

Confidential Information Disputes

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The unauthorised disclosure or use of confidential information will, in certain circumstances, be actionable under Australian law.

The Services we offer

Our lawyers have a broad range of experience relating to actions for breach of confidence including:

- Advising in relation to potential actions for breach of confidence
- Applications to the Court to obtain:
 - An urgent injunction to prevent a threatened breach of confidence or further actual breaches of confidence
 - An order to obtain documents prior to commencement of proceedings (known as pre-trial discovery) to determine whether there is a basis for commencing an action for breach of confidence
 - An order (known as an Anton Piller order) made without notice to an infringer permitting entry to a prospective defendant's premises or other relevant premises to search for and remove material which is to be used as evidence and which is otherwise likely to be destroyed, hidden or taken out of the jurisdiction
- Actions for breach of confidence (including actions where the obligations of confidence arise out of contract)
- Advising/representing parties involved in disputes arising from the departure of employees in circumstances where it is alleged the employee is likely to use confidential information
- Advising on strategies to protect confidential information, including drafting and negotiating confidentiality agreement and undertakings

Recent matters representative of our experience include:

Krueger Transport Equipment Pty Ltd v Glen Cameron Storage & Distribution Pty Ltd [2008] FCA 803

We acted for the applicant in this proceeding which involved claims for breach of confidence and infringement of copyright. The applicant claimed that the first and fifth respondents in the proceeding had disclosed a confidential concept for a load restraint system without the applicant's permission. The applicant also claimed that the fourth respondent (to which the confidential concept was disclosed) infringed copyright subsisting in drawings embodying the confidential concept.

The Court was prepared to draw an inference as to the likely facts and conclude that there had been unauthorised use of the confidential concept. The Court also held that copyright in the applicant's drawings was infringed, even though the fourth respondent had never seen the applicant's drawings. The findings on infringement of copyright were upheld by the Full Federal Court on appeal (see *Vawdrey Australia Pty Ltd v Krueger Transport Equipment Pty Ltd* [2009] FCAFC 156).

Key contacts

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