

Gerard Dalton KC



Gerard Dalton KC is an experienced trial and appellate advocate.

QUALIFICATIONS

Master of Law (Intellectual Property)
Bachelor of Laws (Hons)
Bachelor of Commerce

CORRESPONDENCE

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CHAMBERS

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COMMERCIAL LAW

Appellate | Class Actions | Consumer Law | Contractual Disputes | Corporations & Securities | Equity & Trusts | Insurance | Real Property

EMPLOYMENT & INDUSTRIAL

Appellate | Confidential Information | Restraint of Trade

INTELLECTUAL PROPERTY

Appellate | Confidential Information | Copyright & Designs | Information Technology | Patents | Trade Marks

TORT LAW

Appellate | Class Actions | Common Law | Major Torts | Negligence | Product Liability | Professional Negligence

He has extensive experience in a broad range of commercial, intellectual property and major tort litigation, both at trial and appellate level.

He regularly appears in complex superior court litigation, including product liability, bushfire and investor class actions. He has particular experience in cases involving difficult technological evidence, including pharmaceutical, chemical, engineering and information technology.

He is recognised by Best Lawyers in Australia for his expertise in intellectual property law and dispute resolution. In addition to Victoria, he has also been briefed to appear in New South Wales, Queensland and South Australia.

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Recent Cases

COMMERCIAL LAW

Fonterra Brands (Australia) Pty Ltd v Bega Cheese Ltd [2021] VSC 75 (trade mark licence construction, rectification, restraint of trade, breach of licence agreement, misleading and deceptive conduct)

Hylepin Pty Ltd v Doshay Pty Ltd [2020] FCA 1370 (corporations, oppression, breach of director's duties)

Fonterra Brands (Australia) Pty Ltd v Bega Cheese Ltd (No 4) [2020] VSC 16 (privilege, waiver)

Ritchie v Advanced Plumbing and Drains Pty Ltd [2019] NSWSC 1028 (insurance, Civil Liability (Third Party Claims Against Insurer) Act 2017 (NSW))

Fonterra Brands (Australia) Pty Ltd v Bega Cheese Ltd [2018] VSC 471; (No 2) [2019] VSC 209 (confidentiality, discovery)

Renex Op Co Pty Ltd v AIG Australia Ltd (Fed Ct VID1365/2017) (property damage and business interruption insurance claims for industrial waste processing facility)

Connective Services Pty Ltd v Sleat Pty Ltd [2018] VSCA 229 (appeal, corporations, leave to bring derivative proceeding)

GPG Fortitude Valley v Thakral Capital Australia [2018] NSWSC 1196 (contract, interpretation)

Re Connective Services Pty Ltd [2017] VSC 609 (corporations, oppression, derivative proceeding, application to reopen case)

Boz One Pty Ltd v McLellan (2015) 105 ACSR 325 (appeal, corporations, receivers' power of sale)

Kadac Proprietary Limited v Complete Health Products Pty Ltd [2015] VSC 613 (corporations, oppression, case transfer)

Boz One Pty Ltd v McLellan [2014] VSC 208 (corporations, receivers' power of sale)

Sedman & Associates Pty Ltd v Morgan Stanley Wealth Management Australia Pty Ltd [2013] VSC 549 (professional negligence, case transfer)

Australian Property Custodian Holdings Ltd (in liq) v Woolridge (2013) 93 ACSR 382 (Supreme Court, subpoena and federal jurisdiction)

ASIC v Australian Property Custodian Holdings Limited [2013] FCA 74 (Federal Court, documents discovered in related proceeding)

Bupa Australia Pty Ltd v Shaw [2013] VSC 507 (insurance, subrogation)

Manderson M & F Consulting (a firm) v Incitec Pivot Ltd (2011) 35 VR 98 (appeal, confidential information, summary dismissal)

GlaxoSmithKline Australia Pty Ltd v Ritchie (2009) 22 VR 482 (indemnity costs)

Griffiths & Beerens Pty Ltd v Duggan (2008) 66 ACSR 472 (restraint of trade, corporations, directors' duties)

INTELLECTUAL PROPERTY

Sydney Tools Pty Ltd v Total Tools Pty Ltd (NSWSC 2019/110529 (interlocutory injunction, confidential information)

TPI Enterprises Ltd v Tasmanian Alkaloids Pty Ltd (2018) 135 IPR 341 (patents, opposition, manner of manufacture, obviousness)

FV Bilotto Pty Ltd v Landscape Link Pty Ltd (Fed Ct, VID668/2018) (patents, infringement and invalidity)

Acohs Pty Ltd v Ucorp Pty Ltd (2012) 201 FCR 173 (appeal, copyright, implied licence)

Bodum v DKSH Australia Pty Ltd (2011) 92 IPR 222 (appeal, passing off, misleading and deceptive conduct)

Acohs Pty Ltd v Ucorp Pty Ltd (2010) 86 IPR 492 (copyright, computer generated works, implied licence)

Manderson M & F Consulting (a firm) v Incitec Pivot Ltd [2011] VSC 205; [2010] VSC 63 (confidential information)

Playcorp Group of Companies Pty Ltd v Peter Bodum A/S (2010) 84 IPR 542 (trade practises, passing off, misleading and deceptive conduct)

GlaxoSmithKline Australia Pty Ltd v Ritchie (2008) 77 IPR 306 (confidential information)

CLASS ACTIONS

Murillo v SKM Services Pty Ltd [2019] VSC 663 (Coolaroo recycling plant class action, negligence, nuisance, settlement approval)

Eades v Endeavour Energy [2018] NSWSC 1524 (Mt Victoria bushfire class action)

Schmid v Skimming VSC S CI 2016 05027 (Scotsburn bushfire class action, negligence, insurance policy construction, product liability, consumer protection)

Ramsay v Ausnet Electricity Services Pty Ltd [2016] VSC 725 (Jack River bushfire class action)

Johnston v Endeavour Energy [2016] NSWSC 1132 (Springwood bushfire class action)

Williams v AusNet Electricity Pty Ltd & Ors (Ruling No 1) [2015] VSC 659 (Mickleham bushfire class action)

Place v Powercor Aust Ltd [2013] VSC 6 (Weerite Black Saturday bushfire class action)

Earglow Pty Ltd v Sigma Pharmaceuticals (Fed Ct VID 933/2010) (investor class action)

Thomas v Powercor (No 10) [2013] VSC 708 (Horsham Black Saturday class action, settlement construction)

Hadchiti v Nufarm (Fed Ct NSD 1847/2010) (investor class action)

Merck Sharpe & Dohme (Aust) Pty Ltd v Peterson (2011) 196 FCR 145 (Vioxx class action, appeal, product liability)

O'Sullivan v Challenger Managed Investments Ltd (NSWSC 4799/2006) (investor class action)

OTHER APPEALS

O'Connell v Barnett [2014] VSCA 125 (appeal, medical negligence)

McWhinney v Melbourne Health (2011) 31 VR 285 (appeal, medical negligence)

Gergis v South Pacific Tyres [2005] VSCA 152 (appeal, industrial accident)

Hunter v Transport Accident Commission [2005] VSCA 1 (appeal, transport accident)

Coca-Cola Amatil Victoria Ltd v PAA Enterprises Pty Ltd [2003] VSCA 135 (appeal, security for costs)

Memberships

Victorian Bar - Commercial Bar Association

Victorian Bar Library Committee

Victorian Bar Student Engagement Committee