THREE NEW SQUARE

INTELLECTUAL PROPERTY

DOUGLAS CAMPBELL KC

Year of Call: 1993

(England & Wales 1993; Ireland 2021, UPC Legal Representative 2024)

Silk: 2016

Chambers and Partners, IP, 2026: Douglas Campbell KC is a tenacious, talented and quick-witted silk who receives plaudits for his courtroom advocacy and can be relied upon to help protect the intellectual property interests of SMEs. He stands out for his capabilities acting in patent, design right and trade mark infringement disputes. He is also noted for his experience handling proceedings in the IPEC, the Court of Appeal and the Supreme Court. "Douglas is first rate and the choice for high-value matters." "Douglas Campbell is intuitive, thorough, dogged, persuasive and thinks very fast on his feet." "Douglas Campbell KC is an absolute delight to work with. He is very calm and measured. He is someone you want in your team, and he has a first-class knowledge of IP law."

Chambers & Partners, Information Technology, 2026: Douglas Campbell KC's skill in IP and copyright issues feeds effectively into an IT practice that covers software and hardware disputes, including those involving consumer and professional products, digital media players and automotive technology. He is an experienced adviser in cases involving gaming companies. "He provides very sound and pragmatic perspective on the issues. Douglas is fun to work with and effective."

Legal 500, 2026 IP: 'Douglas is a very thorough barrister with a deep understanding of case law. He is a real team player.'

Chambers & Partners, Information Technology, 2025: "Brilliant on his feet and someone who can deal with anything that comes his way, even if it's last minute" "Douglas is technically very strong and deeply experienced in the sector. He is an excellent team player"

Chambers & Partners, IP, 2025: "Douglas is good at putting clients at ease. He has clear knowledge of the law and no-nonsense advocacy". He is an excellent team player, technically very strong and deeply experienced in the sector." "Douglas is very sharp and gets points quickly. He is a great reassurance to clients and a very capable barrister."

Chambers and Partners, Intellectual Property, 2024: "Douglas Campbell KC provides strong, strategic advice in a no-nonsense manner which is appreciated by clients. He is strong on his feet and able to grasp issues quickly." "Douglas Campbell is an extremely knowledgeable and capable silk. He is very hard-working but also very client-friendly. His experience as a Deputy Judge in the IPEC gives him very good insight." "He has a can-do attitude and is prepared to argue difficult points."

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Legal500, IT, 2024: 'A hugely impressive all-rounder and great team player.' "Douglas is very good with the client, with a practical and commercial approach".

Legal500, IP, 2023: 'He has always been a favourite with solicitors and clients. A great advocate, and brilliant on his feet – definitely someone that clients want on their side. He wins cases.'

Chambers and Partners, IP, 2022: "Strengths: "Douglas is a particularly tenacious and razor-sharp cross-examiner." "Douglas brings his experience as a deputy judge to bear in looking at a case from all sides." "He is a fantastic trial advocate, and his cross-examination skills are superb".

Chambers and Partners, IP, 2022: Strengths: "He's excellent, very capable and good on his feet, and his written work is good as well."

Legal500, IP: 2022: A formidably experienced advocate. He is robust, determined, very user-friendly and a very good cross-examiner.'

Legal500, IT, 2022: "Douglas is extremely capable and experienced. He is good with clients, skilled at preparing concise and comprehensive documents and also an excellent advocate. Douglas is a pleasure to work with and is passionate about getting the right results for clients.'

