

Hamish Bevan SC

Barrister-at-law, Nigel Bowen Chambers

Background and qualifications

Hamish was called to the Bar in May 2006 and was appointed Senior Counsel in October 2021. He practises principally in the areas of intellectual property and public / administrative law.

Hamish is a graduate of the University of Sydney with a Bachelor of Arts (Honours Class I) (English Literature) and a Bachelor of Laws (First Class Honours). He was an Associate to the Hon Justice A R Emmett (then of the Federal Court of Australia), after which he was a solicitor in litigation and dispute resolution at Allens Arthur Robinson (now Allens).

Experience at the Bar and notable cases

Hamish's practice covers all fields of intellectual property with extensive experience at trial and appellate levels. He frequently advises and represents clients from diverse industries, including the pharmaceutical and healthcare sectors, mining, telecommunications, technology and gaming, real estate and property, agriculture, transport and fast-moving consumer goods and luxury brands.

In his practice, Hamish draws on his broader experience in contract and equity, with many cases at the intersection of intellectual property, commercial law and statutes. He has particular expertise in the identification of intellectual property assets in a taxation context.

His experience and expertise has earned him consistent recognition in legal directories Doyle's Guide, Chambers and Partners (Global / Asia-Pacific), The Legal 500 Asia Pacific, Best Lawyers in Australia (Intellectual Property) and World Trade Mark Review.

In administrative law, Hamish has particular distinction in migration cases.

Hamish is a member of the Australian Institute of Administrative Law, IPSANZ (Intellectual Property Society of Australia and New Zealand), AIPPI and the Copyright Society.

Selected cases of interest are mentioned below and a longer list is available on request.

Patents

Glass Hardware Australia Pty Ltd v TCT Group Pty Ltd [2024] FCAFC 95 (Yates, Charlesworth and Rofe JJ) and *Glass Hardware Australia Pty Ltd v TCT Group Pty Ltd* [2024] HCASL 295

Thaler v Commissioner of Patents [2021] FCA 879 (Beach J) and *Commissioner of Patents v Thaler* (2022) 289 FCR 45, [2022] FCAFC 62 (Allsop CJ, Nicholas, Yates, Moshinsky and Burley JJ) and *Thaler v Commissioner of Patents* [2022] HCATrans 199 (Gordon, Edelman and Gleeson JJ)

Vehicle Monitoring Systems Pty Ltd v SARB Management Group Pty Ltd trading as Database Consultants Australia and City of Melbourne (No 2) (2020) 150 IPR 554, [2020] FCA 447 (Yates J), *(No 4)* [2021] FCA 819 (Yates J) and *(No 8) (Liability)* [2023] FCA 182 (Besanko J) and [2024] FCAFC 155 (Perram, Downes and O'Sullivan JJ)

Meat & Livestock Australia Ltd v Cargill, Inc (No 2) (2019) 139 IPR 47, [2019] FCA 33 (Beach J) and *Meat and Livestock Australia Ltd v Branhaven LLC* (2020) 154 IPR 402, [2020] FCAFC 171 (Kenny, Nicholas and Burley JJ)

Nichia Corp v Arrow Electronics Australia Pty Ltd [2015] FCA 699, *(No 3)* (2017) 240 FCR 13, [2017] FCA 864 and *(No 4)* [2017] FCA 864 (Yates J) and *Nichia Corp v Arrow Electronics Australia Pty Ltd* [2019] FCAFC 2 (Besanko, Jagot and Nicholas JJ) and *Nichia Corp v Arrow Electronics Australia Pty Ltd* [2019] HCASL 221

Trade marks

Self Care IP Holdings Pty Ltd v Allergan Australia Pty Ltd (2023) 277 CLR 186, [2023] HCA 8 (Kiefel CJ, Gageler, Gordon, Edelman and Gleeson JJ)

Firstmac Ltd v Zip Co Ltd [2023] FCA 540 and [2023] FCA 1074 (Markovic J) and on appeal (Perram, Katzmann and Bromwich JJ)

In-N-Out Burgers, Inc v Hashtag Burgers Pty Ltd (2020) 377 ALR 117, 150 IPR 73, [2020] FCA 193 (Katzmann J) and Hashtag Burgers Pty Ltd v In-N-Out Burgers, Inc (2020) 385 ALR 514, [2020] FCAFC 235 (Nicholas, Yates and Burley JJ)

Fairfax Media Publications Pty Ltd v Network Ten Pty Ltd [2018] FCA 2003 (Yates J)

Accor Australia & New Zealand Hospitality Pty Ltd v Liv Pty Ltd (2017) 345 ALR 205, 124 IPR 264, [2017] FCAFC 56 (Greenwood, Besanko and Katzmann JJ)

Copyright and confidential information

Realestate.com.au Pty Ltd v Hardingham (2022) 277 CLR 115, [2022] HCA 39 (Kiefel CJ, Gageler, Gordon, Edelman and Steward JJ) from Hardingham v R P Data Pty Ltd and realestate.com.au Pty Ltd (2019) 147 IPR 489, [2019] FCA 2075 (Thawley J) and on appeal (2021) 395 ALR 643, [2021] FCAFC 148 (Greenwood, Rares and Jackson JJ)

