

Harrison Ottaway

Special Counsel

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OVERVIEW

Harrison is a special counsel in the Intellectual Property (IP) team focusing on IP litigation, and in particular, patent and trade mark disputes. He regularly acts in complex IP litigation and large scale commercial disputes. Harrison's experience covers various industries including information technology, life sciences and fast moving consumer goods.

Harrison has undertaken post-graduate studies in international intellectual property law and an internship at the World Trade Organization. This provides him with a sound understanding of the multi-lateral agreements which provide the framework for domestic intellectual property law. He is also passionate about the intersection between intellectual property law and global public health.

He has acted in proceedings in the Federal Court and Full Federal Court of Australia, as well as the Supreme Courts of Victoria, New South Wales and Queensland.

Harrison is commercial, pragmatic and personable. He is dedicated to achieving the best results for his clients.

PROFESSIONAL BACKGROUND

Prior to joining K&L Gates, Harrison was a senior associate in the intellectual property group at a global law firm where he worked on contentious intellectual property matters, including patent, trade mark and copyright disputes as well as commercial disputes.

ACHIEVEMENTS

- Recognised by *The Legal 500 Asia Pacific* as a Recommended Lawyer for Intellectual Property in Australia, 2024-2025
- Recognised by *Managing IP Stars* as a Rising Star in Australia, 2023
- Recognised by *Doyle's Guide* as a Rising Star for Intellectual Property & TMT Law Rising – Victoria, 2023
- Listed in the *Best Lawyers: Ones to Watch in Australia*™ for Intellectual Property Law, 2023-2026

- Recognised as a Rising Star by *Australasian Lawyer*, 2023

PROFESSIONAL / CIVIC ACTIVITIES

- Arts Law Centre Australia volunteer (2016-present)

EDUCATION

- LL.M., University of Melbourne, 2019
- Diploma of Legal Practice, College of Law, Australia, 2013
- Bachelor of Arts/Law, University of Melbourne, 2012

ADMISSIONS

- Supreme Court of Victoria
- Federal Court of Australia

LANGUAGES

- French

THOUGHT LEADERSHIP *POWERED BY HUB*

- 21 September 2026, Supporting ‘Human Artistry': Wholly AI-Generated Recordings Disqualified From ARIA Charts in Australia
- 3 September 2026, Good Different, or Not Different Enough? Aldi Infringes Hampden's Copyright in Snack Packaging
- 27 March 2025, Best Method Challenge Continues to Offer "a Material Advantage" – Zoetis Services LLC v Boehringer Ingelheim Animal Health USA Inc [2024] FCAFC 145
- 15 March 2024, Full Court Parks Trial Judge's Decision in Carpark Patent Fight
- 18 December 202, US Copyright Review Board Affirms Rejection of Copyright Registration for Work Created With AI Application
- 26 September 2023, In Starch Contrast: Australian Patent Office Makes Key Finding on Use of Trade Marks in Patent Specifications
- 20 April 2023, Copyright Implications of Generative AI Systems
- 19 December 2022, Trade Secrets: An International Perspective on Their Protection and Tips to Mitigate Disclosure Risk

- 8 November 2022, Henkel Cleans Out FINISH Trade Marks
- 22 August 2022, High Court Split 3-3 in Landmark Decision on the Patentability of Computer Implemented Inventions in Australia
- February 2022, Getting the Best Out of Your Intellectual Property – The Importance of Registered Designs and the Protection of Trade Secrets
- 25 November 2021, Australian Appeal Case Revisits Patentability of Computer Implemented Inventions

OTHER PUBLICATIONS

- "Copyright Implications of Generative AI Systems," *The Computer & Internet Lawyer*, September 2023
- '*Exclusive Licensees without Standing*,' Intellectual Property Forum 55, 2016
- '*Copyright final frontier for Axanar enterprise*', Griffith Hack, 2016
- '*Beer and Wine and Children's Toys*,' Intellectual Property Forum 25, 2017
- '*Copyright case against U2 latest to test the boundary of originality and creativity*', Griffith Hack, 2017
- '*Court decision highlights difficulty in challenging innovation patents*', The Brand Protection Blog, 2017
- '*CIIs - The Australian Encompass Full Court Decision*', Inside Tech Law, 2019
- '*CIIs - Encompass Repipe-d*', Inside Tech Law, 2020

NEWS & EVENTS

- 3 August 2026, K&L Gates' Global IP Practice and Lawyers Recognized in *Managing IP's* 2026 "IP Stars" Rankings
- 3 October 2025, K&L Gates' Global IP Practice, Lawyers Earn Rankings in Managing IP's 2025 "IP Stars"
- 7 October 2024, K&L Gates' Intellectual Property Practice, Lawyers Recognized in 2024 *Managing IP* Magazine's "IP Stars"
- 13 February - 21 February 2024, 2024 CPD Program–Australia
- 23 October 2023, K&L Gates' Intellectual Property Practice, Lawyers Recognized in 2023 *Managing IP* Magazine's "IP Stars"
- 7 February - 16 February 2023, 2023 CPD Program–Australia

AREAS OF FOCUS

- IP Litigation

REPRESENTATIVE EXPERIENCE

- Acting for an Australian medtech company in patent infringement proceedings in the US Northen District of Illinois.
- Acting for an Australian fashion brand in trademark infringement and copyright proceedings against a Chinese online fast fashion retailer.
- Acting for an Australian project home builder in a suite of enforcement disputes relating to the copyright in architectural plans.
- Advising an Australian manufacturing company in relation to potential enforcement of its patent portfolio against a competitor. The work involves infringement and validity analyses, and advice on experimental evidence in readiness for patent litigation.
- Advising an international pharmaceutical company in relation to patent term extension law in Australia and potential grounds for challenging existing patent term extensions.
- Acting for a patentee in relation to enforcement of an Australian patent relating to genetic testing.
- Acting for a global pharmaceutical company in a multi-jurisdictional patent dispute concerning pneumococcal conjugate vaccines. Including leading interviews with expert witnesses, preparing expert evidence and liaising with overseas associates to coordinate litigation strategy.
- Acting for an Australian technology company in a patent dispute concerning parking overstay detection systems. Including leading interviews with expert and lay witnesses, preparing expert and lay evidence, assisting in interlocutory applications for recusal and oral examination, assisting senior counsel in cross-examination of other side's witnesses.
- Acting for Australian franchisor of an international convenience franchise in class action litigation included assisting in preparation of large-scale responsive lay evidence and developing evidentiary strategy.
- Acting for the respondents in trade mark infringement proceedings in the Federal Court. A central question in the proceeding concerned the extra-territorial application of the *Australian Trade Marks Act 1995* (Cth) including undertaking legal research tasks, advising the client on litigation strategy, assisting in the preparation of lay witness evidence and submissions and instructing counsel at trial.
- Acting for the respondent in patent infringement proceedings in the Federal Court. The proceedings formed part of the long-running dispute between H. Lundbeck and various generic pharmaceutical companies regarding escitalopram including undertaking research and advising in respect of res judicata estoppel arguments available to the generic respondents; participating in negotiations to achieve a favourable settlement.
- Acting for the applicants in Federal Court proceedings for unjustified threats of patent infringement, misleading and deceptive conduct and patent revocation. Including preparing evidence, briefing counsel and expert witness and instructing counsel at trial.