



# CAMPBELL THOMPSON

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## ADMISSIONS

Admitted to practise as a barrister and solicitor on 11 April 1994 (Supreme Court of Victoria)

Signed the Victorian Bar roll on 1 May 2014

## QUALIFICATIONS

**LLB (Hons) and B Comm, University of Melbourne**

## AREAS OF PRACTICE

- Alternative Dispute Resolution / Mediation
- Commercial Law
- Trade Practices
- Intellectual Property
- Telecommunications / IT / Computers

## PROFILE

Campbell Thompson has had more than 25 years of experience in the law, having been admitted as a solicitor in 1994. He joined the Bar in May 2014. Previously, he had been a partner for many years in the commercial litigation group of Freehills, focusing primarily on disputes related to intellectual property, information technology and confidential information. Campbell's practice as a barrister focuses on intellectual property, trade secrets, consumer law, and commercial contracts. He has appeared and advised in matters in the Federal Court, Federal Circuit Court, Supreme Court and County Court as well as before IP Australia.

Contentious matters in which he has been instructed as counsel include the following:

- copyright and breach of confidence proceedings involving computer source code in respect of hi-tech industrial machinery;
- copyright and trade mark infringement proceedings arising from the distribution and retailing of custom-built personal computers;

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- patent litigation and advice in the fields of pharmaceuticals, information technology and mechanical engineering;
- registered design infringement litigation in respect of designs for consumer products and industrial machinery;
- trade mark and passing off litigation, and opposition proceedings, in various industries;
- litigation arising from the licensing of intellectual property;
- commercial contract disputes including proceedings in respect of pre-contractual restraints;
- claims under the Australian Consumer Law including comparative advertising litigation and litigation arising from pre-contractual representations to franchisees and distributors.

Campbell has had considerable experience as counsel, and previously as a solicitor, in alternative dispute resolution including arbitration and mediation, and in applications for urgent relief, including by way of search and seizure orders and interim and interlocutory injunctions.

Campbell had been a partner of Freehills from July 2006 until April 2012 and, before coming to the Bar, continued to assist the firm as an independent legal counsel working on certain major litigation. Previously Campbell had been a senior associate at Freehills, where he had completed articles and spent his whole career, apart from a four-year stint based in the intellectual property group of Ashurst, in London.

Campbell was one of the leaders of the team instructed by Apple in proceedings against Samsung, commenced in 2011, concerning patents relating generally to touchscreen hardware, user-interface software, and mobile communications technology. Campbell also represented a trading firm defending major copyright infringement and breach of confidence proceedings in respect of the design of a computer system for automated options trading, and the development of source code for that system. Campbell has also previously acted for Telstra in significant copyright and trade practices litigation.

Campbell is the Editor of the Intellectual Property section of the Australian Business Law Review. He is a member of the Intellectual Property Society of Australia and New Zealand and was a member of the Trans-National Committee from 2015 - 2018. He is also a member of the Commercial Bar Association.

Campbell read with Helen Rofe QC.

## PROFESSIONAL EXPERIENCE

Examples of Campbell's experience as a barrister include:

- acting for **CPL Notting Hill**, a Victorian based computer and parts wholesaler and retailer, in its defence of copyright infringement proceedings by Microsoft in the Federal Circuit Court;
- acting for **Pavetest**, an Australian subsidiary of a multi-national manufacturer of materials testing equipment, in its defence of copyright infringement and breach of confidence proceedings by a competitor in respect of materials testing software and firmware;
- providing pre-litigation advice to a significant global IT services firm in relation to contractual and related issues arising under a contract for the delivery and integration of a major IT system;
- acting for **Interpharma**, an Australian supplier of generic pharmaceuticals, in Federal Court patent infringement proceedings against Pfizer in respect of sedatives used in ICUs;
- acting for **OneSteel**, an Australian manufacturer of steel products, in fast-track proceedings in the Federal

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Court against a competitor concerning alleged false and misleading comparative advertising claims.

- acting for **Quickleen NZ**, a New Zealand based retailer of a household cleaning product, in County Court proceedings against an Australian company and its director alleging misleading and deceptive conduct in respect of a franchise and distribution agreement;
- acting for **Deltapak**, a Victorian-based manufacturer of “baby wipes”, in County Court proceedings concerning a contract for automated assembly line technology; assisting in patent infringement proceedings in the Federal Court by **GSK** in respect of the supply of extended-release paracetamol products;
- acting for **GUD Holdings**, a diversified Australian industrial company, and its subsidiaries in various trade mark and related disputes;
- assisting **Zodiac** in patent infringement proceedings about a pool formulation product;
- acting for **Seeley**, an Australian manufacturer of air conditioners, in various trade mark disputes including opposition and legal proceedings in respect of the CLIMATE MASTER trade mark;
- assisting **Gryphon Garage Doors** in various opposition and legal proceedings about the ownership and use of the GRYPHON trade mark;
- acting for **EWRG**, a supplier of safety rails for building sites, in its defence of Federal Court patent infringement proceedings; and
- acting for **ARB Corporation** in a patent licence dispute in the Supreme Court.

Examples of Campbell's experience before coming to the Bar include:

- assisting **Apple** in Federal Court patent and design proceedings against Samsung. The case concerned allegations of infringement by Apple of over 20 patents (and more than 100 claims), and 4 registered designs, against a suite of Samsung GALAXY and other smartphones and tablets. The patents related generally to touchscreen hardware or user interface software. The case also involved a cross-claim by Samsung for alleged infringement by Apple (in the iPhone and iPad) of 3 patents relating generally to mobile communications technology;
- assisting **Tibra** (a proprietary trading firm and market maker) in Federal Court copyright and breach of confidence proceedings brought by a competitor. The parties are both involved in high frequency/low latency automated trading of exchange-listed options and other derivatives in Australia and other markets. The case arose out of the development by Tibra and its founders, who included ex-employees of Optiver, of the computer source code for its auto-trading system;
- assisting **Telstra** in Federal Court copyright and breach of confidence proceedings. The long running case generally brought by Spatialinfo (a software house and supplier). The case concerned intellectual property relating to a geographic information system and associated data model for the storage and retrieval of locational and other data about Telstra's fixed line telecommunications network, the development of software tools for the repair of corrupted data, and the export and migration of data into neutral formats. The case arose out of two Telstra projects for the replacement of Telstra's geographic information system;
- acting **Baxters** and **Roadvision** in Federal Court proceedings brought by LED Technologies. The case concerned the design and manufacture of LED lights. The case went to the Full Federal Court on the questions of infringement of LED's designs, and inducement of breach of contract by an ex-LED supplier;
- assisting **Telstra** in Federal Court proceedings brought by Oxygen. The case arose out of Telstra's termination of a contract with Oxygen (a supplier of premium content made available to Telstra subscribers). Issues in the

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# YOUNG'S LIST

case included whether the supplier's advertisements contravened applicable laws, and whether the termination was lawful;

- acting for **Deloitte** in an urgent Federal Court matter arising out of the unauthorized use of its computer systems, and suspected copyright infringement and breach of confidence. The case included an urgent ex parte application for a search and seizure;
- assisting **Zomba Records** (an independent record company) in its defence of Federal Court proceedings by News Corporation/Mushroom Records arising out of Zomba's termination of a distribution and licence agreement, and set up of a local subsidiary;
- acting for **Caterpillar** in proceedings against John Deere in relation to a patent for a tracked tractor.

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