

THREE NEW SQUARE

INTELLECTUAL PROPERTY



DENISE MCFARLAND

Year of Call: 1987

Qualified Mediator: 2000

“Excellent for trade mark matters,” Denise McFarland impresses with her “in-depth and practical advice.”

Chambers & Partners

PRACTICE AREA

Patent, trade mark/passing off, copyright, designs, data-base rights, media, music and publishing licenses and commercial arrangements, due diligence in relation to IPRs in the context of probate, trusts and M & As, confidential information, and all other aspects of intellectual property; information technology and exploitation.

Professionally trained and qualified and highly experienced Mediator and Evaluative Neutral, specialising in commercial disputes (with or without IP aspects) in the UK and global disputes.

Clients, commercial sectors and industries in which she has worked extensively in contentious and non-contentious matters covered include:

- *Arts, Antiques, Architects, Airlines, Academic outfitters*
- *Boats, Beer & Beverages, Boots & Shoes, Books,*
- *Contact Lens, CAD systems, Concrete, Character-rights, Cartoons, Cars (Luxury & Utilitarian) and parts and accessories therefor*
- *Diet & Nutrition, Designers (Arts, Haute Couture & Landscape), Dog Food, Dentistry & Dental equipment*
- *Earth Moving Equipment, Estate Agency, Electrical Appliances, Early Stage investment & Venture Capital, Evaluations, Entitlement, European Directives*
- *Farm Machinery, Financial Charts & Indexes, Foodstuffs, Footwear, Family disputes, Fabrics, Floristry*
- *Garden Statutory & Equipment, Genomes, Gas-pipes, Greetings cards*
- *Hotels, Houses, Haute Couture, Horse Race Breeding Charts*
- *Inter-Continental Ballistic Weapons, Ice Rinks, Indian Food & Restaurants*
- *Jewellery, Jewish Foods (working with Beth Din), Jazz, Jet propulsion*
- *Kitchen designs, Keel designs (boats), Knitting patterns, Kitten-cabins*
- *Lamps & Lighting, Life-saving equipment, Lotteries, Lavatories*
- *Music (performers, production and property) MOD, Marine technology, Magazines,*
- *Nation state ownership of IP, Nominet dispute resolution panel, Naval Engineering, National Government, Negotiations*
- *Operatic Works, On-line marketing, Optical devices, Orphan works*
- *Pipe Laying, Publishing, Ponies (& Horses) Punchbags, Packaging, Photography*
- *Quality Marks, Quarrying & Drilling Equipment*
- *Restaurants & Catering, Radio Broadcasters, Rice, Roses*
- *Spices, Soap, Surgical devices, Social media, Sculpture, Spas, Saddlery. Sports, Sailing yachts, Signage*
- *Terra-Forming, Toys & Games, Television Broadcasters, Trucks,*
- *Universities, Underwear (fashion, spots and special needs), Undersea Drilling,*
- *Veterinary Medical Devices, Vans, Vacuum cleaners, Varnish & Paint, Vestments (Ecclesiastical & Educational)*

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- *Wine and Spirits, WCs, Wood treatment, Weather-monitors, Weed-killers, Websites, Wallpaper*
- *X-Rays and Lithotripters, Xenon headlights*
- *Yellow-Pages Directory, Yoga mats and clothing, Yoghurt & Probiotics*
- *Zero-Emissions Devices, Zips, Zoning & Zone Indicators*

Denise's practice covers a huge range of areas and subject matters. She has dealt with clients of high profile and is noted for discretion and sensitive handling of clients and team members. Her clerks would be happy to provide more details of her familiarity and experience in your or your client's particular field, or area of endeavour or interest.

