

# Interview: Zeina Milicevic

**Ashleigh Fehrenbach**, co-editor, sits down with **Zeina Milicevic** to talk about her career as an IP private practice lawyer. Zeina is a Partner at MinterEllison in the Dispute Resolution, Intellectual Property Team. Zeina specialises in resolving complex intellectual property, advertising and branding disputes across a range of industries, including media, entertainment and education cosmetics. Zeina has successfully represented clients in copyright, trademark, confidential information, passing off, and Australian Consumer Law disputes, in the Federal Court, High Court, and Copyright Tribunal of Australia. Over the past two years Zeina was also the President of the Copyright Society of Australia.

**ASHLEIGH FEHRENBACH:** Hi Zeina – on behalf of all our readers, thank you so much for chatting IP law with us. Let’s get started, what was one skill you learnt in your first few years of practice?

**ZEINA MILICEVIC:** The art of running (up and down the corridors in the office) when an urgent matter is on even if I had plenty of time to walk. It seems to fill people with confidence that you have appreciated the urgency of the task at hand and are taking it seriously. I used to do training for graduate lawyers on urgent interlocutory injunctions and that was one of my main tips! But in all seriousness, I think the one skill I learnt in those first few years was to take a step back from the task I was doing, think about the broader picture, think about how my task fitted in (and ask the question if it wasn’t clear), and then approach the task with all of that in mind. The work you do has a lot more meaning (for yourself as well as the person you are doing it for) when you can understand and appreciate how it all fits into the bigger picture.

**FEHRENBACH:** What drew you to the world of IP?

**MILICEVIC:** Initially the people and then the work. I didn’t study IP at university (on purpose - all the “cool kids” were doing it and I wanted to be different). I was going to be a tax or finance lawyer (so much cooler?). But then while on rotation as a graduate lawyer at MinterEllison I was picking groups for my third rotation and everyone kept talking about this lovely partner in IP, Charles Alexander, and I thought “why not!”. This is the best decision I ever made. Charles was, and still is, a wonderful



mentor to me. I then grew to love the work we do in IP. Every matter is so different and you have to understand the client, their goods and services, and how they work etc in order to advise. This means you get to work with people from all areas of a business, not just the lawyers. In my time as an IP lawyer I have learnt how music is selected for group fitness classes, how a satellite works, what a peptide is... I could go on!

**FEHRENBACH:** You have worked on a range of high-profile IP matters, particularly on copyright matters for schools, newspaper publishers, collecting societies and free-to-air

and subscription television in both the Copyright Tribunal of Australia and the Federal Court – sounds like a really interesting area! I’d love to hear how you found yourself in that specialisation.

**MILICEVIC:** To be honest, I was very much in the right place at the right time. When I started in the IP team as a graduate lawyer at MinterEllison we were acting for the Australian Hotels Association in Copyright Tribunal proceedings to determine how much nightclubs should pay to play sound recordings. As you can imagine, as a young lawyer who at that time still frequented a

nightclub or two, it sounded like the perfect matter and I put my hand up to get involved. I do believe that when it comes to a career in a law firm a lot of it can be “right place, right time”, but it is also what you do with those opportunities that present themselves. Having wonderful mentors who supported and encouraged me, gave me the confidence to see opportunities and embrace them.

**FEHRENBACH:** What was the biggest development you saw this year in the IP legal landscape?

**MILICEVIC:** The most talked about development in our team this year would have to be the first judicial determination that recognises artificial intelligence (AI) as an inventor. While it is on appeal, the decision could have far-reaching implications for industries utilising AI for research and development including the healthcare, pharma, biotech, financial services, e-commerce, telecommunications and manufacturing sectors.

Another big development, that I would love to see stay in some form, was virtual hearings. I did enjoy attending hearings in my active wear in close proximity to my fridge. While nothing beats a hearing in person, it would be great to see virtual hearings stay – at least for case management hearings. I think it would also help to have the option for people (particularly clients) to dial in by video if they can’t make it in person. It goes a long way to ensuring access to the Courts and more flexibility in the ways that we work.

**FEHRENBACH:** How has the COVID pandemic changed client expectations and how lawyers deliver their work?

**MILICEVIC:** There has been an expectation that we are all available all the time (and we are often our own worst enemies and put that expectation on ourselves). Gone are the days of heading out of the office for a meeting and the break you get from emails and calls during that time. We are all glued to our phones

and computers. The laptop is always there and it is always on.

Having said that, I think law firms have definitely become more flexible. It is now acceptable to take a break at 11am for an appointment, or to go and pick up the kids from school at 3pm. And there have been some great initiatives to promote flexibility and wellbeing in the workplace.

At MinterEllison, for example, we now have Wellness Wednesdays where there are to be no internal meetings between 12pm and 2pm so people can take a proper break and there are health and wellbeing presentations offered during that time for those who are interested. There are pros and cons to all these changes. I think the ongoing challenge is learning to step away from work, to turn off the computer, and to turn off the email notifications on our phones. I heard a great tip from another partner not that long ago: at the end of his working from home day, he grabs his laptop, puts it in the boot of his car, drives around the block and then leaves his laptop in the car. He does this to signal the end of the working day and the beginning of his evening at home. We are all going to have to find clever ways of making sure there remains a clear divide between work and home life.

**FEHRENBACH:** You were made partner at MinterEllison in 2021 – a huge achievement. What was one challenge you noticed in progressing up to partnership?

**MILICEVIC:** As a then part time working mum one of my biggest challenges was self-doubt. I have, like a lot of people, imposter syndrome. The fear that everyone is going to realise I have no idea what I am doing. But I also doubted whether I could make it work: a partner in a top tier firm and a present mum to two young girls. I want to be able to take my kids to swimming lessons on a Tuesday, to attend the year 2 play in the park at 3pm on the last day of term, to go to the drama concerts and the school assemblies. All of that is really important to me. Thankfully having a firm, partners, colleagues

and clients that believed in me and were willing to give me the chance to prove myself helped to push those doubts aside. Sadly it is an issue that a lot of people struggle with. I am hopeful that the new flexibility we now have in our working days thanks to COVID will mean that more people can see a way to make the juggle work.

**FEHRENBACH:** What do you consider to be one piece of advice you would share with your younger self in the early stages of your career?

**MILICEVIC:** It’s a marathon, not a sprint. Find out what works for you to ensure that you have some balance in your life and can last the distance. One size doesn’t fit all.

**FEHRENBACH:** It wouldn’t be a CLB end of year wrap up without a question on Christmas anthems – who does “All I want for Christmas” better: Mariah (the original) or Michael Bublé (the cover)?

**MILICEVIC:** I am going to have to say Mariah. Don’t get me wrong, I love Bublé and my mum may kill me for saying this, but there is something about the Mariah version. It puts me in the Christmas spirit!



**Ashleigh Fehrenbach**, Senior Associate at RPC in London and co-editor for *Communications Law Bulletin*