



Ben Mawby

Senior Associate

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Ben Mawby has experience across all areas of intellectual property with a focus on dispute resolution, particularly patent litigation. He works with a range of industries including pharmaceuticals, mining and construction, FMCG and IT.

RELATED SERVICES

- Intellectual Property and Technology
- Patent Litigation

EXPERIENCE

- Providing patent infringement and validity advice in relation to a wide range of products, pharmaceuticals, electrical devices, mining equipment, controls for heavy machinery and software.
- Trade mark infringement and validity advice for trade marks used in relation to the construction and mining industry, various FMCG, alcohol products and sporting equipment.
- Providing copyright infringement, ownership and subsistence advice in relation to literary works, artistic works and works of artistic craftsmanship.
- Advice in relation to registered Designs associated with clothing and in relation to the Copyright/Design overlap provisions.
- Plant Breeders' Rights registration and advice relating to infringement and ownership arrangements.

CREDENTIALS

Professional Qualifications

- Solicitor of the Supreme Court of Victoria
- Solicitor of the High Court of Australia

Education

- University of Melbourne, Masters of Intellectual Property Law
- La Trobe University, Bachelor of Law (Hons)
- La Trobe University, Bachelor of Science

Memberships

- Intellectual Property Society of Australia and New Zealand (Victorian Committee Member)
- Law Institute of Victoria

INSIGHTS

Publications

Practical Law Life Sciences Australian chapter

15 March 2021

DLA Piper Life Sciences sector Australia authored Thomson Reuters Practical Law Company's 2019/2020 multi-jurisdictional guide for Life Sciences in areas of medical product regulation, product liability, pharmaceutical IP and competition

Calidad v Seiko – the High Court has spoken: the doctrine of patent exhaustion applies in Australia

17 November 2020

On 12 November 2020 the High Court of Australia handed down the much anticipated decision in *Calidad Pty Ltd v Seiko Epson Corporation* [2020] HCA 41. In a majority decision, the High Court confirmed that all rights of the patentee (use, sell, dispose of, repair etc) except the right to make the patented article are exhausted at the time of sale, in respect of a product which embodies that patent.

Sale of a product exhausts patent rights

12 November 2020

On 12 November 2020, High Court of Australia handed down the much anticipated decision in the *Calidad v Seiko* dispute.

This landmark decision overturns over 100 years of law and puts Australia in line with the US, where there is well established law on patent exhaustion.

Practical Law Life Sciences Australian chapter

27 February 2020

DLA Piper Life Sciences sector authored Thomson Reuters Practical Law Company's 2018/2019 multi-jurisdictional guide for Life Sciences in areas of distributing and marketing of drugs, product regulation, product liability and competition.

Events

Previous

Doctrine of patent exhaustion in Australia: Lessons from the US

8 December 2020
Webinar
