

# Luke Merrick

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## Contact Details

<b>Direct Line</b>	(03) 9225 8837
<b>Work Address</b>	c/- Dever's List, Owen Dixon Chambers, 205 William Street, Melbourne, Victoria, 3000.
<b>After Hours Line</b>	(03) 9347 3993
<b>Mobile</b>	0414 777 904
<b>Email</b>	luke.merrick@vicbar.com.au

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## Qualifications

Bachelor of Arts (1996) – University of Melbourne

Bachelor of Laws (Hons) (1999) – University of Melbourne

Diploma of Modern Language (Italian) (1999) – University of Melbourne

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## Professional Details

<b>Current</b>	Barrister, Victorian Bar
	September 2009 Bar Readers' Course
	I am reading with Philip Crutchfield.
<b>Previous Position</b>	Senior Associate, Corrs Chambers Westgarth
	I was appointed to this position on 1 July 2004.
	I joined Corrs Chambers Westgarth as an Articled Clerk in 2000.
	I completed my articles in February 2001 and I was admitted to practice on 7 May 2001.

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**Description of Practice**

Prior to coming to the Bar, I conducted a range of commercial litigation. Over several years of practice as a solicitor, I had a particular focus on intellectual property litigation.

I have extensive experience in litigation to protect and enforce trade marks (both registered and unregistered), designs, copyright and confidential information. I have acted extensively in the brand protection (anti-counterfeiting) area (including trade marks, copyright and designs).

I have also been involved in a number of high profile disputes in relation to wine geographical indications.

I also frequently conducted litigation relating to issues arising under the *Trade Practices Act 1974 (Cth)*.

I am experienced in all facets of the litigation process, including regularly obtaining urgent, *ex parte*, interim and interlocutory injunctions and conducting appeals. I have also prosecuted several actions for contempt of court.

I have also provided commercial intellectual property advice to a range of clients.

**Key clients**

Foster's Group, Brother Industries Ltd, Chanel, Nokia Corporation, the Scotch Whisky Association, Tucker Seabrook (one of Australia's largest wine distributors), the LVMH Group and Research In Motion Limited (BlackBerry).

**Major Matters**

As a solicitor, I conducted the following major matters.

Acting for Beringer Blass Wine Estates Ltd (a subsidiary of the Foster's Group) in relation to a dispute regarding the boundary of the Coonawarra wine region, including litigation before the Administrative Appeals Tribunal and two appeals to the Full Court of the Federal Court of Australia.

Acting for a major French wine producer in a dispute regarding faulty bulk wine purchased from an Australian wine producer.

Acting from Brother Industries, Ltd in litigation relating to the distribution of counterfeit printer drum units and warranty claims made under the *Trade Practices Act 1974 (Cth)*.

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**Major Matter (cont)**

Acting for Rothbury Wines Pty Ltd (a subsidiary of the Foster's Group) in relation to an attempt to register the name ROTHBURY as a geographical indication. This matter also involved related litigation to prevent a competitor from using the name ROTHBURY RIDGE.

Defining and implementing an anti-counterfeiting strategy for Nokia. This has included a wide-scale market campaign, aggressive infringement litigation and actions for contempt of court. This campaign resulted in some significant summary judgment decisions in the trade mark area. It has also resulted in a significant decision on damages in a trade mark counterfeiting context.

Acting for Clark Rubber to prevent misuse of its colour scheme by another retailer (including obtaining an interlocutory injunction to prevent a store opening with that colour scheme).

Acting for Sigma in litigation in the Supreme Court of New South Wales in relation to allegations of breach of contract, misuse of confidential information and misleading or deceptive conduct.

Acting for Graphix Labels in litigation in the Federal Court of Australia (and the Full Court on appeal) in relation to allegations of misuse of confidential information, breach of contract, breach of fiduciary duties, breach of the *Corporations Act 2001 (Cth)* and copyright infringement.

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**Professional Affiliations**

Secretary – Intellectual Property Society of Australia and New Zealand

President – Association Internationale des Juristes du Droit de la Vigne et du Vin (International Wine Law Association) (Australasian Chapter) (2007 – 2009)

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**Personal Details**

Languages: French and Italian

Interests: Wine, cooking, literature and travel

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**Referees**

Available on request

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