PRACTICE AREAS

Douglas is one of the few silks to excel at both hard and soft IP. His recent cases in the Court of Appeal include: *Salts v Pelican (patent, healthcare products) Kohler Mira v Triton (patent, electric showers)*, *InterDigital & Others, Optis v Apple (confidentiality of mobile phone licence rates, and the redaction thereof in public judgments), Marks & Spencer Plc v Aldi Stores Ltd (registered design, effect of grace period in the context of infringement); Industrial Cleaning Equipment (Southampton) v Intelligent Cleaning Holdings Co (trade mark: acquiescence, departure from retained EU law; new defence to passing off); Interdigital v Lenovo, (patent, 4G/LTE telecoms standard), Icescape v Ice-World (patent: leading case on infringement under the doctrine of equivalents following the change in the law made by the Supreme Court in Actavis v Lilly); AP Racing v Alcon Components (patent), Frank v Nike (trade mark, upholding interim injunction granted in IPEC), London Taxis v Metrocab (shape trade mark), Comic v Twentieth Century Fox ("Glee" trade mark).* His range of work at first instance is even broader: from anti-anti-suit injunctions (*Amazon v InterDigital*) to mobile phone apps *(PlanetArt v Photobox),* medical devices *(Coloplast v Salts),* pharma patent cases such as *Warner-Lambert v NHS Scotland and others (damages enquiry on cross-undertaking relating to second medical use patent), Neurim v Teva (interim injunction where patent held valid and infringed in other litigation)* and *Boehringer Ingelheim v Teva (fifth most commonly prescribed drug on the NHS),* computer software *(Edozo v Valos, property searches; Alphasharp v ADG Capital Management, a financial trading strategy; Trappit v GBT Travel Services, a travel management tool),* computer games *(Blizzard v Bossland, copyright*

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in "Overwatch" game; Bethesda v ABT, "Fallout" game, trade mark) smart trainers *(Puma v Nike, trade mark), and* champagne and polo *(Veuve Clicquot v Polistas, trade mark).*

In Court Douglas understands which points appeal to judges and which don't. He is a fighter when he needs to be and a first class cross-examiner. Out of Court, he is a good team player with a sense of humour. He is highly rated for his inclusive style, and his willingness to educate and motivate the more junior people on the team.

Douglas is a Deputy High Court Judge, and mainly sits in the Intellectual Property Enterprise Court, or IPEC (appointed February 2015). He is also a Civil Recorder (appointed October 2010), where he sits mainly in the Central London County Court Chancery List; and a Crime Recorder on the South Eastern Circuit (appointed December 2014). He was a member of the Attorney General's Panel of Junior Counsel to the Crown from 2010-2015 and acted for and/or advised many Government departments including the UK Intellectual Property Office (UKIPO), the Ministry of Justice, the Home Office, HMRC, the Treasury, and the Cabinet Office. He has acted as an expert witness on UK intellectual property law in US District Court proceedings in the Southern District of New York. He is an in-demand speaker at major national and international IP conferences. For instance in January 2022 he presented 2 sessions on "Developments in Global Patent Law" to panellists from Singapore, Hong Kong, Australia, New Zealand, EUIPO, and WIPO as part of a seminar arranged by the Intellectual Property Office of Singapore. In May 2024 he was registered in Part II of the DIFC Courts' Register of Legal Practitioners and appeared as leading counsel in the first intellectual property case heard there under the DIFC IP Law, which he won for the Defendant: see Abboud v Jawad, CFI 032/2024. Douglas is not currently registered in DIFC, but re-registration can be done administratively upon application.

He is the Editor of Terrell on the Law of Patents, now in its 20^{h} edition as the leading practitioner text on UK patent law.

EDUCATION

- Hertford College, Oxford University 1984-1988. First Class Honours in Chemistry with Distinction in Quantum Chemistry, being placed second in year; Turbott Prize for practical work in Organic Chemistry.
- City University, Diploma in Law, 1990-1991. Top Distinction in year.
- Council of Legal Education, 1991-1992. Maadak prize for European Union competition law.

PREVIOUS LEGAL DIRECTORY COMMENTS

INTELLECTUAL PROPERTY

"A very hard worker and brilliant trial advocate, who is good with judges and excellent for cross-examination."- Legal 500, 2020

"He is intelligent and quick-witted and provides effective and high-quality advice." – Legal 500, 2019

"A born litigator. He is passionate and fantastically driven – and he does not take prisoners." Legal 500 2018

"He is an absolute master of IP and is incredibly bright and experienced." "He is a first-rate litigator – passionate, persuasive and a pleasure to work with." – Chambers and Partners, 2020

