisements made by third party advertisers and that these were not endorsed by Google, but merely passed on for what they were worth.

As a preliminary point in a separate judgement, Hayne J noted that the primary judge had found that an ordinary reasonable



user of the Google search engine would have understood that the Sponsored Links were paid advertisements made by advertisers, and were not endorsed or adopted by Google. He found that this was not challenged in the subsequent appeals, and accordingly the ACCC's pleadings had failed to establish that Google had made the misleading representations conveyed by the advertisements. He held that for this reason alone, Google's appeal should succeed.

Hayne J then went on to discuss the *Trade Practices Act 1974* and case law and concluded that where an advertisement that is misleading or deceptive is published, that is, made available to a viewer, the publication is conduct to which s.52 of the Act would apply. However, s.85(3) of the Act provides a defence to the publisher where the publisher: (a) is in the business of arranging for publication of advertisements, (b) received the advertisement for publication in the ordinary course of business, and (c) had no reason to know or suspect that the publication would amount to misleading or deceptive conduct. Accordingly, Hayne J appears to suggest that even if the ACCC had established that Google had made the misrepresentation, Google could have relied upon the publisher's defence in s.85(3).

The final decision was that of Heydon J. He found that whilst Google "created" the

picture which consumers saw on screen by putting in place the technology that enabled this to occur, it did not create "the message" sent by means of that technology. Google's technology did not insert the keyword search terms entered by the consumer into the advertisements; rather, it allowed advertisers to nominate keywords that would be automatically inserted into the headline of the advertisement. Keywords inserted in this way were not necessarily the same as the consumer's search term as entered into the Google search engine. He also found that there was no basis to conclude that ordinary and reasonable members of the public would have regarded Google as adopting the advertisements.

Outcome

Even before the High Court appeal, Google had changed its practice, initially changing "Sponsored Links" to "Ads" and now identifying the links as "Ads related to [search term]", so the ACCC may take some small comfort that this action at least appears to have caused Google to clarify the nature of these paid advertisements.

In the joint decision of the High Court, there was some discussion of evidence (raised in the Federal Court) that at least some of the advertisers had consulted with a Google employee in preparing their AdWords

advertisements and that the choice of keywords had been suggested by that employee. It was held, however, that the evidence did not rise as far as proving that Google, rather than the advertiser, had ultimately selected the keywords or otherwise created the Sponsored Links. Both of the single judgements noted that the ACCC had not alleged that Google was a secondary party to the contravention of the Act and so questions of secondary liability under s.75B were not considered. Presumably, Google will also have taken these comments on board and amended their internal practices when accepting advertisements.

It is clear that, whilst Google was found not to have engaged in misleading or deceptive conduct, (or, according to Hayne J, could have had a defence for conduct involving publishing of misleading advertisements), the same could not be said for the individual advertisers. Care must be taken when advertising, whether on the Internet or through any other media, not to use a competitor's name or trade mark in a way that is likely to mislead or deceive.

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Phillips Ormonde Fitzpatrick Firm news

Andrew Massie elected Australian President of AIPPI

In December 2012, Andrew Massie was elected to the office of Australian President for the International Association for the Protection of Intellectual Property (AIPPI). AIPPI is the world's leading international organisation dedicated to the development and improvement of the protection of intellectual property.

Prior to his election as Australian President, Andrew spent four years as Treasurer and an additional five years as a committee member for AIPPI.

Andrew became a Partner at POF in 1998 and has been practicing as a registered Patent attorney since 1992. As leader of the Engineering team, Andrew specialises in the areas of Automotive Engineering, Mechanical Engineering, Mining and Medical Devices

POF congratulates Andrew on his appointment.

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Russell Waters recognised for expertise in trade mark protection

POF partner, Russell Waters, has been awarded Winner in the "Intellectual Property - Trade Marks" category for Australia in the International Law Office Client Choice Awards 2013. He has also won in the category "Leading Trade mark Lawyer of the Year Australia" in the ACQ Finance Magazine Law Awards 2012.

Both awards celebrate and honour innovation and excellence in the field of trade marks and client service and provide recognition for Russell's 25 years of expertise.

Russell said "I am very honoured to receive these accolades and would like to thank my clients and peers who nominated me. I am

pleased to win these awards on behalf of Phillips Ormonde Fitzpatrick, in recognition of our continuous work to improve our service, and deliver consistent and quality advice to our local and international clients."

After being admitted to practice as a solicitor, Russell joined the firm in 1987, qualified as a registered patent attorney in 1992 and became a partner of the firm in 2001. Russell has previously been recognised as one of Australia's top trade mark attorneys and is regularly sought out for speaking roles on trade mark matters.

POF congratulates Russell on these outstanding achievements.

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