



Tim Appleby

Senior Associate

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OVERVIEW

Tim Appleby is a commercial and litigation lawyer with extensive experience in intellectual property law, including acting for clients in matters involving trade marks, copyright, designs, confidential information, patents, and competition and consumer law issues, particularly with clients in the media, entertainment, technology, fashion, FMCG, and sports sectors.

Tim offers comprehensive intellectual property legal services, including assisting clients in the formation and protection of their brand, the ongoing management and exploitation of their intellectual property portfolio, and prosecuting and defending against infringement actions.

With a broad legal background, Tim is also well placed to assist in general commercial disputes, due diligence audits, regulatory advisory matters relating to product marketing, including labelling and advertising, reputation management, ensuring compliance with Australian, EU and US privacy and data protection laws, and defamation matters.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Tim worked at a large national law firm and two leading specialist media and entertainment law firms, primarily working in commercial, intellectual property, technology, media and telecommunications, and corporate law, advising clients ranging from international FMCGs, national franchisors and high net worth individuals to technology start-ups, musicians and fashion designers.

Prior to his career in law, Tim worked in artist management within the music industry, and he continues to work closely with individuals and businesses within the creative industries generally.

PROFESSIONAL / CIVIC ACTIVITIES

- Law Institute of Victoria member
- International Trademark Association member
- Intellectual Property Society of Australia and New Zealand member

EDUCATION

- Graduate Diploma of Legal Practice, Australian National University, 2014
- J.D., The University of New South Wales, 2013
- B.Sc., The University of New South Wales, 2009

ADMISSIONS

- Federal Court of Australia
- High Court of Australia
- Supreme Court of New South Wales

AREAS OF FOCUS

- IP Litigation
- Complex Commercial Litigation and Disputes
- Data Protection, Privacy, and Security
- Food, Drugs, Medical Devices, and Cosmetics (FDA)
- IP Procurement and Portfolio Management

INDUSTRIES

- Consumer Products
- Luxury Products and Fashion
- Sports

EMERGING ISSUES

- Social Media Law

REPRESENTATIVE EXPERIENCE

- Assisting in the deployment of an enforcement campaign targeting individuals and businesses using "13CABS", "MAXI TAXI" and/or "SILVER SERVICE" without the approval of our client, a national taxi service provider.

- Responding to adverse examination reports issued by IP Australia in relation to trade mark applications filed on behalf of our home builder client, Porter Davis.
- Drafting and advising on intellectual property licensing agreements, including a trade mark licence and endorsement agreement with a world champion professional surfer client and a health foods/juice company.
- Drafting and advising on privacy policies, ensuring compliance with relevant privacy and data protection laws in Australia, the EU and the US.
- Settling a trade mark infringement action brought against our international skin care/cosmetics client, Skin Inc, and Sephora, that included a cross-claim for non-use, ensuring that Skin Inc secured all rights in the relevant trade mark and could relaunch into the Australian market.
- Acting for our leading Australian automotive electronics product and service provider client, Directed Electronics, in a complex and long-running Federal Court matter involving allegations of misuse of confidential information, breaches of supplier and employment agreements, infringement of copyright, misrepresentation, payment of secret commissions, and breaches of fiduciary obligations.
- Providing strategic trade mark prosecution services for the owner and operator of the Spirit of Tasmania.
- Acting for Alexander McQueen in relation to trade mark and designs prosecution, oppositions, portfolio management and related dispute matters.
- Drafting and advising on a collaboration agreement between our client, Gorman, and third party artists.
- Acting for Samsonite in relation to a copyright infringement claim.
- Acting for the owner and operator of iconic Melbourne live music venue, the Corner Hotel, in Federal Court trade mark infringement proceedings.
- Providing general intellectual property legal services for not-for-profit, LifeChanger Foundation.
- Providing trade mark prosecution and portfolio management services for award winning Australian gelato brand, Gelatissimo.
- Acting for L1 Capital in relation to trade mark prosecution, oppositions, portfolio management and related dispute matters.
- Acting for refugees and asylum seekers on Nauru and successfully obtaining visas, permits and transport for them to be transferred to Australia to receive necessary medical and other health services not available on Nauru.