



Georgina Messenger
Year of Call: 2014

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Practice Area

All aspects of Intellectual Property law, including patents, trade marks, passing off, copyright, designs, confidential information and contractual disputes involving intellectual property or technical subject matter.

Education

- 2014-2015: 12-month pupillage at Three New Square, to Tom Hinchliffe, Simon Malynicz, Geoff Pritchard and Miles Copeland covering all aspects of Intellectual Property law.
- 2013-2014: *Outstanding*, Bar Professional Training Course - BPP Law School, Holborn.
- 2011-2013: Graduate Diploma in Law - BPP Law School, Waterloo. Part time whilst employed as a laboratory technician.
- 2008-2011: MA(Hons) Natural Sciences - University of Cambridge.
- Middle Temple Lord Astbury Scholar
- Middle Temple State School Award

RECENT CASES

Patents

- Takeda UK Limited v F. Hoffmann-La Roche AG [2019] EWHC 1911 (Pat): Antibodies, infringement, validity - Junior Counsel for Takeda.
- Eli Lilly v Genentech [2019] EWHC 3260 (Pat): SPC's, post reference hearings, patents. Junior counsel for Eli Lilly
- Illumina Inc v Premaitha Health Plc [2017] EWHC 2930 (Pat): Biotech patents, infringement, validity. Instructed and appeared at trial as Junior Counsel for the Premaitha Defendants.
- Illumina Inc v Premaitha Health Plc: High Court [2018] EWHC 615 (Pat) - Application for strike out and summary judgment on grounds of abuse of process and issue estoppel. Instructed and appeared as Junior Counsel for the Premaitha Defendants.

Trade Marks and Passing Off

UK

- Claridge's Hotel Limited v Claridge Candles Limited [2019] EWHC 2003 (IPEC): Trade marks, passing off, revocation - successfully acted for Claridge's Hotel as sole counsel
- Sky Limited v Sky Insurance Services Group Limited: Trade marks, infringement, revocation, bad faith. Instructed as junior counsel for the Defendant in ongoing High Court and UKIPO proceedings
- Frank Industries Pty Ltd v Nike Retail BV [2018] EWHC 1893 (Ch): Infringement, invalidity, abbreviations, advertising. Instructed and appeared at trial as Junior Counsel for the Claimant.

- Frank Industries Pty UK v Nike Retail BV [2018] EWCA Civ 497: Defendants' appeal against interim injunction granted in Claimant's favour. Instructed and appeared as Junior Counsel for the Claimant.
- Frank Industries Pty Ltd v Nike Retail BV Intellectual Property Enterprise Court: Interim injunction application. Instructed and appeared as Junior Counsel for the Claimant.
- Highend PTE Limited v Lawrence Colbert. Infringement and invalidity, bad faith, domain names. Instructed and appeared as junior counsel for the Claimant. Trial stayed pending Skykick.
- Zuma's Choice Pet Products Ltd v Azumi Ltd [2017] EWCA Civ 2133: Recusal
- Azumi Ltd v Zuma's Choice Pet Products Ltd [2017] EWHC 609 (IPEC): Infringement, own name defence, unjustified threats. Instructed and appeared at trial as junior counsel for the Claimant.
- Cisco v Gen-X: High Court - Parallel imports, counterfeit products, joint tortfeasance. Instructed as junior counsel for the Claimant, acted for Claimant at CMC. Settled shortly before trial.
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- Regular (unled) appearances in UKIPO and before the Appointed person on all aspects of trade mark applications, oppositions and cancellations
- Restaurant A v Restaurant B: High Court - passing off, instructed as counsel for the Claimant (unled).
- Textile company A v Company B + individuals: IPEC - infringement, passing off, validity, descriptive marks, unjustified threats. Instructed as counsel for the Claimant (unled).
- Manuka Tree Ltd v Manduka LLC: High Court Shorter Trials Scheme - passing off. Instructed on behalf of the Defendant for the CMC (unled).
- Confidential written advice: trade mark liability, joint liability, liability of intermediaries, infringement, invalidity, revocation, registrability, bad faith, enforcement of costs orders.

