

# GABRIELLA RUBAGOTTI

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## Summary

Admitted as solicitor in 2003 and called to the Bar in 2010, Gabriella practises in all areas of intellectual property (patents, trade marks, copyright and plant breeders rights), media, competition, consumer and contract law, intentional torts, breaches of confidence and privacy law, the latter including data breaches. She also has deep experience in inquiries.

Gabriella appears often in the High Court of Australia, including in some of the most notable intellectual property, defamation and implied freedom of political communication cases of the past 15 years, *Monis v R* among them. She has appeared in appeals, she has appeared in applications for special leave and she has appeared in removal applications under s 40 of the *Judiciary Act*.

Gabriella has a deep interest in health, medicine, biology, physiology and related matters, and expertise in the human health and animal health fields. In those fields she has appeared in patent cases, in cases involving regulatory infringements, and in cases involving misleading or deceptive claims. She has appeared as counsel assisting significant national and State human health inquiries.

Gabriella also has extensive experience in breach of confidence claims, be they substantive proceedings or search order or preliminary discovery applications. She is called to advise upon privacy laws pertaining to information privacy, including health data, and the new statutory tort for the invasion of privacy. Further, she is acting unled in complex litigation concerning the impairment of rights and interests arising under the Australian Constitution by an alleged breach of duty correlative to a statutory non-disclosure obligation giving rise to a private right of action.

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## Languages

**Modern** Gabriella is fluent in **Italian** and speaks the language daily. She has acted in cases involving Italian entities (Lavazza SpA, Sanpellegrino SpA, Celli SpA, &c) and she has drafted affidavits, translated commercial documents and communicated (orally and in writing) with clients and witnesses in Italian. **Classical** Greek (special interest in lyric poetry—Pindar, Sappho, Alcaeus, &c).

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## Inquiries

**Royal Commission into Defence and Veterans' Suicide**  
**Counsel Assisting (2021-2024)**  
**Commissioners: Mr Nick Kaldas APM, the Hon. James Douglas KC, Dr Peggy Brown AO**

Gabriella has considerable expertise in running all aspects of a lengthy and sensitive Commonwealth Royal Commission, in this case one inquiring into systemic issues relevant to suicidality and suicide of serving and ex-serving Defence members.

Gabriella worked closely with the Commissioners, solicitors assisting and policy, and is adroit at dealing with highly sensitive, classified materials, and Commonwealth and State government agencies and personnel.

Gabriella was deeply involved in identifying and understanding biological and psychological suicide factors. She conferred with more than 100 experts in a range of domains and conducted often lengthy examinations of more than 60 expert and Defence witnesses.

**Commission of Inquiry to examine DNA Project 13 concerns, Queensland  
Counsel Assisting (2023)  
Commissioner: the Hon. Dr Annabelle Bennett AC SC**

Gabriella has considerable expertise in running all aspects of a targeted inquiry into State agency conduct during criminal investigations, including homicides, attempted homicides and sexual assaults.

The Commission's terms of reference required it to address systemic failings in the DNA testing of crime samples at the then Queensland Health Forensic and Scientific Services Laboratory.

Gabriella worked closely with the Commissioner and solicitors assisting to confer with witnesses, to advise on matters of law and procedure, to analyse relevant systemic issues and to draft the final report.

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**Representative experience at the Bar**

Gabriella has appeared in over 140 matters since being admitted to the Bar, including some of the most noteworthy cases in her areas of expertise. They include the following.