He stands out for his capabilities acting in patent, design right and trade mark infringement disputes. He is also noted for his experience handling proceedings in the IPEC, the Court of Appeal and the

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Supreme Court. "He works alongside our clients, is very commercial and calm and interacts well with the judges. Working with him is a pleasure." Chambers and Partners 2018

IT AND TELECOMS

'A very strong barrister that I would recommend highly. Adept at cross-examination, interesting, a font of knowledge, and runs rings around the opposition.' – Legal 500, 2020

"He is a class act and a strong advocate." – Legal 500, 2019

'An excellent orator who thinks on his feet and is able to skilfully deal with his adversaries.' Legal 500 2018

"A solid advocate who is good at written work." "He is incredibly quick and bright." - Chambers and Partners 2018

NOTABLE AND RECENT CASES

PATENT

- Salts Healthcare v Pelican Healthcare [2026] EWCA Civ 93; patent for ostomy bags, infringement by equivalence, whether strict compliance with literal meaning of claim required
- Kohler Mira v Norcros Group (Holdings) [2025] EWCA Civ 1670; patent for electric shower; construction, insufficiency
- Amazon.com v InterDigital VC Holdings Inc [2025] EWHC 3170 (Pat): anti-anti-suit injunction relating to a claim for a RAND (reasonable and non-discriminatory) licence under mobile phone standard-essential patents (SEPs); [2025] EWHC 2921 (Pat), application for expedition of trial
- InterDigital & Others, Optis v Apple [2025] EWCA Civ 1263, patent, confidentiality of mobile phone licence rates (including unpacked rates calculated for purposes of the proceedings), and the redaction thereof in public judgments
- Battlekart Europe v Chaos Karts [2025] EWHC 1936 (IPEC) patent for virtual reality karting system; validity over patentee's own prior use, added matter
- Jeff Gosling v Autochair [2025] EWHC 1687 (IPEC) patent for wheelchair hoist
- Salts Healthcare v Pelican Healthcare [2025] EWHC 497 (Pat), patent for medical devices; validity, amendment, infringement
- Kohler Mira v Norcros Group (Holdings) [2024] EWHC 3247 (Ch) patent for dual electric shower held valid and infringed
- InterDigital v Lenovo [2024] EWHC 1922 (Pat) expedited trial; [2024] EWHC 2152 (Pat) retrospective permission for documents originally disclosed pursuant to a confidentiality club in one set of proceedings to be used for the purposes of fresh proceedings between the same parties
- InterDigital v Lenovo [2023] EWHC 2152 (Pat) mobile telephones; 4G; essentiality; see also [2021] EWHC 255 (Pat) permission for expert witness to give evidence by video-link from German
- Neurim v Teva [2022] EWHC 1641 (Pat), interim injunction to prevent pre- and post-expiry infringement of pharmaceutical patent
- Dr Reddy's Laboratories v Warner-Lambert Co [2022] EWHC 189 (Pat) abuse of process, equitable compensation; [2021] EWHC 2182 (Ch) correct assumptions to be made when identifying relevant counterfactuals for purposes of cross-undertaking as to damages
- Centrix v Kwikbolt [2019] EWHC 3049 (Pat), transfer between Patents Court and IPEC
- Coloplast A/S v Salts Healthcare [2019] EWHC 1979 (Pat) stay of UK proceedings pending EPO opposition