Europe

- T-421/18 Bauer Radio Ltd v EUIPO. Instructed and appeared as sole counsel for the Applicant in an appeal to the General Court.
- T-312/19 Wilhelm Sihm v EUIPO (and Golden Frog GMBH). Instructed and appeared as sole counsel for the Intervener in an appeal to the General Court.

Copyright/Design Rights/Confidential Information/Contractual

- Kason Kek-Gardner Ltd v Process Components Ltd [2017] EWCA Civ 2132
- Process Components Limited v Kason Kek-Gardner Limited [2016] EWHC 2198 (Ch): Contractual construction, estoppel, repudiation, rectification, design right/copyright/trade mark infringement. Junior counsel for the Claimant.
- Signature Realty Limited v Fortis Developments [2016] EWHC 3583 (Ch): Copyright - interim hearings in relation to disclosure and other applications (*including one full day unled hearing), junior counsel at trial.
- Individual vs Individual: High Court - copyright ownership, literary works, estates, declaratory relief (unled).
- MGA Company vs Insurer: High Court - misuse of confidential information. Instructed as junior counsel for the Claimant.
- Vehicle manufacturer vs retailer: IPEC - EU registered designs. Instructed as counsel for the Claimant (advised, drafted Particulars of Claim - settled) (unled).
- Accessories Company v retailer: IPEC - copyright, EU unregistered design rights instructed as counsel for the Claimant (advised, drafted Particulars of Claim - settled) (unled).
- Application to restore a company to the register (unled).
- Confidential advice relating to contractual construction, copyright ownership and infringement, design right infringement, design right licences and licences of right.

POST PUPILLAGE EXPERIENCE

- Partial secondment to Allen & Overy LLP - working on pharmaceutical and biotechnology patent litigation.

Selection of cases observed/contributed to as a pupil

Patents

- Mylan and Actavis v Warner Lambert (pharmaceuticals, second medical use, validity. Trial preparation, settling expert reports, observing at trial)

- Vringo Infrastructure v ZTE Limited (2G/3G/4G telecommunication equipment. Trial preparation, observing at trial)
- AGA Medical Corporation v Occlutech (medical device patent, form of order hearing. Assisted drafting skeleton argument)
- Teva v Astrazeneca (form of order hearing, costs. Assisted drafting skeleton argument)
- Eli Lilly and Company v Sanofi-Aventis Deutschland GMBH (medical device patent, application for expedition. Assisted drafting skeleton argument)
- Samsung Electronics Company Limited (computer programmes/method of doing business exception, appeal to the High Court from the decision of the UKIPO.)
- Philips v Nintendo (electronic devices. Assisted drafting respondents notice)
- Teva v Boehringer (SPC's, High Court CMC. Assisted drafting skeleton argument and reply to defence)
- Observed opposition proceedings before the EPO
- Drafting of Particulars or Claim, Defences and Counter Claims (High Court and IPEC)

Trade Marks/passing off/designs/copyright

- Cartier International AG v Nominet (website/domain name blocking injunctions. Research and drafting of skeleton argument. Settled before trial)
- Enterprise Holdings Inc v Europcar (trade marks, passing off. Preparation for trial, observed at trial)
- Several hearings before the UKIPO (by video link and in front of the Appointed Person. Assisted drafting of skeleton arguments.)
- IBONDS (appeal from the decision of the OHIM examiner to the Board of Appeal on behalf of the Appellant. Assisted drafting of grounds of appeal on behalf of the Applicant)
- Appeal to the General Court from the decision of the Second Board of Appeal on behalf of the trade mark proprietor (drafting of pleading on behalf of the Applicant)
- Contribution to the Community Designs Handbook
- Drafting of Particulars or Claim, Defences and Counter Claims covering all areas in both the High Court and IPEC.

Opinions/advice

- Research and drafting of opinions covering copyright, patents, UK and Community trade marks, passing off, data protection and design rights.

Professional Memberships

Intellectual Property Bar Association
Chancery Bar Association