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[[are_there_any_reported_decisions_of_your_mr_white]]

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Resume

Table of Contents ▲

- Resume
- Reported Decisions
- Unreported Decisions

- Mr White

Reported Decisions

- November 2, 1011 - Larkden Pty Limited -v- Lloyd Energy Systems Pty Limited ¹⁾
 - Our Mr White was the arbitrator in this matter.
 - Commercial Arbitration Act 2010 (NSW), ss 35 and 36 - Award by arbitrator declaring a constructive trust, ordering specific performance of a Licencing Agreement and requiring the defendant to take steps - recognition and enforcement opposed on the basis that part of the Award dealt with the dispute not contemplated by or falling within the terms of arbitration and that recognition and enforcement of parts of the Award would be contrary to the public policy of this State - orders for recognition and enforcement made
 - For third party commentary about this leading decision please visit the following links:
 - Mr Warrick Rothnie, Leading IP/IT Counsel (formerly partner Mallesons Stephens Jaques)
- October 5, 2011 - Larkden Pty Limited -v- Lloyd Energy Systems Pty Limited ²⁾
 - Our Mr White was the arbitrator in this matter.
 - Corporations Act 2001 (Cth), s440D - an application for leave to bring and continue proceedings against a company in voluntary administration for recognition and enforcement of an arbitral award pursuant to Commercial Arbitration Act 2010 (NSW) s 35 - nature of discretion to be exercised - relevant circumstances - leave granted
- April 1, 2011 - Larkden Pty Limited -v- Lloyd Energy Systems Pty Limited³⁾
 - Our Mr White was the arbitrator in this matter which included two substantial arbitrations involving renewable energy technology.
 - This was one of the first reported cases under the leading domestic legislative instrument in Australia namely the Commercial Arbitration Act 2010 (NSW) which follows the UNICTRAL model and is being adopted in slightly different forms in each state and territory of Australia.
 - For third party commentary about this leading decision please visit the following links:
 - Clayton Utz - LEADR legal update
 - Mr Warrick Rothnie, Leading IP/IT Counsel (formerly partner Mallesons Stephens Jaques)
 - Mallesons Stephens Jaques, Mr Jason Clapham, Senior Associate
 - Piper Alderman, Mr Andrew Robertson, Partner
 - AR Conolly & Company Lawyers
 - Australian Centre for International Commercial Arbitration - June 2011 Update
 - Mallesons Stephens Jaques, Adjunct Professor Max Bonnell, Partner
 - Clayton Utz, Mr Doug Jones AM RFD, Partner, International President of the Chartered Institute of Arbitrators
 - TollFree800Legal.com
 - Lexology
 - i-law
 - wotnews

- [Supreme Court of Victoria Commercial Court](#)
- [April 30, 2010 - Oakton Services Pty Ltd v Tenix Solutions IMES Pty Ltd](#) ⁴⁾
 - Our [Mr White](#) did all the preparatory arbitration work for Tenix Solutions IMES Pty Ltd for over 12 months including running the dispute process which was the subject of this reported decision.
- Domain Name Decisions
 - [costumesdirect.com.au](#) - Arbitrator in three member arbitrator panel in relation to a domain monetisation dispute. This is the leading decision on domain monetisation in Australia.
 - [transportworkersunion.com.au](#), [tonysheldon.com.au](#), [twunsw.com.au](#), [twunsw.net.au](#), [wayneforno.com.au](#) - Sole Arbitrator
 - [jjdavies.com.au](#) - Sole Arbitrator
 - [unforgettable.com.au](#) - No Further Action pursuant to Para 4(k) of the auDRP - Sole Arbitrator
- [Redrock Holdings Pty Ltd & Hotline Communications Ltd v Hinkley](#) ⁵⁾, [Hotline Communications Ltd v Hinkley](#) ⁶⁾, [A2B Telecommunications Pty Ltd v Hinkley](#) ⁷⁾
 - Our [Mr White](#) acted as solicitor for Redrock Holdings Pty Ltd in relation to successful copyright infringement claims against a former employee of Redrock.
 - This is the leading case in Australia in relation to, amongst other things, the ownership of software created by employees including, without limitation, class libraries.
 - As part of the litigation a successful application was made to the Court to inspect software obtain using an [Anton Piller](#) order by a third party in its own litigation against the former employee.
- [Australian Competition & Consumer Commission v Internic Technology Pty Ltd & Anor](#) ⁸⁾
 - Our [Mr White](#) successfully acted for Internic Technologies Pty Ltd against the [ACCC](#), the US Government and various other parties in Australia and US litigation (including class litigation).
 - This is not an arbitration decision but it was a very early leading domain name decision at a very important time for the development of the internet and class litigation.

Unreported Decisions

- Typically most arbitration decisions are unreported. That is a key advantage of arbitration.
- Our [Mr White](#) has made many arbitral decisions of substantial disputes including, without limitation:
 - intellectual property licences and distribution agreements
 - telecommunication systems and billing
 - telecommunication access
 - constructive trusts and equitable relief in relation to intellectual property
 - breach of contract (including orders for specific performance)
 - breaches of fiduciary duty
 - unconscionable conduct in relation to lost opportunities and application of equitable relief in accordance with the principles set out in [Pallant v Morgan](#) ⁹⁾
 - research and development agreements
 - intellectual property ownership
 - hardware and software implementations
 - applications for interlocutory relief (including injunctions)
 - the scope of discovery including resolution of the categories of documents to be discovered
 - the application of [Legal Professional Privilege](#) to both discovered and subpoenaed documents
 - the application of [Common Interest Legal Professional Privilege](#) to both discovered and subpoenaed documents
 - the application of [Without Prejudice Privilege](#) to both discovered and subpoenaed documents
 - disclosure of confidential information to a non-arbitral party pursuant to [Section 27G of the Commercial Arbitration Act 2010 \(NSW\)](#).
 - whether or not particular discovery should be permitted pursuant to [Section 19\(2\) of the of the Commercial Arbitration Act 2010 \(NSW\)](#).
 - awards of legal costs in excess of \$2m
 - disputes as to whether or not [indemnity](#), [solicitor client](#) or [party/party](#) costs should apply
 - disputes as to whether or not costs should be immediately determined and payable or determined and paid at the end of the arbitration
- Expert determinations including the determination of:

breach of contract claims and damages in relation to hardware and software failures.

- breach of contract claims in relation to telecommunications billing disputes.

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- 1) [2011] NSWSC 1331
 - 2) [2011] NSWSC 1305
 - 3) [2011] NSWSC 268
 - 4) [2010] VSC 176
 - 5) [2001] VSC 91 (4 April 2001)
 - 6) [1999] VSC 74 (24 March 1999)
 - 7) [1999] VSC 76 (24 March 1999)
 - 8) [1998] FCA 818 (14 July 1998)
 - 9) [1952] Ch 43

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