**High Court of Australia**

1. *Lehrmann v Network Ten Limited & Wilkinson* (**defamation**; special leave application; **leading** B Workman)
2. *Zip Co. Limited & Firstmac Limited* (**trade marks** – forthcoming full court hearing 2026; led by H Bevan SC)
3. *Cantarella Bros Pty Ltd v Lavazza Australia Pty Ltd* [2025] HCADisp 126 (**trade marks**; led by R Cobden SC; E Heerey SC)
4. *Self Care IP Holdings Pty Ltd v Allergan Australia Pty Ltd* [2023] HCA 8; 97 ALR 388; 408 ALR; 171 IPR 120 (**trade marks & consumer law**; led by J Beaumont SC)
5. *Realestate.com.au Pty Ltd v Hardingham* [2022] HCA 39; 296 ALR 40; 406ALR 678; 170 IPR 1 (**contract & copyright**; led by R Cobden SC)
6. *Age Company Pty Ltd & Ors v Liu* [2016] HCATrans 306 (**defamation**; special leave; led by B McClintock SC)
7. *Attorney-General (SA) v Corporation of the City of Adelaide* [2013] HCA 3; 249 CLR 1 (**constitutional law & statutory interpretation**; led by G Reynolds SC)
8. *Beckett v New South Wales* [2013] HCA 17; 248 CLR 432 (**malicious prosecution**; led by G Reynolds SC)
9. *The Age Company Ltd and Ors v Liu* [2013] HCATrans 205 (**defamation**; constitutional law; special leave; led by B McClintock SC)
10. *Monis v The Queen* [2013] HCA 4; 249 CLR 92 (**constitutional law & statutory interpretation**; led by G Reynolds SC)
11. *Kelly v Crosby & Ors* [2013] HCATrans 17 (**defamation**; special leave; led by B McClintock SC)
12. *Harbour Radio Pty Ltd v Trad* [2012] HCA 44; 247 CLR 31 (**defamation**; led by R McHugh SC)
13. *Harbour Radio Pty Ltd v Trad* [2012] HCATrans 51 (**defamation**; special leave; led by R McHugh SC)
14. *David v Abdishou* [2012] HCATrans 253 (**defamation**; special leave; led by G Reynolds SC)

15. *Daily Examiner v Mundine* [2012] HCATrans 362 (**defamation**; special leave; led by G Reynolds SC)
16. *Monis v R; Drouidis v R* [2012] HCATrans 161 (**constitutional law**, special leave; led by G Reynolds SC)
17. *Cush v Dillon* [2011] HCA 30; 243 CLR 298 (**defamation**; led by G Reynolds SC)
18. *Monis v R; Drouidis v R* [2011] HCATrans 97 (**removal application** under s. 40(1), *Judiciary Act 1903* (Cth)); led by G Reynolds SC)
19. *Monis v R; Drouidis v R* [2011] HCATrans 76 (**removal application** under s. 40(1), *Judiciary Act 1903* (Cth)); led by G Reynolds SC)

### **Full Court of the Federal Court of Australia**

20. *Latham v Greenwich* (reserved November 2025; defamation, implied freedom; **unled**)
21. *Hanna v Secretary, Department of Social Service* (2025; successful appeal from *Hanna v Secretary, Department of Social Services* [2023] FCA 1255 (Jackman J); settled before final hearing, success on all issues; orders entered in favour of client appellant; **unled**)
22. *Cantarella Bros Pty Ltd v Lavazza Australia Pty Ltd* [2025] FCAFC 12; 184 IPR 27 (trade marks; led by R Cobden SC; E Heerey SC)
23. *Combe International Ltd v Dr August Wolff GmbH & Co. Kg Arzneimittel* [2021] FCAFC 8; 157 IPR 230 (trade marks; led by J Beaumont SC)
24. *Encompass Corporation Pty Ltd v InfoTrack Pty Ltd* [2019] FCAFC 161; 372 ALR 646; 145 IPR 1 (patents; led by C Dimitriadis SC)

### **Federal Court of Australia**

25. *Hayes v Gold Coast Suspension Pty Ltd* (ongoing; patent infringement; **unled**)
26. *PPK Mining Equipment Pty Ltd v GET Engineering Pty Ltd* (ongoing; breach of confidence; **leading** G Tsang)
27. *Troy Laboratories Australia Ltd v Randlab Pty Ltd* (ongoing, breach of confidence, copyright infringement, preliminary discovery; **leading** B Workman)
28. *Troy Laboratories Australia Ltd v Jhanker* (ongoing, breach of confidence, copyright infringement, preliminary discovery; **unled**)
29. *United Petroleum Franchisee Pty Ltd v Class Marketing & Management t/as Class PR* (ongoing; injurious falsehood, copyright infringement, ACL claims; led by R Cobden SC)
30. *Qantas Airways Ltd v Fogarty* (ongoing; search orders, breach of confidence, copyright infringement; led in part by R Cobden SC)
31. *Internet Services Aust. 1 Pty Ltd (“The Iconic”) v Shein Distribution Aust. Pty Ltd* (settled; trade mark infringement; **unled**)
32. *Greenwich v Latham (No 3)* [2025] FCA 312 (defamation final relief; **unled** & led by G Reynolds SC)
33. *Greenwich v Latham (No 2)* [2025] FCA 131 (defamation final relief; led by G Reynolds SC)
34. *Abbey Laboratories Pty Ltd v Virbac (Australia) Pty Ltd* [2024] FCA 1488 (patents, interlocutory injunction; **unled** & led by J Beaumont SC)
35. *Nutrafruit Pty Ltd v Fivefifty5 Super Foods Pty Ltd & Ors* (settled a week before hearing 2024; plant breeders' rights; led by H Bevan SC)

