

Arnold Bloch Leibler

Lawyers and Advisers

Technology & intellectual property



- biotechnology and life sciences
- business guidance and commercialisation
- e-business
- information technology
- intellectual property audits and policy reviews
- listing (Australia and offshore)
- monitoring, defence and enforcement of intellectual property rights
- privacy issues
- registration of trade marks, designs and patents
- research and development projects
- technology contracts and other agreements

Every business needs technology and intellectual property focused legal advice, not just those in the technology or emerging growth industries. Whether ensuring the protection of intellectual property, documenting the arrangements that govern the IT systems, development of online business channels or compliance with privacy laws, Arnold Bloch Leibler's technology group can assist.

We offer an integrated approach to the management, development and protection of technology and intellectual property and our services are used not just by the innovators and investors involved in emerging industries but also by the end-users of their products.

Strong commercial generalists, our technology and intellectual property lawyers also have a solid understanding of the commercial and regulatory environments in which business operates.

We are experienced in negotiating and drafting a variety of specific-purpose documents, including licensing, research and development, software development, website, multimedia, collaborative, advertising, publishing, sale of business, employment and contractor agreements.

Many of our clients are at the forefront of new industries. We act for entrepreneurs and institutes engaged in life sciences, medical research, e-commerce and the Internet, computer software development and support, computer hardware and telecommunications.

We help them bridge the gap between innovation and enterprise, from their first steps on the path to commercialisation through to exit via trade sale or initial public offering (IPO).

Our services

Arnold Bloch Leibler's technology & intellectual property practice offers a comprehensive range of legal services, including:

Intellectual property

We assist clients to implement effective policies and procedures to:

- identify, register, monitor and defend intellectual property rights, including trade marks, designs and patents;
- control the use of the intellectual property through an effective licensing strategy;
- protect the business against claims by employees, licensors or third parties through contractual arrangements that restrict unfair competition and preserve ownership of intellectual property;
- protect trade secrets through confidentiality agreements;
- create technological protection measures; and
- defend domain names against cyber squatters.

Where disputes regarding the ownership or use of intellectual property arise, our lawyers focus on resolving the dispute with minimal risk to our client's reputation, productivity or profitability.

e-business

Our team advises on the legal issues associated with electronic commerce, including electronic banking, digital signatures, encryption, data protection issues and privacy law. We are familiar with other aspects of internet and e-commerce-related advice, including enabling technologies, online contracting issues, legal recognition, online payment mechanisms and consumer protection issues.

Life sciences

For clients operating in the life sciences arena, Arnold Bloch Leibler advises on a wide range of issues, including intellectual property and technology licensing, government funding, corporate structuring and collaborative research and development agreements.

Privacy

We offer a range of services to ensure business compliance with privacy and data protection legislation, including the protection of personal health and financial information and workplace-related privacy issues. Our team provides comprehensive advice, including assisting in policy development, staff training and conducting compliance audits.

Business guidance and commercialisation

We protect clients' interests by advising on appropriate business structures and negotiating a wide range of legal documents, including shareholder agreements, employee share plans, confidentiality agreements and third party arrangements.

We act on behalf of clients undertaking mergers, acquisitions, strategic alliances or joint ventures advising in relation to listing on recognised stock exchanges or negotiating arrangements with financial institutions. We also act for private equity and venture capital funds, private business angels and companies investing in start-ups, technology and emerging industry ventures.

New market establishment (Australian and offshore)

Arnold Bloch Leibler's technology group can assist overseas clients assess, enter and successfully compete in Australian and Asia Pacific markets by:

- negotiating alliances with strategic partners;
- documenting arrangements for the financing of and investment in projects;
- negotiating with customers and suppliers;
- overcoming regulatory issues; and
- securing protection of clients' intellectual property assets throughout the region.