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- Marflow Engineering v Cassellie [2019] EWHC 410 (IPEC) patentee succeeds on doctrine of equivalents; [2018] 11 WLUK 182 leading case on permission to amend IPEC pleading after first case management conference
- Icescape Limited v Ice-World International BV [2018] EWCA Civ 2219, [2017] EWHC 42 (Pat) first IP trial heard in Shorter Trial Scheme to come before the Court of Appeal; first in-depth discussion by the Court of Appeal of the change to the UK law of infringement made in Actavis v Lilly; first action where patentee wins on doctrine of equivalents despite losing on purposive construction; lack of entitlement to priority; patentee's knowledge of invalidity of own patent
- AP Racing v Alcon Components [2018] EWCA Civ 1420, [2017] EWHC 248 (IPEC) appeals against a value judgment; whether to permit party to raise unpleaded case
- Cantel Medical (UK) v Arc Medical Design [2018] EWHC 345 (Pat); medical devices (endoscopy covers); novelty, obviousness/role of secondary evidence, added matter, allowability of amendment to patent
- AP Racing v Alcon Components [2016] EWHC 815 (Ch) abuse of process (second patent action in relation to products which the patentee knew or ought to have known about at the time of the first patent action); Aldi guidelines
- AP Racing v Alcon Components [2016] EWHC 116 (IPEC) damages enquiry in patent action (lost profits, convoyed sales, royalty rates)
- Teva UK Ltd v Boehringer Ingelheim Pharma GMBH & Co KG [2015] EWHC 2963 (Pat), pharmaceutical patent relating to the third most commonly prescribed drug in the NHS; validity, obviousness, amendment
- AP Racing v Alcon Components [2016] EWHC 815 (appeal), [2015] EWHC 1371 (IPEC) abuse of process relating to second action for patent infringement where alleged infringing products were commercially available prior to first action on same patent
- Canon KK v Badger Office Supplies [2015] EWHC 259 (Pat) transfer from Patents Court to IPEC
- Warner-Lambert v Actavis, Highland Health Board [2015] EWHC 72 (Pat) interim injunction for second medical use (ie Swiss-type) patent claim relating to pregabalin, jurisdiction over Scottish defendant
- Global Flood Defence System v Van den Noort Innovations [2015] EWHC 153 unjustified threats of proceedings for patent infringement, s 69 of the Patents Act 1977
- William Mark Corporation & Another v Gift House International Ltd [2014] EWHC 2845 (IPEC), flying fish toys, skilled addressee
- Adaptive Spectrum and Signal Alignment, Inc. v British Telecom Communications plc [2014] EWHC 2730 (Pat) telecommunications, declaration of non-infringement
- Phil & Ted's Most Excellent Buggy Co v TFK Trends for Kids [2014] EWCA Civ 469 and [2013] EWPCC 21, transformable child seats, unjustified threats, obviousness
- AP Racing v Alcon Components [2014] EWCA Civ 40, [2013] EWPCC 3, racing car brake callipers, optimisation software, added matter
- Seiko Epson v DCI, printers and print cartridges; [2013] EWHC 1639 (Pat), admissibility of late experiments; [2012] EWHC 1906 barrister's powers and duties, adjournment of trial; [2012] EWHC 316 patent action to be heard in advance of competition claim
- Danisco A/S v Novozymes A/S, [2013] EWHC 483 (Pat), interest on costs awarded at judgment rate prior to judgment; [2011] EWHC 3288; Patents Court; stay of UK patent action pending EPO appeal, use of UK disclosure documents abroad
- Preston Innovations v Ultimate Angling, Patents Court, Dec 2012; application to join additional Defendant close to trial
- Generics (UK) t/a Mylan v ViiV Healthcare UK Ltd [2012] EWHC 441 (Pat); expedited trial
- Benker v Comptroller General of Patents [2011] EWHC 3604; appeal from UK IPO
- Musion v Activ8-3D [2011] EWPCC 012 Patents County Court (preliminary issue in patent infringement action)

