

# Karen Hayne

## Partner at Addisons

**Ellen Anderson**, Solicitor at Addisons, chats with **Karen Hayne**, Partner at Addisons about Karen's career and her thoughts on International Women's Day.

Karen has been a partner with Addisons since April 2005. She is the joint leader of Addisons' trade mark practice and is well known and respected in Australia and internationally for her intellectual property advice, particularly to businesses where brand is the key to ongoing commercial success.

Karen advises some of the world's best-known brand names, as well as iconic Australian brands. Her practice includes: maintaining the integrity of her clients' trade marks, as well as advising on their trade mark portfolios, intellectual property strategies and brand protection, piracy and infringement issues. She also deals with commercialisation issues including licensing and branding guidelines.

Karen advises on a broad range of intellectual property issues. Specifically, Karen's trade mark expertise includes: trade mark disputes, including all aspects of litigation; all facets of trade mark practice including portfolio management, brand strategy, registration, oppositions and related issues; commercial issues including licensing, sale and acquisition, brand guidelines, ownership and related strategies; Australian Consumer Law – consumer protection advice and related proceedings; domain name advice, registration and disputes; and parallel importation, customs, piracy and anti-counterfeiting matters.



**ELLEN ANDERSON:** Did you always want this job? If so, what did you do to position yourself to get it? If not, how did your career path lead you here?

**KAREN HAYNE:** Not at all. I had no exposure to the law or lawyers (other than what I saw on television, and let me tell you, it's nothing like *LA Law* or *Alley McBeal!*). My journey to the law was not traditional. I attended a primary school in a small country town in Victoria and a high/technical school where I did woodwork, metalwork and ran a radio station.

I originally was interested in studying architecture and was accepted into an architectural course, but I deferred for a year so I could earn some extra money. During that year I worked in the mail room of a law firm. I was quickly promoted to junior, then senior, secretary in this firm and then was later promoted to

paralegal. I decided at this stage that I was very much enjoying the legal arena and wanted to pursue it further.

I attended night school at RMIT completing an Associate Diploma in Business/Law over 5 years, completing this in 1994. However, within six months it was clear to my new boss and I that I needed to fulfill my desire for learning and working in the law. I applied under the mature age entry scheme to various law schools and in 1995 I was accepted by Melbourne University to do a Bachelor of Laws.

In 1996 Gledhill Burrige & Cathro merged into Norton Smith & Co (partnering with the then Sydney firm). Ultimately the Sydney firm merged with Coudert Brothers and I moved to Sydney in 2000. I was admitted and became a Senior Associate that same year. In 2004 I became a partner with Coudert

Brothers. In 2005 I moved to Addisons as a Partner and have now been a Partner with Addisons for 16 years.

**ANDERSON:** What advice would you give to your younger self?

**HAYNE:** That's a tricky one. Part of me would say not to make some of the choices I made as a younger person, but on the other hand, everything that happened to my younger self (good and bad) led me to where I am today. I think I am a better person and better lawyer for the route that I took, albeit far from the traditional one. It also came with good practical insight into how to be self-sufficient and just get things done.

I think I would say to the younger me, "You are stronger than you think you are, and you are worthy and valued," and that, adopting Collingwood as your AFL team when you were five years old may

not have been the easiest team to support, but will make you fiercely loyal and stronger, so stick with it.

**ANDERSON:** What's the best work-related advice you've ever received?

**HAYNE:** At a micro level – to “think outside the box”. So basically, what are you trying to achieve really – whether it be for the client, the firm, yourself or otherwise. I like rules, structure, lists and so on to help me navigate work and life. I think my younger self may have focused too much on those things which stopped me actually seeing the best path forward. So, for a client it is not just tick all these boxes and follow this process to get from A to B – it is do you want to get to from A to B? What really do we (or the client) want or need to achieve, and perhaps that is not the right or best way to get there.

At a macro level – pick your fights. That does not mean do not be true to yourself or what you believe, but sometimes you need to focus on what is really important and what you want to spend your energy on. I suppose it is a bit like the adage of accepting what you cannot change and focusing on what you can.

**ANDERSON:** Are there any law reforms in your sector that you think are desperately needed? If so, what are they?

**HAYNE:** I don't think there is anything desperately needed. I suppose, as an observation, the thing we see regularly is a lack of understanding or awareness by businesses as to what a business or company name is and what intellectual property rights it gives them. I know that ASIC and IP Australia give information about this, but it seems to be routinely missed, so parties registering business or company names confuse this with an intellectual property right, like a registered trade mark. There was some discussion in previous reviews of ASIC relevant legislation and process to try and implement some form of IP Australia or trade mark cross-checking, although I see how

this could be difficult to implement. There is also the issue of the ASIC automated business name process and how it deals with similar names, and if this is working as it should.

Generally, there is also the problem of cost of enforcing trade mark rights, as there is generally no avenue for trade mark owners to do this effectively which does not involve a significant investment of time, money and resources.

**ANDERSON:** If there is one thing you would celebrate about International Women's Day in this industry, specifically, what would it be?

**HAYNE:** I would celebrate what we have here at Addisons – and our efforts to be an employer of choice for women. We have over 50% female employees, seven out of our 21 Partners are female, as well as nearly 80% of our Consultants, Special Counsel and Senior Associates. There is always more to be done and more that can be learned, but I am proud of what we have achieved so far and hope that we offer flexibility, career

paths and support for all our female employees and Partners.

Additionally, I would like to celebrate all the fabulous women in the intellectual property space at every level, here and abroad (as I have a large network of fabulous women I work with overseas as well).

**ANDERSON:** What advice would you give to the next generation of female leaders in the industry?

**HAYNE:** The following tips come to mind:

1. Find your “tribe” – they will be your sounding boards, friends, confidants and lifeline in good times and bad.
2. Choose a good mentor. You may not have all of the answers and neither may they, but do not underestimate the benefit of being connected to someone with experience (in the life and the law).
3. Be yourself and be kind and support one another. Follow your own moral compass and never give up.

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