36. *Cantarella Bros Pty Ltd v Lavazza Australia Pty Ltd (No 4)* [2024] FCA 419 (costs; led by R Cobden SC; E Heerey SC)
37. *Cantarella Bros Pty Ltd v Lavazza Australia Pty Ltd (No 3)* [2023] FCA 1258 (trade marks; led by R Cobden SC & E Heerey KC)
38. *Appleroth v Ferrari Australasia Pty Ltd (No 5)* [2023] FCA 744 (suppression; **unled**)
39. *Palmer v McGowan (No 5)* [2022] FCA 893; 404 ALR 621 (defamation, led by P Gray SC)
40. *Cantarella Bros Pty Ltd v Lavazza Aust. Pty Ltd (No 2)* [2021] FCA 894 (practice & procedure; led by R Cobden SC)
41. *Cantarella Bros Pty Ltd v Lavazza Aust. Pty Ltd* [2020] FCA 1895 (practice & procedure; led by R Cobden SC)
42. *University of Sydney v ObjectiVision Pty Limited* [2019] FCA 1625; 148 IPR 1 (contract, copyright & equity; led by C Dimitriadis SC)
43. *Community First Credit Union Ltd v Bendigo and Adelaide Bank Ltd* [2019] FCA 1553; 146 IPR 186 (trade marks; led by S Goddard SC)
44. *Tate v Australian Broadcasting Corporation* [2019] FCA 610 (defamation; led by P Gray SC)
45. *Primary Healthcare Ltd v Cth & Ors* [2016] FCA 313 (trade marks; led by J Baird SC)
46. *DSI Aust. (Holdings) Pty Ltd v Garford Pty Ltd* [2013] FCA 132 (patents; led by S Goddard SC)
47. *Crosby v Kelly* [2013] FCA 1343 (defamation; led by B McClintock SC)
48. *Liu v The Age Co. Ltd* (2012) 285 ALR 386; (2012) 257 FLR 360 (constitutional law & civil procedure; **unled** & led by B McClintock SC)
49. *Beadcrete Pty Ltd v Fei Yu t/as Jewels for Pools (No. 2)* [2012] FCA 1139 (patents; led by S Goddard SC)
50. *Specsavers Pty Ltd v Coastal Contacts Pty Ltd* [2012] FCA 102 (consumer law; led by T Blackburn SC)
51. *Allen House Mirror & Glass Pty Ltd v Hamilton* [2012] FCA 464 (trade marks; **unled**)
52. *Societe Des Produits Nestle SA v Aldi Stores* [2010] FCA 218 (breach of confidence & copyright; **unled**)
53. *Nokia Corp. v Renae Millaras (No. 1), (No.2), (No.3)* [2010] FCA 1396, 1217 & 1174 (trade marks; **unled**)

### **Federal Circuit Court of Australia**

54. *Head Sport GmbH v Andrews* (ongoing; breach of copyright, ACL; **unled**)
55. *Metricon Homes Pty Ltd v McCarthy Homes (Qld) Pty Ltd* (ongoing; breach of copyright in building plans; **unled**)
56. *Metricon Homes Pty Ltd v Bold Properties (Qld) Pty Ltd* (ongoing; breach of copyright in building plans; **unled**)
57. *Metricon Homes Pty Ltd v Papaluca & Ors* (ongoing; breach of copyright in building plans; **leading** J Saulwick)
58. *McDonald Jones Homes Pty Ltd v Caleb Driver* (ongoing; breach of copyright in building plans, breach of settlement terms, enforcement under deed; **unled**)
59. *Metricon Homes Pty Ltd v Tanchevski* (settled; breach of copyright in building plans; **leading** G Tsang)

60. *Home Grown Brands Australia Pty Ltd v Sperling Enterprises Pty Ltd* [2021] FCCA 1597 (consumer law; **unled**)

