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John P Bryson

This article describes the principles of common law pleadings as applied in the Supreme Court of New South Wales prior to the adoption in 1972 of the Supreme Court Act 1970 (NSW) procedures. 452

**WHEN IS THE FEDERAL MAGISTRATES COURT BOUND BY THE FEDERAL
COURT?**

Oliver Jones

This article considers the precedential status in the Federal Magistrates Court (FMC) of decisions by the Federal Court. In this respect, the Federal Court raises complex questions for the doctrine of precedent. In addition to hearing appeals from the FMC, it has original jurisdiction and further appellate jurisdiction. Does its other work also bind the FMC? Two Full Courts have considered the question and pointed to different answers. This article submits that, by applying a rule of precedent concerning the Privy Council, the FMC is bound at all times. Further, it is bound by both *rationes decidendi* and authoritative *obiter*. However, the FMC has significant latitude to depart from Federal Court decisions for inconsistency with other authorities. 478

**JURISDICTION OVER FOREIGN INTELLECTUAL PROPERTY LAW: THE
FORCE IS STRONG**

Rachel Mansted

The recent UK Supreme Court decision in *Lucasfilm Ltd v Ainsworth* [2012] 1 AC 208 offers much-needed exposition of an area of conflict of laws with significant commercial import: the justiciability of foreign intellectual property law. The last time this issue came before the Australian High Court was 1906, and a review is timely. This article advocates a view of the UK Supreme Court's decision that is compatible with international trends in intellectual property enforcement as well as Australian precedent. The article concludes that the validity of foreign registrable intellectual property rights (such as patents) should remain non-justiciable for reasons of comity and non-interference in the sovereign affairs of foreign states. However, *Lucasfilm* leads the way in clarifying two key points. First, that there is no reason to preclude the justiciability of foreign intellectual property claims not going to validity. Moreover, in the case of non-registrable foreign intellectual property rights, such as copyright, even validity may be a suitable issue for adjudication by a local court. 489

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DECISIONS RECEIVED IN MAY 2012

PGA v The Queen (*Criminal law; Procedure*) ([2012] HCA 21) 641