Denise has huge advocacy experience acting for parties before the UK Courts and in EU Courts and tribunals, including; the High Court of England and Wales (Court of Appeal and Supreme Court) the Intellectual Property Enterprise Court, or IPEC, the UK Intellectual Property Office, the Company Names Tribunal, the EU Intellectual Property Office, the EU Patent Office and the General Court of the European Union (Luxembourg) and appeals to the Court of Justice. She has also appeared before both the legal and technical Boards of Appeal and the Opposition Division of the EPO.

HIGHER EDUCATION

- New Hall (now re-named Murray Edwards College) Cambridge University 1983-1986. MA
- Inner Temple 1986-1987 – HRH Prince Phillip Scholarship

Denise has always been professionally known as Denise McFarland, but her full name is Denise McFarland-Cruickshank.

LEGAL DIRECTORY COMMENTS

CHAMBERS AND PARTNERS 2016 & 2017

Known for her client-facing skills and responsiveness, as well as her courtroom skill. She is noted for her work in anti-counterfeiting actions and trade mark infringement claims. She has additional experience advising on patent invalidation actions and mediations, and has recently been instructed in IP litigation with criminal liability aspects.

Strengths: "She is very bright, very capable and very responsive." "She has an impressive eye for strategy and is highly practical."

Recent work: Instructed in a community trade mark dispute between Polo Ralph Lauren and the Royal County of Berkshire Polo Club concerning use of the word 'Polo'.

A "*natural advocate*," McFarland receives consistent praise for her client-facing skills and responsiveness as well as her courtroom skill. She is noted for her work in anti-counterfeiting actions and trade mark infringement claims.

She has additional experience advising on patent invalidation actions and mediations.

Strengths: "*She is super-smart, very strategic and really knows her way around the system.*" "*She is hugely knowledgeable and clients really love her.*"

LEGAL 500 2016-2017

Intellectual Property – "*She is highly practical and has an impressive eye for strategy.*" [2017]
"*She is extremely conscientious, creative and always goes the extra mile.*" [2016]

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WTR – WORLD TRADE MARK REVIEW 2017

"She is excellent too - Superb with clients, practical and commercial"

CLIENT BASE

A Selection of some of the more well-known client names and /or trading names or marks for and with whom Denise has worked

- Agatha Christie (dcd. - the Estate of) Armani (Giorgio), Associated Newspapers Limited, AMEX, Arab Horse Society, Astra Zeneca, Airstream Corp.
- Bad Company , BT, BP, BBC, British Airport Authority, British Diabetic Assoc. Britax , BAE Systems, Body Shop, BOC, Babyliss, Bally, BUPA, Babycham, Bird's Eye, Blackberry
- Channel 4, Colefax & Fowler, Cadbury's ("Flake") Classic FM, Cambridge Satchel, CIPA, Colt Car Company, Conan the Barbarian, Clockwork Orange
- Dizzee Rascal, Dunlop, DKH, Dine, David John King (dcd. - the Estate of) Danone
- Ede & Ravenscroft, EBay, Exxon Mobil, Estee Lauder, Enid Blyton (dcd.)
- Frankie Goes to Hollywood (Holly Johnson), Ford Motor Co. Fuji Film
- Guess? , G-Star, Gillette, Glaxo, Granada TV,
- HRH Princess Diana Memorial Fund, Hasbro, Halewood International, Hikari Miso Co.
- ICE, IBM, ICI, Indulgence,
- JCB, Jimi Hendrix (dcd), Jaffa Cakes, Jaguar Cars, Jo Malone
- Kimberley Clarke, Kodak, King Curry
- Lockheed Martin , LIBOR, Lastminute.com, Lava Lamps, LINK Network, Ladybird, Lucas Industries, Lidl
- MCA Music, MOD, Minimax, Motorola, Mister Men, McCarthy Stone, Marconi, Moulin Rouge, Marilyn Monroe (dcd.) Metro Bank
- Nike, Nestle, Nokia, Nelson Mandela Fund, The Nolans (Denise Nolan), News International Ltd
- One Direction, Overfinch, O2,
- Pink Lady Apples Pedigree Pet Foods, Proctor & Gamble, Penguin Books, Planet Hollywood, Professional Golfers Association (PGA), Pizza Express
- Q-Style, Q-Tel
- Rubettes (Alan Williams) , Rolls Royce, Ritz Hotel (London) ,The Royal British Legion, Royal Berkshire Polo Club, Royal Air Force & Royal Navy, Renault, Roper Rhodes,
- Spice Girls, Superdry, Shell, Siemens, Sam Smiths, Shirin Guild, Stihl, Stannah Stairlifts
- Tate & Lyle, Trillium Tentsile, Tiger Aspect
- Unilever, Universal Pictures & Universal Music, United Biscuits Universities of Cambridge, Oxford, Manchester and many other universities in the UK and abroad.
- Van Morrison (George Ivan Morrison) Victoria's Secret, Virgin Atlantic , Vibe Media
- Warner Bros. Wella Corp.
- Xfinity, Xscape
- YELL / Yellow Pages, Yakult
- Zyro, Zimmer (Hans)