### **NSW Court of Appeal**

61. *Housman v Camuglia* [2021] NSWCA 106; 104 NSWLR 615 (contract, led by G Sirtes SC)
62. *Ghosh v Medical Council of New South Wales* [2020] NSWCA 122; 102 NSWLR 303 (administrative law & *Health Practitioner Regulations*; led by F M Douglas KC)
63. *GR v Secretary; Department of Families; Disabilities and Community Services* [2019] NSWCA 277 (family law & civil procedure; led by FM Douglas KC)
64. *Liu v The Age Co. Ltd* [2016] NSWCA 115; 92 NSWLR 679 (defamation; led by B McClintock SC)
65. *Enders v Erbas* [2014] NSWCA 70 (defamation; led by M McHugh SC)
66. *The Age Co. Ltd v Liu* [2013] NSWCA 26; 82 NSWLR 268 (constitutional law; led by B McClintock SC)
67. *Daily Examiner v Mundine* [2012] NSWCA 195 (constitutional law, defamation; led by G Reynolds SC)
68. *Daily Examiner Pty Ltd v Mundine* [2012] NSWCA 195 (defamation; led by G Reynolds SC)
69. *Sigalla v TZ Pty Ltd* [2011] NSWCA 334 (contempt; led by G Reynolds SC)

### **NSW Supreme Court**

70. *Smith v NSW Crime Commission* (ongoing; breach of confidence, negligence, tortious breach of statutory duty; **leading** B Workman)
71. *Senses Northbridge Pty Ltd v Sahab (No 3)* [2020] NSWSC 345 (contract; led by S Epstein SC)
72. *Tate v Duncan-Strelec* [2020] NSWSC 52 (and preceding decision; criminal contempt; unled)
73. *Inlon Pty Ltd v Farmgard Pty Ltd* [2019] NSWSC 718 (civil procedure; led by FM Douglas KC)
74. *McGinn v Peter Clisdell Pty Ltd (No 2)* [2018] NSWSC 1856 (defamation; **unled**)
75. *Strata Plan 47027 v McGinn* [2018] NSWSC 1228 (civil procedure; **unled**)
76. *Inlon Pty Ltd v Celli SpA* [2017] NSWSC 569 (contracts, equitable remedies; led by F M Douglas KC)
77. *Uber BV & Anor v Howarth* [2017] NSWSC 54 (tort of intimidation; injunction in equity's auxiliary jurisdiction & under s. 66, *Supreme Court Act 1970*; led by B McClintock SC)
78. *Qantas Airways Ltd v Lucinda Holdforth* [2015] NSWSC 821 (civil procedure; **unled**)
79. *Built NSW v Evolvebuilt* [2014] NSWSC 255 (civil procedure; led by FM Douglas KC)
80. *National Australia Bank Limited v Smith* [2014] NSWSC 1605 (consumer law; led by B McClintock SC)
81. *Kenny v Australian Broadcasting Corporation* [2014] NSWSC 190 (defamation; led by B McClintock SC)
82. *Tate v Duncan-Strelec* [2013] NSWSC 1446 (contempt; led by B McClintock SC)
83. *Qureshi v John Fairfax Publications* [2012] NSWSC 1605 (defamation; led by B McClintock SC)

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## Recognition

### Doyle's Guide:

Leading Intellectual Property Junior Counsel—Australia, 2023-2025

Leading Intellectual Property Junior Counsel—NSW, 2023- 2025

Recommended Intellectual Property Junior Counsel—NSW, 2016-2022

Recommended Technology, Media & Telecommunications Junior Counsel—NSW, 2016-2025

### Australia's Best lawyers:

Recognised for Intellectual Property and Defamation & Media, 2020-2026

### Chambers Asia & Pacific:

Intellectual Property—the Bar Australia, 2024-2026

*“Gabriella has exceptional advocacy skills and an excellent command of IP law.”*

*“Gabriella deals with issues pragmatically and suggests solutions which are easy to implement. She is very easy to work with, knowledgeable and efficient.”*

### The Legal 500 Asia & Pacific:

TMT & IP—2022-2025 (*“Gabriella has first-rate technical knowledge and attention to detail, but also shows excellent creativity when coming up with smart and effective legal strategies”*)

### World Trademark Review (recognition of barristers ceased after 2018):

2018 ('recommended junior counsel')

2017 ('a lateral thinker who has a sharp understanding and sensitivity to trademark oppositions')

2016 ('“A brilliant tactician in the courtroom”... an obvious choice for many instructing counsellors')

2015 ('“Methodical, innovative and highly intelligent”, Gabriella Rubagotti... wins praise from all corners for her achievements in the trademark field')

2014 ('Gabriella Rubagotti stands out')

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