

Cate Nagy

Partner, King & Wood Mallesons

Emina Besirevic, lawyer, Clayton Utz, sits down with **Cate Nagy**, Partner, King & Wood Mallesons, to discuss Cate's career as an intellectual property lawyer in private practice, as well as Cate's thoughts on International Women's Day.

Cate is a partner in King & Wood Mallesons' Dispute Resolution team, where she specialises in intellectual property law with a particular focus on copyright and trade mark litigation. She is an experienced intellectual property litigator and has acted on various high-profile copyright and trade mark infringement, misleading and deceptive conduct, and domain name, disputes. Cate also advises clients on strategic copyright and brand protection issues, advertising clearances and complaints, and government policy and regulatory issues in the intellectual property field. In addition, Cate is the chief editor of King & Wood Mallesons' intellectual property blog, IP Whiteboard.

EMINA BESIREVIC: Thanks so much for chatting with us Cate! I'd love to ask you about your career. Did you always aspire to be a Partner of a global law firm? If so, what did you do to position yourself to get to where you are? If not, how did your career path lead you here?

CATE NAGY: I am probably one of many who stumbled into law while planning to pursue a career in journalism. I undertook a combined Thai Studies / Law degree at University and spent an amazing year studying law in Bangkok, although at that time becoming a partner of a global law firm was far from my mind. It wasn't until I studied intellectual property law late in my degree that I started to see how I might combine my long-term interest in the arts with a career in law. I'm not sure it would be accurate to say that I have "positioned" myself to be where I am now. I never had a particular aspiration to be a partner of a global law firm, but I did have an aspiration to work in an area of law that I loved, to be challenged and supported and to surround myself with people – both colleagues and clients – whom I like and respect. I've been fortunate that following that path has brought me here, with a few diversions along the way!

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

CATE: Back yourself and don't look too far ahead into the future. We can spend too much time both in our personal and professional lives deliberating on possibilities and worrying about whether we are

making the right decision, rather than just walking the path that feels right at the time and seeing where that takes us. You can generally walk back from it if you find that it's not the right path – and making the decision to do that if it's not working is just as important. I also think you have to look for opportunities to learn from others. For the first fifteen years of my career, I worked for a wonderful partner whom I learned so much from, just watching the way he ran matters, dealt with clients, and marked up my work (in the days of pen and paper)! It's possible to develop your own style and ways of working through observing how others approach and handle an issue, and cherry-picking what works for you.

EMINA: What's the greatest risk you've taken as a professional?

CATE: It didn't feel like a risk at the time, but as a senior associate I took a leave of absence for two and a half years to step back from my legal career and spend more time with my family. In a professional sense it was a risk, but I did it because it felt like the right thing to do at that time. One of the many things that I gained from it was a realisation that I actually really loved (and missed) my work as a lawyer. I spent time during that period working as a member of the Classification Board, watching films and playing computer games for classification purposes. It was a role that had always intrigued me, but the repetitive reality of it taught me what I really missed about law and was what really brought me back to that path: the intellectual challenge



that comes with trying to navigate clients in and out of disputes or steer them toward a particular commercial outcome was something that I really missed.

EMINA: In your view, are there any reforms that you think are desperately needed within the realm of intellectual property law? If so, what are they?

CATE: I think we have been going round in circles for far too long on copyright reform, with repetitive debate on fair use vs fair dealing and inadequate policy engagement on particular areas of copyright law that have failed to keep pace with new technologies (AI and computer-generated works for example). I would like to see some definitive legislative action soon, so that we are not left crafting causes of action or defences to claims from legislation which is not at all intended to fit the particular facts which new technologies present for us.

EMINA: What energises you about work?

CATE: I love the cut and thrust of litigation, as well as the diverse range of lawyers I work with as part of my team. As a junior lawyer faced with a myriad of complex and unfamiliar legal issues, I recall looking forward to one day having so much experience that I would be able to rattle off my legal advice as soon as the client called. What I came to learn is that one legal problem is almost never the same as the next, and it's rare that I am asked to advise twice on precisely the same issue (although that in itself is exciting when it happens!). What I

realised though is that I am energised by the fact that the questions and issues are different nearly every time. A shift in facts, a shift in the client's desired outcome, a shift in the relevant law are all factors that ensure that there is challenge and variety in what we do every day, even twenty-five years in.

In terms of energy, it also helps that IP is an area of practice in which there is plenty of colour and movement (and occasionally humour!). I remember as a junior lawyer working on a passing off / Australian Consumer Law case about baby dolls and accessories. We had an office dedicated to the display of an array of pink and blue dolls and their accessories as we prepared for trial. It was hard not to be bemused about what five years of law school had come to. Since then, I've worked on IP cases about social media platforms, vodka, fashion brands, beer, financial services, shoes, casinos, computer software, online retail and a myriad of other products and services.

EMINA: The 2023 International Women's Day campaign theme is #EmbraceEquity. What does this mean to you and how would you suggest this is implemented in our readers' work and personal lives?

CATE: I think we have seen enormous change over the twenty-five years that I have practised as a lawyer, although I have been fortunate to spend my career at firm which has always had a strong focus on gender equality, and which has provided enormous support to female lawyers throughout their careers. I also work in an area with strong female representation and am surrounded by female friends who also practise law. I recall my son at age 3 being introduced to a male lawyer friend of ours exclaiming, "Men can't be lawyers, only ladies can be lawyers"! I've still had surreal experiences along the way – the male opposing client in a dispute who, as the only male in the room and surrounded by female partners on both sides, two female senior associates and a female general counsel suggested at the end of a settlement meeting mid-afternoon that the timing was great because we "ladies" still had time to go shopping (it didn't settle!).

For me, the concept of #EmbraceEquity really moves beyond gender. It's not just about women, but it's about embracing a range of perspectives and backgrounds, whether based on gender, ethnicity or sexuality, and promoting equality of opportunity and advancement. For me, at a gender level, I have loved

seeing the shift towards our male lawyers also taking extended parental leave as primary caregivers. When those family responsibilities are shared, we start to level the playing field for men and women alike in the workplace, as well as remove some of the perceptions historically directed towards women at that stage of their career. I have three boys, aged between 7 and 19, and I can see that the workplace for them and their partners will be a very different one to the one that I entered – still with challenges, but with challenges that are shared across gender.

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

CATE: Be brave and back yourself. Surround yourself with people, from all backgrounds, who will support you, and give that support back in spades. I think mentors, formal and informal, play an enormously valuable role in providing a real-life example of how you can make it work, as well as backing you when you are figuring that out for yourself. You don't have to do it the same way as anyone else – you can write your own story.



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