ALTERNATIVE DISPUTE RESOLUTION

Mediations / Early Neutral Evaluations / Arbitrations/ IP Audits

Since non-litigation methods of conflict resolution have become an integral and essential element of civil law practice Denise has a unique experience and diverse skill set which has been the basis of her well recognised and successful track record in alternate dispute resolution and non-litigation conflict management. She is CEDR trained and certified and has a broad range of IP and general commercial / contract/ media experience. Denise has been appointed by Nominet to deal with their disputes, and she is currently nominated by several large organisations as their first choice mediator for all of their internal and external needs.

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"All members of the legal profession who conduct litigation should now routinely consider with their clients whether their disputes are suitable for ADR" (Halsey v Milton Keynes General NHS Trust 11th May 2004)

Some of the feedback she has received from clients and practitioners in relation to this area of her work includes the following:

- *"Mark and I would like to thank you for your excellent mediation skills and for helping the parties reach a good result on the day. We hope to have the opportunity to work with you another time soon."*
- *"Denise really seemed to understand what was driving both parties, and carefully untangled the mess."*
- *"It is great to find a mediator that will go the extra mile, and really shared time well, and listened to everybody on our team. Thanks so much."*
- *"Denise's observations and proposals tabled were innovative and unusual. They appealed to both sides which was no mean feat. I'll be using some of them myself in future!"*
- *"Thank you to Miss McFarland and her clerking team for staying so late to get the ink dry on the paper; our client is truly delighted to have this all squared away now. Well worth the evaluation process."*
- *"Top Job! Thanks a lot".*
- *"We found Denise to be knowledgeable and pragmatic as well as approachable and with great personal attention to the parties' needs hopes and issues. She had really prepared the papers in depth too. We'd appoint her again and have no hesitation in recommending her to others".*

Due to confidentiality issues and the sensitivities of much of this area of her work, case names and parties' details are withheld but if needed, further details can be obtained from her clerks. Including references if required.

PROFESSIONAL & OTHER MEMBERSHIPS AND ROLES

- IP Bar Association, Chancery Bar Association, Women's Bar Association
- Chartered Institute of Trade Mark Attorneys (CITMA)
 - Member of CITMA and contributor to the CITMA Review
 - Appointed as an examiner for professional trade mark attorney examinations between 1991 and 1996
- Chartered Institute of Patent Attorneys (CIPA)
 - Member of CIPA
 - From 2001 till 2007 sat as an adjudicating member of the CIPA Disciplinary Panel
- Published author (Fiction)
- Trained Mentor and Equestrian Instructor
- Charity Trustee (of UK and International Charities)

INTERESTS

Equine and all country pursuits. Bar Theatrical Society. Travelling and hill walking. Various charitable and fund raising interests including in particular the Rorke's Drift & KwaZuluNatal Educational Project, The Prosthetic Outreach Foundation and the Mayhew Animal Home.

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