

Joe Petry

Barrister-at-law, Nigel Bowen Chambers

Practice Overview

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

Joe is acting in patent infringement proceedings involving mechanical patents, and previously acted for the Commissioner of Patents as a solicitor in several landmark cases, including *Commissioner of Patents v Thaler* (2022) 289 FCR 45, a case considering whether an artificial intelligence can be an inventor. Further, he acts and advises in copyright disputes involving consumer products, photographs, drawings and software. Joe also has experience acting in the Trade Marks Office and Patents Office.

Joe has a particular interest in media law, having successfully defended a professional pet detective sued for defamation in respect of social media posts in *Munro v Wheeler (No 3)* [2025] NSWDC 3 (now before the Court of Appeal).

Joe's public law practice is broad. He acts for a broad range of Commonwealth agencies in civil, judicial review, criminal, and high-risk offender proceedings. He has a particular focus on acting for and advising law enforcement and intelligence agencies. Joe also appears in public law matters for individuals and corporations.

Admissions

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

Education

Master of Laws (Public Law) London School of Economics and Political Science	2023
Major papers: <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
Bachelor of Communication (Journalism, with Distinction) University of Newcastle	2015

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

Selected Cases as Barrister

Commercial

- *Munro v Wheeler (No 3)* [2025] NSWDC 3: **Defamation**. Appeared for successful 2nd D (a pet detective) in trial about a missing dog and related social media posts. Several defences made out including justification and qualified privilege. Led by P Larkin SC.
- *Munro v Wheeler* (CoA, ongoing): **Defamation, appellate**. Led by P Larkin SC.
- *Dyson Technology Ltd v SharkNinja Pty Ltd* (FCA, settled): **Patents**. Acted for Respondent. Cross-Claim for invalidity. Led by P Flynn SC.
- *NSV Group Pty FZCO v Innovation Collective Pty Ltd* (FCA, ongoing): **Patents**. Mechanical patent. Acting for Applicant. Led by J Ambikapathy.
- *Assignar Pty Ltd v Varicon Pty Ltd* (FCA, consent outcome): **Copyright, preliminary discovery**. Allegations of copyright infringement of software. Acted for Respondent. Led by H Bevan SC.
- *Sunny International Hardware Group Pty Ltd v Sunny Group (VIC) Pty Ltd* (FCA, settled): **Trade Marks**. Acting for Applicant in trade mark, ACL and passing off claims. Led by J Ambikapathy.
- *Gonzalez v Turton & Ors* (District Court, ongoing): **Contracts, equity**. Acting unled for Defendants.

Public and criminal law

- *BCY25 v Cth of Australia; BKN25 v Cth of Australia* (FCA, ongoing): **False imprisonment**. Acting for Respondent. Led by P Knowles SC and T Liu.
- *Kuster v Cth of Australia* (FCA, ongoing): **False imprisonment**. Acting for Respondent. Led by S Lloyd SC and M Sherman.
- *National Disability Insurance Agency v Warwick* (FCAFC, reserved): **Appellate**. Meaning of “day-to-day living costs”. Appeared for Respondent. Led by T Liu.
- *Attorney-General (Cth) v Benbrika* [2025] VSC 83; *Attorney-General (Cth) v Benbrika (No 2)* [2025] VSC 223: **Public interest immunity and protective orders**. Appeared for the Director-General of Security. Led by T Glover SC in application. Unled at hearing.
- *Regan v National Disability Insurance Agency* (ART, consent outcome): **Merits review**. Appeared for the NDIA. Led by T Liu.
- *EUS21 v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs* [2025] FedCFamC2G 352: **Judicial review**. Appeared for Minister. Unled.
- *Zahed, Abdul v R* [2025] NSWCCA 24: **Appeal against sentence** – accessory after the fact to murder. Led by M Thangaraj SC.
- *R v Benjamin Pitt (No 1)* (unreported): **Public interest immunity, setting aside subpoena**: Prosecution for conspiracy to import commercial quantity of border controlled drug. Appeared unled for Commissioner of the AFP.

Joe has also appeared and advised in criminal matters instructed by the Commonwealth Director of Public Prosecutions and the Australian Government Solicitor.

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