

# 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 commercial and common law matters (including urgent injunction applications), media, intellectual property, and all areas of public law.

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## Admissions

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

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## Education

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> <u>'Should It Be Harder For Politicians To Sue For Defamation?'</u>	
Bachelor of Laws (Honours Class I)   University of Newcastle	2017
<i>Prizes for top marks:</i> <u>Public International Law</u> and <u>Mining Law</u>	
Bachelor of Communication (Journalism, with Distinction)   University of Newcastle	2015

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## Professional Experience

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 and common law

#### Led

<i>Munro v Wheeler (No 3)</i> [2025] NSWDC 3 ( <b>defamation, freezing orders</b> ): for second defendant in trial about a stolen dog and related social media posts. Separate application for freezing orders post-judgment.	Led by P Larkin SC
<i>Ferguson v ACT Integrity Commission (No 2)</i> [2025] ACTSC 380 ( <b>human rights, torts, judicial review, urgent injunction</b> ): for respondent resisting orders preventing inspection of phone seized during corruption inquiry.	Led by B Kaplan
<i>BCY25 v Cth; BKN25 v Cth</i> (FCA, ongoing) ( <b>torts, constitutional law</b> ): for respondent, defending allegations of false imprisonment.	Led by P Knowles SC and T Liu

<i>Kuster v Cth</i> (FCA, ongoing) ( <b>torts, constitutional law</b> ): for respondent.	Led by S Lloyd SC and M Sherman
<i>Endeavour Energy Network Management v CEPU</i> (FCA, ongoing) ( <b>declaratory relief, construction of union rules</b> ): for respondent.	Led by J Emmett SC
<i>NSV Group v Innovation Collective</i> (FCA, ongoing) ( <b>patents</b> ): for applicant, alleging infringement of patent concerning magnetic snap-on car window shades.	Led by J Ambikapathy
<i>Dyson Technology v SharkNinja</i> (FCA, settled) ( <b>patents</b> ): for respondent, alleging invalidity of patent concerning hair dryer technology.	Led by P Flynn SC
<i>Assignar v Varicon</i> (FCA, consent outcome) ( <b>copyright, preliminary discovery</b> ): for respondent, defending allegations of copyright infringement of software and associated claims in contract.	Led by H Bevan SC
<i>Momo IP v Nissin Foods</i> (FCA, ongoing) ( <b>Trade marks</b> ): for respondent, appeal from decision of Registrar of Trade Marks allowing registration of “Momufuku”.	Led by M Evetts
<i>Sunny International Hardware Group v Sunny Group (VIC)</i> (FCA, settled) ( <b>Trade marks, ACL</b> ): for respondent.	Led by J Ambikapathy
<i>Borambola Wines Pty Ltd v The DOTT Developments Pty Ltd</i> [2025] ATMO 218 ( <b>Trade mark opposition</b> ): for applicant, for “Dog on the Tuckerbox” trade marks.	Led by E Heerey SC

#### Unled

*Mosolini v Betyounan; Betyounan v Mosolini* (NSWSC, ongoing) (**defamation, contempt of court**): for plaintiff in contempt of court motion, for defendant in defamation proceeding.

*Gonzalez v Turton* (NSWDC, ongoing) (**contracts, equity**): for respondents in dispute in respect of a commercial lease.

*Bish v Dexter* (NSWLC, settled) (**contracts, torts**): acting for commercial truck driver in breach of contract and negligence claim against mechanic.

*CDB Goldair Australia Pty Ltd v SharkNinja Operating LLC* [2025] APO 35 (**patent opposition**): for patent applicant, applying for extension of time to file evidence.

### Public and criminal law

#### Led

*NDIA v Warwick* (2025) 311 FCR 19; FCAFC 100 (**appellate**): appeal on question of law concerning statutory construction and nature of appellate jurisdiction.

*A-G (Cth) v Benbrika* [2025] VSC 83 (**PII, suppression orders**): for the Director-General of Security in respect of issues arising in application under Div 105A of the *Criminal Code*.

Led by T Liu

Led by T Glover SC

*Zahed, Abdul v R* [2025] NSWCCA 24 (**appeal against sentence**): for offender in appeal from sentence.

Led by M Thangaraj SC

*R v Zakaria* (NSWSC, ongoing) (**PII, permanent stay**): for several Cth agencies making PII claims in context of accused's application for a permanent stay of prosecution for murder (arising from his deportation from Türkiye).

Led by R Ranken SC

#### Unled

*A-G (Cth) v Benbrika (No 2)* [2025] VSC 223 (**PII, suppression orders**): for the Director-General of Security in respect of issues arising in application under Div 105A of the *Criminal Code*.

*Whaley v Attorney-General* [2025] FCA 1657 (**judicial review**): for respondent in review of decision to refuse parole.

*SZOEV v Minister for Immigration and Citizenship* [2025] FedCFamC2G 2115 (**migration, judicial review**): for applicants in review of Minister's decision to refuse them protection visas.

*R v Pitt (No 1)* (unreported) (**PII, setting aside subpoena**): for the Commissioner of the AFP. Accused charged with conspiracy to import commercial quantity of border controlled drug.

*Norkin v Comptroller-General of Customs* (FCFCOA, ongoing) (**judicial review**): for respondent in review of decision to take and hold electronic devices for examination under s 186 of the *Customs Act*.

*Suktarachan v Commissioner of Patents* (ART, ongoing) (**merits review, expiry of patent application**): for respondent.

Joe has also appeared and advised in criminal matters, and criminal-adjacent matters, instructed by the CDPP, the AGS and the CSO.

#### **Other**

Reporter for the NSW Law Reports

2026

Executive Secretary of the Australian Dispute Resolution Advisory Council

2020-2021

#### **Professional Memberships**

NSW Bar Association

Communications and Media Law Association

Australian Association of Constitutional Law

Australian Institute of Administrative Law

Intellectual Property Society of Australia and New Zealand

## 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.