

Gilbert Tsang

Barrister-at-law, Nigel Bowen Chambers

Practice Overview

Gilbert practices in all areas of commercial law, including all areas of intellectual property.

Gilbert is regularly briefed to appear in intellectual property matters, including in proceedings concerning patents, trade marks, copyright, breach of confidence and misleading or deceptive conduct. He has appeared in all federal courts including the High Court of Australia, and has appeared unled at final hearings in a range of disputes in the Federal Court and Federal Circuit Court and in matters before IP Australia. Before becoming a barrister, Gilbert worked as a solicitor for over 8 years at several pre-eminent law firms, practising primarily in intellectual property.

Admissions

Barrister	2018
High Court of Australia	2011
Supreme Court of NSW	2009

Qualifications

Master of Intellectual Property Law	University of Melbourne	2016
First Class Honours in: Written Advocacy, Copyright Law (first in course), Entertainment Law, Trade Mark Practice, Trade Marks and Unfair Competition		
Frank Pinkerton Scholarship for Copyright Law,		2015
Bachelor of Laws (Hons I)	University of Sydney	2009
Bachelor of Science (Adv) (Chemistry)	University of Sydney	2007
Associate in Music, Australia (Award with Distinction)	AMEB	2002

Professional Experience

Baker McKenzie Sydney	Senior Associate Associate	2016 – March 2018 2014 – 2016
Minter Ellison Melbourne	Associate	2014
King & Wood Mallesons Melbourne	Solicitor	2011 – 2013
Gilbert + Tobin Sydney	Lawyer Paralegal & Graduate	2010 2008 – 2009

Recognition

Doyle's Guide, 2023 – Leading Intellectual Property Junior Counsel in NSW; Recommended Intellectual Property Junior Counsel in Australia

Doyle's Guide, 2022 – Recommended Intellectual Property Junior Counsel in NSW

Legal 500, 2022 - TMT and IP

Selected Cases as Counsel

Endeavour Group Ltd v Southcorp Brands Pty Ltd [2023] ATMO 127 (trade marks)

Top Plus Pty Ltd v Yi Star Pty Ltd [2023] FedCFamC2G 189 (copyright)

Baybridge Lawyers Pty Ltd v LawBridge Legal and Mediation Services Pty Ltd [2023] ATMO 26 (trade marks)

TCT Group Pty Ltd v Polaris IP Pty Ltd [2022] FCA 1493 (patents, led by S Goddard SC)

Thaler v Commissioner of Patents [2022] HCATrans 199 (patents special leave, led by S Goddard SC and HPT Bevan SC)

Top Plus Pty Ltd v Mix Entertainment Pty Ltd [2022] FedCFamC2G 981 (copyright)

Los Carnales Pty Ltd, in the matter of Cartel Del Taco Pty Ltd [2022] FCA 1053 (misleading or deceptive conduct, passing off)

Afterpay Australia Pty Ltd [2022] ATMO 178 (trade marks)

Rajesh Yadali v Prana Living LLC [2022] ATMO 24 (trade marks, non-use)

RB (Hygiene Home) Australia Pty Ltd v Henkel Australia Pty Ltd and related [2021] FCA 1094 and [2022] FCA 1042 (trade marks, led by M Hall SC)

Allergan Australia Pty Ltd v Self Care IP Holdings Pty Ltd [2020] FCA 1530 (trade marks, misleading or deceptive conduct, led by RP Lancaster SC and AR Lang)

Pizzey's Patent and Trade Mark Attorneys Pty Ltd v Bennett [2019] FCA 2084 (preliminary discovery, led by J Cooke)

Verde Terra Pty Ltd v Central Coast Council and related (led by P Larkin SC and J Stuckey-Clarke) including: [2023] NSWCA 121; (No 9) [2022] NSWLEC 29 (estoppel and abuse of process); (No 7) [2020] NSWLEC 140 (Harman undertakings); (No 4) [2020] NSWLEC 45 (subpoenas); (No 3) [2020] NSWLEC 40 (late evidence); (No 2) [2020] NSWLEC 10 (privilege); [2019] NSWLEC 166 (privilege); *Verde Terra Pty Ltd v EPA (No 1)* [2018] NSWLEC 159; (No 2) [2018] NSWLEC 160; (No 3) [2018] NSWLEC 161.

Professional Memberships

Intellectual Property Society of Australia & New Zealand

Other Languages Spoken

Cantonese (conversational)