

# Joy Atacador

## Partner



Partner

Melbourne

D +61 3 9194 8332

joy.atacador@dentons.com

## Overview

Joy is the Australia Region lead of our Intellectual Property and Technology team. She also co-leads Dentons' Life Sciences and Retail sector groups in Australia.

Joy is an intellectual property lawyer and registered trade marks attorney. She has a wealth of experience in IP litigation and dispute resolution, with expertise in the protection and enforcement of patents, copyright, designs, trade marks, reputation rights and confidential information.

Joy has represented Australian and global organisations in significant IP infringement, invalidity, misleading conduct, passing off and groundless threats proceedings before the Federal Court of Australia, appeals from IP Australia, opposition and non-use proceedings and domain name disputes. Joy's practice also encompasses managing the international trade mark portfolios of well-known consumer businesses, freedom to operate searches and IP due diligence.

Joy has been recognised for her expertise in intellectual property by *Best Lawyers* in Australia, *Managing Intellectual Property IP STARS*, *IAM Patent 1000*, *Doyle's Guide*, *Euromoney's Expert Guides*, *WTR 1000* and *WIPR Leaders*.

## Experience

- **Consumer goods and services businesses:** Representing well-known international consumer goods and services businesses as their trusted IP advisor, involving global trade mark portfolio management, protection and enforcement of their copyright, designs, patents and trade marks, advising on parallel import strategies, market clearance for new products and advertising campaigns, implementing anti-counterfeiting Customs seizure measures, creation of internal IP protocols and running IP risk management training.
- **Computer software technology company:** Representing a computer software technology company in a successful landmark appeal to the Federal Court of Australia from the decision of a Delegate of the Commissioner of Patents relating to the patentability of computer-implemented inventions, subsequent appeal to the Full Court of the Federal Court of Australia and application for special leave to appeal to the High Court of Australia.
- **Global mining tool company:** Representing a global mining tool company in infringement and invalidation

proceedings in the Federal Court of Australia concerning patented technology used in the mining industry.

- **Global chemical company:** Representing the company in an appeal to the Federal Court of Australia from the decision of the Commissioner of Patents concerning the patentability of an invention in the field of plant biotechnology.
- **Global chemical company:** Representing a global chemical company in multiple patent infringement and revocation proceedings in the Federal Court of Australia in relation to insecticide products.
- **Global pharmaceutical company:** Representing a global pharmaceutical company and research organisation in multijurisdictional patent infringement and revocation proceedings in the Federal Court of Australia, which involved overseeing extensive discovery of documents.
- **Multinational biopharmaceutical corporation:** Representing a multinational biopharmaceutical corporation in high profile patent infringement and revocation proceedings in the Federal Court of Australia.
- **Electronic media company:** Representing an electronic media company in the first Full Court of the Federal Court of Australia case to judicially consider the right to terminate a global patent portfolio licence agreement after the expiry of licensed Australian patents.
- **Aluminium manufacturer:** Representing an aluminium manufacturer in a patent entitlement dispute concerning a method of operating an aluminium manufacturing plant.
- **Sunglasses brand:** Representing a famous sports sunglasses brand in multiple trade mark and design infringement proceedings in the Federal Court of Australia which involved maintenance of Customs seizures, obtaining urgent interlocutory injunctive relief through to successful final judgment.
- **Car manufacturer:** Representing a global car manufacturer in a successful opposition proceeding before the Designs Office in relation to a compulsory licence application in respect of registered designs.
- **Car accessories manufacturer:** Representing a motor vehicle accessories supplier in defeating an interlocutory injunction application in respect of misleading and deceptive conduct and 'product get-up' passing off allegations.
- **Cable manufacturer:** Representing a global telecommunications cable manufacturer in a successful appeal to the Federal Court of Australia from a decision of the Australian Trade Marks Office.
- **Fruit juice company:** Representing a beverage manufacturer in cancellation, trade mark infringement and misleading conduct proceedings before the Federal Court of Australia.
- **Multinational food and beverage company:** Representing a multinational food and beverage group in various trade mark opposition proceedings before IP Australia.
- **Environmental standards organisation:** Representing an environmental standards organisation in misleading conduct proceedings before the Federal Court of Australia.
- **Builder:** Representing a builder in a copyright and breach of contract dispute concerning house plans.

## Recognition

- *Best Lawyers* 2014 - 2020: Best Lawyers for Intellectual Property Law in Australia
- *IP STAR* 2014 - 2020: Managing Intellectual Property
- *IAM Patent 1000* 2015 - 2016: The World's Leading Patent Professionals: Patent Litigation
- *Euromoney's Expert Guides* 2016 - 2020: World's Leading Trade Mark Practitioners
- *Doyle's Guide* 2013 - 2020: Leading Intellectual Property Lawyer

# Insights

- "Revisiting the OEM exception to trade mark infringement in China," Dentons client alert, 14 October 2020
- "Australia's approach to artificial intelligence and intellectual property - lessons from WIPO's Conversation on IP and AI," Dentons client alert, 13 October 2020
- "Clickbait or technological innovation? Full Federal Court clarifies the patentability of computer implemented methods", Dentons client alert, 21 July 2020
- "Innovating in the COVID-19 market", Dentons client alert, 9 June 2020
- "Extensions of time for IP applications in Australia", Dentons client alert, 7 April 2020
- Co-author, "Thinking about doubling down on digital transformation? The legal landscape in Australia which may impact your program," "Business Going Digital" online guide, April 2020
- "Think before you trade mark a wink: Registering emojis and emoticons", Dentons client alert, 14 February 2020
- "Access denied: Lessons from Australia's site-blocking regime", Dentons client alert, 8 October 2019
- "Rise in medical cannabis trade marks in Australia", Dentons client alert, 25 February 2019
- "New Year, new trade mark laws in Australia to take stock of in 2019", Dentons client alert, 13 December 2018
- "Trade marks and the rise of cryptocurrencies in the marketplace," April 29, 2019

# Activities and Affiliations

- Member, International Trademark Association (INTA), present
- Member, Law Institute of Victoria (LIV), present
- Member, Intellectual Property Society of Australia and New Zealand (IPSANZ), present

# Areas of focus

## Practices

- Intellectual Property and Technology
- Litigation and Dispute Resolution
- Mergers and Acquisitions

## Industry sectors

- Communications
- Construction
- Life Sciences and Health Care
- Luxury, Fashion and Beauty
- Media, Entertainment and Sports

- Retail
- Technology

## Education

- Monash University, 1997, Bachelor of Laws, (IBM Scholar)
- Monash University, 1995, Bachelor of Arts, (IBM Scholar)
- University of Melbourne, Patent Law, Masters Course Subject

## Admissions and qualifications

- Trade Mark Attorney
- High Court of Australia, 1998
- Supreme Court of Victoria, 1998