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- Gemstar v Virgin [2011] EWCA Civ 302, [2009] EWHC 3068 (computer software, presentation of information, novelty)
- Red Spider v Omega [2010] EWHC 59 (water injection valves for oil industry, entitlement to priority); [2010] FSR 6 (pre-action disclosure)
- Teva v Aventis [2010] EWHC 67 (Pat) (formulation patent for docetaxel)
- TNS v Neilsen [2009] EWHC 1160 (propriety of bringing UK patent proceedings so as to influence other European courts)
- Belvac Production Machinery Inc v Carnaudmetalbox Engineering Ltd [2009] EWHC 292; patent validity, infringement;
- Sony, Philips v Alba, Amino (Patents Court, 2008) action on 14 patents belonging to the MPEG LA patent portfolio (MPEG-2 standard for DVD and digital television)
- Nokia v InterDigital, Patents Court, 2008, mobile phones, standards, essentiality
- Vector v Glatt [2007] RPC 12, [2007] EWCA (Civ) 805 (CA); amendment, added matter, and insufficiency
- SanDisk v. Phillips [2006] EWHC 3100 (Pat), [2006] EWCH 2692 (Pat); MP3 Players; declaration of essentiality with respect to industry standards, added matter
- Edwards Lifesciences v Cook Biotech Inc. [2008] EWHC 1899, 1900; confidentiality; independently valid claims
- Eli Lilly v Neopharma, Neolab [2008] EWHC 358; interim injunctions, disclosure of customer names
- Ultraframe v Eurocell [2006] EWHC 1344 (Pat); damages enquiry, damages for loss of market position, reasonable royalty
- CFPH's applications [2006] RPC 5; patentability of computer software and business methods
- Forticrete v Lafarge [2005] EWHC 3024; commercial success, right to continue prior use
- Coflexip v Stena Offshore [2004] FSR 34, CA; estoppel and damages
- Xtralite (Rooflights) Ltd v Hartington Conway [2004] RPC 7, [2004] RPC 137; estoppel, correct approach to patent appeals
- 3M's International Patent Application [2003] RPC 28, [2003] RPC 541; patent entitlement, joint ownership
- Stena v Irish Ferries [2002] RPC 990, [2003] RPC 668 (CA), [2003] RPC 668, the leading case on the special exception under s60(5) of the Patents Act 1977
- Asahi v Macopharma [2002] EWCA Civ 466, CA, correct approach to assessing inventive step

TRADE MARK

- C-Tec (NI) v Siroflex [2025] NICh 13; comparative advertising, investment function of trade marks, meaning of "imitation or replica"
- Industrial Cleaning Equipment (Southampton) v intelligent Cleaning Holdings Co [2023] EWCA Civ 1451 acquiescence defence to infringement, departure from retained EU law
- Fit Kitchen v Scratch Meals [2022] EWHC 1525 (IPEC); account of profits, equitable remedies, discretion to re-elect
- Puma SE v Nike Innovate CV [2021] EWHC 1438 (Ch) appeal, "Footware" trade mark
- PlanetArt LLC v Photobox Ltd, "FreePrints" trade mark and app store icon for online photo printing app: [2019] EWHC 1688 (Ch) interim injunction, [2019] EWHC 2436 (Ch) survey evidence, [2020] EWHC 713 (Ch), trial
- Frank Industries v Nike [2018] EWCA Civ 497, [2018] EWHC 424 (IPEC) first interim injunction ordered in IPEC, granted on behalf of SME trading in luxury women's sportswear against Nike in relation to Nike's flagship marketing campaign; applicability of injunction to social media postings (Instagram, FaceBook, Twitter); claim succeeded at expedited trial, [2018] EWHC 1893 (Ch)

