

# Joe Petry

Barrister-at-law, Nigel Bowen Chambers

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## Practice Overview

Joe accepts briefs in all areas of law. He focuses particularly on general commercial and common law matters, media, intellectual property, and all areas of public law.

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## Admissions

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| Barrister               | 2024 |
| High Court of Australia | 2018 |
| Supreme Court of NSW    | 2018 |

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## Education

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| Master of Laws   London School of Economics and Political Science                                                                                                      | 2023 |
| <i>Major papers:</i> <u>'Secret Evidence and Special Advocates: Australia on the Precipice'</u><br><u>'Should It Be Harder For Politicians To Sue For Defamation?'</u> |      |
| Bachelor of Laws (Honours Class I)   University of Newcastle                                                                                                           | 2017 |
| Bachelor of Communication (Journalism, with Distinction)   University of Newcastle                                                                                     | 2015 |

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## Professional Experience

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| Australian Government Solicitor               | Senior Lawyer                    | 2020-24 |
| Federal Court of Australia                    | Associate to Hon. Justice Burley | 2019-20 |
| Office of the Director of Public Prosecutions | Solicitor                        | 2018-19 |
| William Roberts Lawyers                       | Solicitor                        | 2018    |

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## Selected Cases as Barrister

### Commercial / Common law

- *Munro v Wheeler (No 3)* [2025] NSWDC 3: **Defamation**. For successful 2<sup>nd</sup> Defendant (a pet detective) in trial about a stolen dog and related social media posts. Several defences made out including justification and qualified privilege. Led by P Larkin SC.
- *Ferguson v ACT Integrity Commission (No 2)* [2025] ACTSC 380: **Injunction, human rights, torts**: For Respondent. Led by B Kaplan.
- *BCY25 v Cth; BKN25 v Cth* (FCA, ongoing): **Torts (false imprisonment)**. For Respondent. Led by P Knowles SC and T Liu.

- *Kuster v Cth* (FCA, ongoing): **Torts (false imprisonment)**. For Respondent. Led by S Lloyd SC and M Sherman.
- *Endeavour Energy Network Management v CEPU* (FCA, ongoing): **Declaratory relief, construction of union rules**. For Respondent. Led by J Emmett SC.
- *Gonzalez v Turton* (NSWDC, ongoing): **Commercial lease, contracts, equity**. For Defendants. Unled.
- *Bish v Dexter* (NSWLC, ongoing): **Contracts, negligence**. For Plaintiff. Unled.
- *Dyson Technology v SharkNinja* (FCA, settled): **Patents**. For Respondent. Led by P Flynn SC.
- *NSV Group v Innovation Collective* (FCA, ongoing): **Patents**. Mechanical patent. For Applicant. Led by J Ambikapathy.
- *Assignar v Varicon* (FCA, consent outcome): **Copyright, software, preliminary discovery**. For Respondent. Led by H Bevan SC.
- *MomolIP LLC v Nissin Food Holdings* (FCA, ongoing): **Trade Marks**. For Respondent. Led by M Evetts.
- *Sunny International Hardware Group v Sunny Group (VIC)* (FCA, settled): **Trade Marks**. For Applicant in trade mark, ACL and passing off claims. Led by J Ambikapathy.
- *CDB Goldair Australia Pty Ltd v SharkNinja Operating LLC* [2025] APO 35: **Patents**. Application for extension of time to file evidence in patent opposition. For Applicant. Unled.

## Public and Criminal law

- *NDIA v Warwick* [2025] FCAFC 100: **Appellate, statutory construction**. For Respondent. Led by T Liu.
- *AG (Cth) v Benbrika* [2025] VSC 83; *AG (Cth) v Benbrika (No 2)* [2025] VSC 223: **Public interest immunity and protective orders**. For the Director-General of Security. Led by T Glover SC in application. Unled at hearing.
- *Zahed, Abdul v R* [2025] NSWCCA 24: **Appeal against sentence**. Led by M Thangaraj SC.
- *R v Pitt (No 1)* (unreported): **Public interest immunity, setting aside subpoenas**. Conspiracy to import commercial quantity of border controlled drug. For Commissioner of the AFP, unled.

Joe has also appeared and advised in criminal matters instructed by the CDPP and the AGS.

## Selected Cases as Solicitor at AGS

### Patents

- ***Commissioner of Patents v Thaler* (2022) 289 FCR 45**: whether an artificial intelligence can be an “inventor” for the purpose of the *Patents Act*. Instructed S Goddard SC and H Bevan SC.
- ***Commissioner of Patents v Ono Pharmaceutical Co. Ltd* (2022) 291 FCR 1; *Merck Sharp & Dohme Corp. v Sandoz Pty Ltd* (2022) 291 FCR 26**: two cases about the proper construction of the pharmaceutical patent term extension scheme. Instructed C Moore SC and F Roughley.
- ***Repipe Pty Ltd v Commissioner of Patents* (2021) 164 IPR 1; *Repipe Pty Ltd v Commissioner of Patents* [2022] HCATrans 084**: manner of manufacture. Instructed C Dimitriadis SC and M Evetts.
- ***Airco Fasteners Pty Ltd v Commissioner of Patents* [2021] FCA 1594**: the Commissioner successfully opposed applications for judicial review of, and an out of time appeal from, the Commissioner's decision to allow amendments. Instructed L Thomas.

- ***Advanta Seeds Pty Ltd v Commissioner of Patents & Anor (AAT)***: merits review of the Commissioner's decision to refuse an extension of time to pay patent renewal fees.
- ***Dei Gratia v Commissioner of Patents (2024, judgment reserved)***: manner of manufacture case – patent claiming logistics method. Instructed C Dimitriadis SC and M Evetts.

## Public law

- ***Minister for Home Affairs v Pender [2021] NSWSC 1644***: first continuing detention order application in NSW under the Criminal Code. Instructed P Herzfeld SC, Z Heger and C Ernst.
- ***R v Duong (Magistrates' Court of Victoria, unreported)***: first prosecution for foreign interference offence under Div 92 of the Criminal Code. Acted for the Director-General of Security in setting aside subpoena and making PII claims. Instructed R Sharp.
- ***R v Collaery (Supreme Court of ACT, discontinued)***: application of the *National Security Information Act 2004* (Cth) to the prosecution. Instructed J Kirk SC and T Glover in hearing concerning AG's proposed reliance on court-only evidence.
- ***R v Campbell (District Court of NSW, unreported)***: criminal drug trial. Acted for the AFP in setting aside subpoenas. Instructed R Bhalla.
- ***Alexander Abramov v Minister for Foreign Affairs (No 2) [2023] FCA 1099***: judicial review of Minister's decision to sanction a Russian billionaire. Briefed P Herzfeld SC and B Lim.
- ***R v Savage (District Court of NSW, ongoing)***: prosecution for foreign bribery under the Criminal Code. Acted for the AFP at s 82 hearing and in response to subpoena. Instructed P Melican.

## Professional Memberships

NSW Bar Association

Australian Association of Constitutional Law

Australian Institute of Administrative Law

Communications and Media Law Association

Intellectual Property Society of Australia and New Zealand