DR ANTON HUGHES

Barrister-at-law

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BIOGRAPHY

Anton advises and acts on behalf of his clients in a range of disputes, at trial and appellate level. Appearing both led and unled, Anton has significant advocacy experience in the Federal Court of Australia, the Supreme Court of New South Wales, the Court of Criminal Appeal of New South Wales and the District and Local Courts of New South Wales. He also appears in the Family Court, Federal Circuit Court, Land and Environment Court and the New South Wales Civil and Administrative Tribunal.

Anton has extensive technological expertise, developed in his previous career as a computer programmer and information systems manager at large corporate organisations. He holds a PhD in patent law, and his thesis analysed the complex issue of whether software should be patentable. He also holds a Bachelor of Laws with Honours and a Bachelor of Engineering (Computer Systems), and a Graduate Certificate in Commercialisation.

Anton is the founder of Tiro, a cloud-based practice management solution, and is a foundation member of the Innovation and Technology Committee of the NSW Bar Association.

LEGAL EXPERIENCE

Barrister
Maurice Byers Chambers

📅 2013 – Present   📍 Sydney, NSW

Solicitor
Legal Aid NSW

📅 2012 – 2013   📍 Sydney, NSW

Solicitor
Legal Aid Commission of Tasmania

📅 2011   📍 Hobart, Tasmania

Associate to Justice Porter
Supreme Court of Tasmania

📅 2009 – 2011   📍 Hobart, Tasmania

Lecturer and Tutor
University of Tasmania

📅 2006 – 2009   📍 Hobart, Tasmania

ADMISSIONS

- Barrister – 2013
- Solicitor – 2009

AREAS OF PRACTICE

Intellectual Property
patents, trade marks, copyright and confidential information

Equity & Commercial
sucession, property, contractual disputes, consumer protection

Criminal Law
defence and prosecution, trials and appeals

EDUCATION

PhD in Law
University of Tasmania

📅 2012

Thesis title: Dissecting the Software Patent Problem: An Argument Against Patentability Based on the Relationship Between Software and Mathematics

Grad Cert Commercialisation
University of Tasmania

📅 2010

Bachelor of Laws (Hons)
University of Tasmania

📅 2004

Bachelor of Engineering (Computer Systems)
University of Queensland

📅 1996

SELECT CASES

Anton has extensive experience appearing in judge-only and jury trials and appeals, in a broad range of civil and criminal matters. Selected cases in which he has appeared, include the following:

💡 Intellectual Property

- ***Research Affiliates v Commissioner of Patents***
  (with David Catterns QC and Christian Dimitriadis SC)
  LEADING CASE ON PATENTABLE SUBJECT MATTER
  Where claimed invention provides a method to create a securities index by means of a computer; whether a patentable invention; whether a manner of manufacture within the meaning of s6 of the Statute of Monopolies - relevance of computer implementation

- ***Domino's Pizza Enterprises Ltd v Precision Tracking & Ors***
  (with Ron Webb SC and Patrick Flynn)
  DESCRIBED BY THE AUSTRALIAN FINANCIAL REVIEW AS THE "INTELLECTUAL PROPERTY CASE OF THE DECADE": https://bit.ly/2GXhrza
  Where claimed invention a system for GPS tracking of delivery drivers; patent infringement and invalidity; copyright infringement; breach of confidence; misleading and deceptive conduct: see for example [2017] FCA 1063

- ***Chamberlain Group v Giant Alarm Systems & Ors***
  (ongoing, with Patrick Flynn)
  Where claimed invention relates to moveable barrier operators secured by encrypted "rolling code" key generation and transmission; patent infringement; leave to serve alleged infringing device manufacturer outside jurisdiction: see for example [2017] FCA 1472

🏢 Equity & Commercial

- ***Hull v Stahlert; Estate of Davis*** [2017] NSWSC – family provision claim by daughter and son against deceased father; estrangement; settled at mediation

- ***Sydney Security v iGuard Australia*** [2016] NSWSC – for plaintiff; allegations of defamation/injurious falsehood by competitor in relation to tenders for security work; see *ex parte* interlocutory injunction application [2016] NSWSC 1808

- ***Zafir v MV Investments***[2015] NSWSC – injunction application; duty judge; conveyancing; contract of sale agreed deposit and substantial part of purchase price to be paid by way of alternative currency; repudiation of agreement; alleged total failure of consideration

- ***Allsvelte Pty Ltd v Cassegrain Wines Pty Ltd*** [2015] NSWSC 1370 – relief against loss of option to renew; s133E and 133F *Conveyancing Act 1919* (NSW); construction and interpretation of lease contract

- ***Huynh & Pham v Ralevski*** [2016] NSWCATCD – application by home owner against builder claiming breach of statutory warranties pursuant to *Home Building Act 1989* (NSW)

🔒 Criminal Law

- ***Marial v R*** [2016] NSWCCA 234 – appeal against severity of sentence: objective seriousness; manifest excess; parity

- ***Shepherd v Nestoriadis*** [2015] NSWSC 348 (with David O'Neil) appeal against forensic sample order made in the Local Court; failure to give adequate reasons

MEMBERSHIPS

- **Innovation and Technology Committee (NSW Bar)**
  Member – 2018, 2019

- **Copyright Society of Australia**
  Member

- **Intellectual Property Society of ANZ**
  Member

- **Tasmanian Law Reports**
  Reporter

TEACHING

Intellectual Property Law
Guest Lecturer, UTas
📅 2011

Contract Law
Lecturer, UTas
📅 2008-2009

Media & IT Law
Lecturer & Tutor, UTas
📅 2005-2008

SELECT PUBLICATIONS

📕 Books

- *The Patentability of Software* (March 2019, Routledge)

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📄 Journal Articles

- "Can Giving Evidence Waive Legal Professional Privilege?" *Law Society Journal* (February 2014, Law Society of NSW)
- "Case Brief: Bilski v Kappos" (2010) 20 *Journal of Law, Information and Science* 229
- "Avoiding the Software Patent Problem: An Alternative Fix for TRIPS Junkies" (2007) 14(1) *eLaw: Murdoch University Electronic Journal of Law* 100
- "A Comment on Software, Patents, Innovation and Openness", [2003] *JlLawInfoSci* 2; (2003) 14(1) *Journal of Law, Information and Science* 50