



SUE GILCHRIST

**PARTNER AND HEAD OF INTELLECTUAL
PROPERTY, AUSTRALIA**

[Sydney](#)
[Australia](#)

Sue is a senior IP disputes partner, the former regional managing partner, Asia and Australia, and is an elected member of our global Council.

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 Sue.Gilchrist@hsf.com

BACKGROUND

Sue is admitted to practise in the Supreme Court of New South Wales, the Federal Court of Australia and the High Court of Australia. Sue has a combined Arts/Law (Honours) degree from The University of Sydney (1985) and a Master of Laws (1992) also from The University of Sydney. Sue joined Herbert Smith Freehills in 1986 and became a partner in 1995.

MEMBERSHIPS

Sue is a member and former Chair of the Intellectual Property Committee of the Law Council of Australia. Sue is a member of the Intellectual Property Society of Australia and New Zealand (IPSANZ) and a member of Chief Executive Women. Sue is a board member of Legal Aid NSW.

MARKET RECOGNITION

Asia IP: IP Expert 2022.

Sue has been recognised consistently in the directory rankings as one of the top patent litigators in Australia regularly acting in multi-jurisdictional litigation for Australian and international clients.

Sue is recognised by Benchmark Litigation as a Star Litigator in Australia, as well as one of only six practitioners in Australia to be recognised in the Top 100 Women in Litigation and one of only 15 Australia practitioners recognised in the IAM Global Leaders Guide. She is recognised by IP STARS in the global Top 250 Women in IP, as well as a leading practitioner in Patents and Trade Marks.

Sue recently received a Band 1 Ranking in Enforcement and Litigation from WTR 1000 in recognition of her successful defence of Anchorage Capital and its subsidiary in a trade mark infringement dispute that made it all the way to the High Court. She has been called “*captain of the IP department*” - WTR 1000. Sue recently received a Band 1 and Band 2 ranking in Intellectual Property: Patents and Intellectual Property: Trade Marks & Copyright respectively in the 2021 Chambers rankings, who described her as “*outstanding, very sharp, very across it, and very strategic.*” A client said “*her strengths are big-picture strategy and client empathy; she can put herself in the client’s shoes, see what they want to achieve and think creatively about how to get to that end point. She is definitely not someone who thinks dispute resolution is always executed in the same way; she is adaptive and understanding*” - Chambers 2021.

In recognition of Sue’s market standing as a Leading Individual in IP (Australia) for 14 consecutive years, she has been placed in the Legal 500 Asia Pacific Hall of Fame for three consecutive years.

KEY SERVICES

Intellectual Property
Patents

KEY SECTORS

Technology, Media and Telecommunications
Pharmaceuticals and Healthcare

EXPERIENCE

Sue is an IP disputes partner and is recognised as a senior IP lawyer experienced in all intellectual property areas, including patents, designs, copyright, trade marks, passing off and confidential information.

Sue also has extensive experience in consumer law matters, and regularly advises clients on advertising, marketing campaigns and disputes.

Sue was the lead partner acting for Apple in the Apple v Samsung patent and design litigation relating to tablets and smart phones, and 3G mobile connectivity technology.

Sue is also the lead partner acting for Motorola Solutions Inc in patent and copyright infringement proceedings commenced against a competitor, Hytera, in the Federal Court of Australia, relating to Hytera’s digital mobile radio (DMR) devices, including seeking additional damages on the basis of Hytera’s conduct.

Sue's practice covers a range of industries including the consumer electronics, life sciences and healthcare, TMT, consumer goods, entertainment, advertising and financial services industries.

Other significant cases in which Sue has been lead partner include:

- Becton Dickinson v B. Braun in patent litigation relating to medical devices
- Bradken Resources Pty Ltd v Lynx Engineering Consultants Pty Ltd in patent litigation relating to rail technology for the mining industry
- ACPA Pty Ltd and Anchorage Capital Group, L.L.C. ats Anchorage Capital Partners Pty Ltd regarding trade mark infringement
- Patent litigation for 3M against Seibu and Tyco
- Vittoria Coffee v Lavazza in relation to confidential information
- Tibra Trading Pty Ltd and Others ats Optiver Australia Pty Ltd and Another regarding copyright and confidential information in the context of computer software
- TAB Limited and Tabcorp Holdings Limited v Sportsbet Pty Limited regarding copyright infringement
- The Movie Network Channels Pty Limited v Optus Vision Pty Limited regarding a licence agreement
- Tabcorp Holdings Ltd v Sportingbet Pty Limited regarding misleading advertising
- First Currency Choice Pte Ltd and Others ats Mainline Corporate Holdings Ltd and Others in patent litigation relating to electronic payment systems