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- London Taxi Corp v Frazer-Nash Research [2018] ETMR 7, [2018] FSR 7, CA; average consumer; validity and infringement of 3D shape trade marks for London taxis; whether shape devoid of distinctive character; whether shape adds substantial value to the relevant goods
- Memoria v Funeral Zone [2017] EWHC 2497 (IPEC) interim injunction to restrain distribution of app for posting memories of loved ones online
- London Taxi Corp v Frazer-Nash Research [2017] EWCA Civ 17 application to set aside permission for appeal
- Moet Hennessey v Polistas Limited [2016] EWHC 3114 (IPEC) trade mark infringement and passing off in relation to “Veuve Clicquot” trade marks; combined trial of liability and quantum; how to recover costs exceeding £50 000 in IPEC
- Comic Enterprise v Twentieth Century Fox Film Corporation: [2016] EWCA Civ 455, [2016] Bus LR 849, [2016] ETMR 39, [2016] FSR 31, compatibility of s 41 of the Trade Marks Act 1994 with Trade Marks Directive 2008/95. The case settled shortly before the Supreme Court appeal was due to be heard on November 2017.
- Comic Enterprise v Twentieth Century Fox Film Corporation: [2016] EWCA Civ 41, [2016] ECC 24, [2016] ETMR 22, [2016] FSR 30, “Glee” television programme; partial revocation; “wrong way round” confusion; whether the context of the Defendants’ use gave rise to a defence to infringement; evidence of a change in the economic behaviour of consumers; detriment to repute of Claimant’s mark; due cause; first instance High Court decision also reported at [2014] EWHC 185 (Ch), [2014] ETMR 46, [2014] FSR 35
- Comic Enterprise v Twentieth Century Fox Film Corporation: [2014] EWHC 2286 (Ch), [2014] ETMR 51, final injunctions and freedom of expression; interim payments; publicity orders
- The Entertainer (Amersham) Ltd v The Entertainer FZ LLC and others, [2016] EWHC 344 (Ch). Community Trade Mark infringement action relating to acts done in the UK, Cyprus, Greece, and Malta; international common design; application for transfer to IPEC refused.
- Iceland Foods v Icelandic Ministry of Foreign Affairs, O-123-14 (Appointed Person: Professor Ruth Annand), “Iceland” trade mark
- Watson v Boots, High Court, Dec 2013, interim injunction to restrain comparative price advertising
- Azurri Communications v International Telecommunications Equipment [2013] EWPCC 17 and [2013] EWPCC 22, delivery up, quantum
- Sauflon Pharmaceutical v Novartis, High Court, Oct 2011, interim injunction to restrain comparative advertising
- B Sky B v Digital Satellite, High Court, [2011] EWHC 2662 (Ch), [2011] EWHC 2636 (Ch), summary judgment relating to alleged mis-selling of extended warranties for satellite TV equipment;
  stay of proceedings due to settlement
- Hasbro v 123 Nahrmittel GmbH [2011] FSR 21 “Play-Doh” trade mark vs “The Edible Play Dough”, descriptive use, honest practices in industrial and commercial matters ; [2011] EWHC 548, scope of injunction
- Unilever v British National Party (High Court, 2010) use of Marmite name and logo in political election broadcast; interim injunction
- Birds Eye v Northern Foods (High Court, 2010) “Better than Birds Eye”; food industry, labelling regulations, use of competitor’s trade marks in comparative advertising; interim injunction
- MSC v MSC Europe (High Court, 2009) community trade marks, shipping industry, Article 111 defence under CTMR
- Cellestis v Oxford Immunotec (High Court, 2009) medical testing kits, use of competitor’s trade marks in comparative advertising
- Burberry v Southover (High Court, 2008) counterfeiting
- Knoll AG’s trade mark [2003] RPC 175, [2003] RPC 681,”bad faith” and over-broad specifications

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- Proctor & Gamble v Wisdom Toothbrushes (2002) IPD 25012, interim injunctions on new products
- D Green & Co (Stoke Newington) v Regalzone [2002] ETMR 22, CA, partly descriptive, partly distinctive marks; nature of descriptive use
- PAG v Hawk-Woods Limited [2002] FSR 46; summary judgment, use of mark to denote intended purpose of goods
- Decon Laboratories v Fred Baker Scientific [2001] RPC 293, over-broad specifications, consequences for infringement
- Raleigh International trade mark [2001] RPC 202, relationship between similarity of goods and similarity of marks with respect to likelihood of confusion

