

GREENS LIST

BARRISTERS



RYAN MAGUIRE

BAR ROLL: 2015 | ADMITTED: 2006

Ryan appears in hearings before courts and the Trade Marks Office and provides specialist advice. Ryan was recommended in Leading Intellectual Property Law Junior Counsel – Victoria, 2023 by Doyle’s Guide. Ryan is also a registered Trade Marks Attorney.

PHONE: +61 3 9225 7222

EMAIL: rmaguire@vicbar.com.au

CHAMBERS: Emmerson Chambers

EXPERTISE

Alternative Dispute Resolution | Commercial Law | Competition Law & Consumer Law | Intellectual Property | Public Law & Administrative Law

PROFILE

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Recent examples of Ryan’s experience as counsel include:

Trade marks

- o [One Green Cup v The Green Cup \[2024\] ATMO 77](#)

Opposition to registration – ss 42(b), 43, 44, 59, 60 and 62(b)

- o [Caporaso v Mercato Centrale Australia \[2024\] FCA 138](#)

Plain word mark *mercato* - whether the cross-respondent was the owner of the trade mark at the time that it applied for registration- whether the trade mark *mercato* is inherently capable of distinguishing the goods and services of the cross-respondent from the goods and services of other traders – whether evidence of trade

usage of the word supports a conclusion that the word has an established meaning among a target audience comprised of English speaking Australians – whether the registration of a trade mark resulted from representations or evidence that were false in material particulars – meaning of “material particulars” in s 62(b) of the *Trade Marks Act 1995* (Cth)

- o [The Agency Group Australia v H.A.S. Real Estate \[2023\] FCAFC 203; 295 FCR 117](#)

Appeal – whether primary judge erred in finding that the word mark THE NORTH AGENCY used by the respondent was not deceptively similar to the second appellant’s registered trade mark

- o [The Agency Group Australia v H.A.S. Real Estate \[2023\] FCA 482; 174 IPR 153](#)

Composite and logo marks – whether words used in website URLs and social media handles used as trade marks – whether regard may be had to the context in which the allegedly infringing mark is used – whether descriptiveness of registered mark relevant to assessment of deceptive similarity – admissibility and relevance of evidence of trade usage of elements of a mark – whether defence under s 122(1)(b) available

- o [Ice Cream Group Australia v Australasian Food Group \[2023\] ATMO 8](#)

Oppositions to registration - s 41

- o [O'Brien Boiler Services v O'Brien Glass Industries \[2023\] ATMO 6](#)

Oppositions to registration – ss 42(b), 43, 44, 59, 60

- o [SurfStitch v One Day Bridal \[2022\] ATMO 120](#)

Opposition to removal - ss 92(4) and 101

Copyright and misuse of confidential information

- o [Directed Electronics OE v OE Solutions \(No 8\) \[2022\] FCA 1404](#)

Misuse of confidential information –infringement of copyright – former employees’ fiduciary and contractual obligations – breaches of ss 182 and 183 of *Corporations Act 2001* (Cth) – accessory liability – knowing involvement in breach of statutory duties

Patents and registered designs

- o [Ames Australasia v AgBoss Australia \[2021\] FCA 902; 162 IPR 400](#)

Registered designs – application for leave to file and serve a further amended statement of cross claim – proper basis for pleading prior use – particulars of the type required under r 34.46 of the *Federal Court Rules 2011* (Cth) in relation to patent claims – patent cases distinguishable – design cases relevantly governed by

r 34.38 and general principles and practice relating to pleadings

o [Surefoot IP Holdings v All Footings Solutions \[2021\] FCA 1181](#)

Patents – position statement on infringement – adequacy of position statement – need to identify features of allegedly infringing products and corresponding integers of claims in patent

Other examples are cited [here](#).

Ryan is also a member of:


- Institute of Patent and Trade Mark Attorneys of Australia ([IPTA](#))
- Intellectual Property Society of Australia and New Zealand ([IPSANZ](#))
- Australian Group of the International Association for the Protection of Intellectual Property ([AIPPI Australia](#))
- Victorian Bar Pro Bono Scheme

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Memberships & Committees

[Victorian Bar](#)

To get in touch with Ryan Maguire | or for more information please contact the Clerk on:

 +61 3 9225 7222

 clerkb@greenslist.com.au

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