Real Estate Tool Box Pty Ltd v Campaigntrack Pty Ltd (2023) 278 CLR 240, [2023] HCA 38 (Gageler CJ, Gordon, Edelman, Steward and Jagot JJ) from Campaigntrack Pty Ltd v Real Estate Tool Box Pty Ltd (2021) 160 IPR 361, [2021] FCA 809 (Thawley J) and on appeal (2022) 292 FCR 512, [2022] FCAFC 112 (Greenwood, Cheeseman and McElwaine JJ)

JWR Productions Australia Pty Ltd v Duncan Watt (No 2) (2020) 377 ALR 467, 149 IPR 400, [2020] FCA 236 (Thawley J)

Australian Consumer Law

GlaxoSmithKline Australia Pty Ltd v Reckitt Benckiser (Australia) Pty Ltd [2018] FCA 1 (Foster J) and Reckitt Benckiser (Australia) Pty Ltd v GlaxoSmithKline Australia Pty Ltd [2018] FCAFC 138 (McKerracher, Yates and Gleeson JJ)

Australian Competition and Consumer Commission v GlaxosmithKline Consumer Healthcare Australia Pty Ltd (2019) 371 ALR 396, [2019] FCA 676 and (No 2) [2020] FCA 724 (Bromwich J)

Public and Administrative Law

Gehlert v Minister for Immigration and Multicultural Affairs (2024) 305 FCR 172, [2024] FCAFC 129 (Mortimer CJ, Colvin and Dowling JJ)

Wiseway Logistics Pty Ltd v Secretary, Department of Home Affairs [2024] AATA 2250 (SM Poljak)

DVO16 v Minister for Immigration and Border Protection (2019) 271 FCR 342, [2019] FCAFC 157 (Greenwood, Flick and Stewart JJ), DVO16 v Minister for Immigration and Border Protection [2020] HCATrans 051 (Nettle and Gordon JJ) and DVO16 v Minister for Immigration and Border Protection (2021) 273 CLR 177, [2021] HCA 12 (Kiefel CJ, Gageler, Gordon, Edelman and Stewart JJ)

ZMBZ v Minister for Home Affairs [2019] FCA 455 (Flick J) and [2019] FCAFC 195 (Perram, Stewart and Abraham JJ)

Kraues v Office of the Migration Agents Registration Authority (2018) 158 ALD 493, [2018] FCA 664 (Perry J) and (2019) 269 FCR 404, [2019] FCAFC 52 (Markovic, Thomas and Thawley JJ)

Minister for Immigration and Border Protection v EEI17 (2018) 261 FCR 461, [2018] FCAFC 166 (McKerracher, Gleeson and Burley JJ)

Directories

- Doyle's Guide: As Senior Counsel, Hamish has been recognised as “Leading” (NSW 2022, 2023, 2024 and Australia 2023, 2024). As junior counsel, Hamish was recognised from 2012 in the “Leading Intellectual Property Barristers” category for Australia and New South Wales, with nominations as “Leading” (NSW 2018 and Australia 2018, 2019 and 2020) and “Preeminent” (NSW 2019, 2020, 2021 and Australia 2021), and from 2018 as “Recommended” in the “Leading Media & Telecommunications Barristers” category.
- Chambers and Partners (Global / Asia-Pacific):
 - 2025 – “He is a very gifted advocate with the ability to read the judges and the room, which is very important”
 - 2024 – “Hamish is an outstanding IP silk. He is an excellent court advocate and has really outstanding knowledge of complex IP matters, especially patent and trade mark”
 - 2023 – “Hamish has an excellent grasp of IP and provides practical and considered advice”
 - 2022 – “handle[s] matters arising from an impressively varied range of business sectors” and “has an excellent grasp of IP and provides practical and considered advice”
 - 2021 – “a true IP specialist, ‘highly skilled in all areas of IP law’ and possessing ‘a lot of experience in the space’. [He is] [p]articularly well regarded for his work in the trade mark sphere, where he is noted for handling prominent litigation unled”.
- The Legal 500 Asia Pacific (TMT and Intellectual Property):
 - 2024 – “Persuasive and nuanced advocate who has the respect of judges. Accessible, user-friendly and very hard working, Hamish has an encyclopedic knowledge of law and practice, and the ability to acquire and refine specialist knowledge”
 - 2023 – “Amazing court craft—Hamish has the respect and confidence of the IP judges. An excellent lawyer with a nuanced feel for IP concepts and issues”
 - 2022 – “strong knowledge of the law of intellectual property”.
- Best Lawyers in Australia (Intellectual Property) in the 2019, 2020, 2021, 2022, 2023 and 2024 editions.
- World Trademark Review in 2013 (“grasps the key issues immediately, provides clear guidance and accurately anticipates likely decisions from the judiciary”), 2014 (“quick study and well prepared for contingencies”), 2015 (“firm grasp of the legal and commercial issues in a case”), 2016 (“a great orator with deep IP knowledge”), 2017 (“an excellent advocate and lateral thinker”), and 2018 (“far-ranging IP practice benefits from a wealth of administrative law knowledge”).