Inside spread (l-r)
Jane Sheridan
Jonathan Wenig
Zaven Mardirossian

Front cover
Michael Dodge

Landmark matters

Examples of our experience and expertise in technology and intellectual property law include:

- advising clients undertaking commercialisation or business expansion projects, including:
 - SEEK Limited: advising SEEK since its inception in 1997, including in its \$600 million IPO and listing on the ASX, a \$120 million secondary offering, the acquisition of the Think Education Group, and the acquisition of interests in several overseas employment web sites;
 - Carsales.com.au: in relation to its IPO and listing on the ASX;
 - Moose Enterprise: in relation to international disputes regarding a children's toy, including a US product liability class action, personal injury claims and distributorship litigation in Canada;
 - 1st Technology, a US-based technology licensing company: in cross-border insolvency proceedings subsequent to Betcorp ceasing its operations in the US following the introduction of internet gambling legislation;
 - Publishing & Broadcasting (PBL): in its acquisition of a new online business. PBL's existing on-line car sales business, carpoint, was merged with Carsales.com.au and PBL subsequently took a 41 per cent shareholding in the new entity, known as Carsales.com.au;
 - Catuity Inc: in its Australian capital raising and acquisition of Melbourne-based Loyalty Magic, including putting in place a number of mechanisms to deal with US security laws, as Catuity is incorporated in Delaware and listed on both the ASX and NASDAQ.;
 - American Banknote Corporation: in its acquisition of 100 per cent shareholding in Leigh Mardon Group, a leading Australian supplier of secure transaction products, services and logistics. The company is the market leader in the supply of cheques, financial cards, smart cards, drivers' licences and high-resolution barcodes for the Asia Pacific region;
 - SAM Sustainability Private Equity: in its investment in and financing of Agrilink International, a leader in irrigation water management, precision farming and crop management;
 - Jolimont Ventures: in the establishment of and transactions undertaken by the Jolimont Early Stage Trust, the Jolimont Secondaries Fund and the Jolimont Photonics Funds; and
 - Industry Fund Services: in relation to two trademarks whose applications have opposed by both Superfund Unternehmens-Beteiligungs-AG (an Austrian entity) and Statewide Superannuation;
- acting for clients in a variety of intellectual property disputes, including:
 - DKSH: successfully defending Bodum's allegations of misleading and deceptive conduct under section 52 of the *Trade Practices Act* and passing off in respect of Bodum's own line of coffee plungers;
 - TPI Enterprises: acting on behalf of Jarrod Ritchie and TPI Enterprises in relation to the successful defence of Supreme Court proceeding brought by GlaxoSmithKline, alleging breaches of confidence and fiduciary duty;
 - International Brand Management: in relation to the protection of the company's registered trademarks. Recently, the firm acted to protect the registered trademark of Lonsdale Sports;
 - Yay Dezines: in relation to its successful opposition to an application by Lufthansa seeking the removal of the registered trademark 'Off the Wall by tamara'; and
 - a foreign religious organisation: in relation to a dispute with its Australian chapter regarding ownership of intellectual property;
- advising various clients operating in the technology sphere, including:
 - Radware, Magic Software, Gilat Satellite Networks and ECI Telecom: in respect of Australian operations of Nasdaq-listed companies;
 - Intelematics Australia: ongoing legal advice, including negotiating agreements with suppliers; and
 - Tempo Holidays, an Australian-based specialist on-line leisure travel booking company: in relation to the legal aspects of the development of this booking platform and the sale of shares to Indian travel firm, Cox and Kings India;
- advising various clients operating in the bioscience and research spheres, including:
 - Hexima Limited, an ag-biotech company: in relation to its IPO and listing on the ASX;
 - Cooperative Research Centre for Polymers: ongoing legal advice, including preparing licensing agreements with companies wishing to utilise the Centre's intellectual property;
 - Cerylid Biosciences: ongoing legal advice, including preparing screening and licensing agreements and in relation to an investment in the company by a major investment fund; and
 - Becker Underwood Inc: advising in respect of its acquisition of a majority interest in Australia's Bio-Care Technology.



Contacts

If you would like assistance with any technology or intellectual property related issues, please contact head of practice, Michael Dodge, on 61 3 9229 9649 or mdodge@abl.com.au.

Practice areas

Arnold Bloch Leibler offers a range of commercial and corporate advice, including:

- abl private
- banking & finance;
- commercial & corporate;
- competition;
- litigation & dispute resolution;
- native title & public interest law;
- property & development;
- public companies;
- reconstruction & insolvency;
- taxation;
- technology & intellectual property; and
- workplace advisory.

At Arnold Bloch Leibler, clients are regularly updated on current topics of legal and business interest. For copies of recent publications, or for further information about the firm, please visit the Arnold Bloch Leibler web site at www.abl.com.au.

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Updated July 2011