COPYRIGHT

- Edozo v Valos [2026] EWHC 93 (IPEC) copyright infringement case relating to computer software; claim struck out where the alleged copying related solely to functionality rather than to source code
- Abboud and others v Jawad and others, CFI 032/2024 first IP case in the Dubai International Financial Centre; copyright in architect's drawings; ex parte interim injunction originally granted against Defendants but Court subsequently persuaded to decline jurisdiction and strike out case
- Moonbug Entertainment Ltd v CCM Touring LLC [2024] EWHC 793 (Comm) English Court's jurisdiction over an English company's claim against two US companies in relation to a copyright licensing agreement already being litigated before a New York court; submission to the jurisdiction; relief from sanctions
- Illiquidx v Altana Wealth Ltd [2021] EWHC 647 (Ch) copyright in documents relating to investment opportunity
- Freshasia Foods v Jing Lu [2019] EWHC 638 (Ch) infringement of copyright in business documents
- Orvec International Ltd v Linfoots Ltd [2014] EWHC 1970 (IPEC) breach of implied contractual term relating to copyright
- Lilley v DMG Events Limited [2014] EWHC 610 (IPEC) strike out of copyright claim for abuse of process
- VLM v Ravensworth, High Court [2014] FSR 9 infringement of copyright in computer software
- Adelphi Masterfil v Filling and Capping Machines [2011] EWHC 1970 (Ch), infringement of copyright in operating manual, breach of contractual undertaking
- Unilever v British National Party [2010] FSR 33, use of Marmite name and logo in political election broadcast; interim injunction
- Harrison v Streetwise, [2010] FSR 25 moral rights (derogatory treatment, false attribution)
- Telkom v Manor, High Court, 2009, copyright in sales brochures, conversion
- Aston Martin Lagonda v CLF Technologies, High Court, 2008, copyright in source code
- Weight to Go v Bowater, High Court, 2008 ex-employee removing a quantity of copyright material, injunction granted
- Royal Mail Group v i-CD Publishing [2004] ECDR 18, copyright protection for databases before and after the Database Directive
- Lambretta v Teddy Smith (UK) [2003] RPC 41, relationship between copyright and design right as regards fashion clothing, surface decoration

REGISTERED DESIGN

- Marks & Spencer Plc v Aldi Stores Ltd [2024] EWCA Civ 178 registered design infringed by Aldi's light-up gin bottle product; effect of grace period on designer's scope of protection
- Cantel Medical (UK) v Arc Medical Design [2018] EWHC 345 (Pat); medical devices (endoscopy covers); whether design solely dictated by technical function

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- Kohler Mira v Bristan Group [2013] EWPCC 2, Registered Community Design for electric showers
- Nike v Outlook Sports (High Court, 2006); community registered design, prior use (golf clubs)
- Oakley Inc v Animal [2004] EWHC 1303 (Ch); sunglasses, extent of disclosure obligation with respect to pleadings
- Thermos v Aladdin [2002] FSR 11 (CA), vacuum flasks, degree of protection for striking design, role of expert evidence

DESIGN RIGHT

- Cantel Medical (UK) v Arc Medical Design [2018] EWHC 345 (Pat); medical devices (endoscopy covers); whether design at all or mere method or principle of construction; must-fit; licences of right
- Kohler Mira v Bristan Group [2014] EWHC 1931 (IPEC), damages enquiry, innocent infringement, level of royalties; achieved £235k, the highest ever figure awarded by Intellectual Property Enterprise Court; [2013] EWHC 3743 (IPEC), interim payment of £105 000 on account of damages; [2013] EWPCC 5, publicity orders for successful Claimants in intellectual property cases ; [2013] EWPCC 2, action for infringement of UK design right relating to electric showers;
- Pro-Tec Covers v Specialised Covers Limited [2011] EWPCC 023; action for infringement of UK design right relating to caravan covers
- Kohler Mira v Triton (High Court, 2010) action for infringement of Community and UK design right relating to showers
- Red Spider v Omega, [2010] EWHC 59 (water injection valves for oil industry, method or principle of construction
- Plum Products v Tube Plastics (High Court, 2009) interim injunction relating to design right in trampoline surrounds
- Helmet Integrated Systems Ltd v Tunnard [2006] FSR 41, [2007] FSR 16, CA; employee's fiduciary obligations and duty of fidelity, ownership of intellectual property created whilst employed
- Dyson v Qualtex [2005] RPC 19, [2006] EWCA Civ 166 (CA), vacuum cleaners, degree of protection given to spare parts, terms of design right protection, must-fit and must-match exceptions
- Ultraframe v Eurocell (Disclosure) [2005] FSR 2, disclosure obligation in design right cases, "commonplace designs"
- Lambretta v Teddy Smith (UK) [2003] RPC 41, relationship between copyright and design right as regards fashion clothing, surface decoration

PASSING OFF

- Industrial Cleaning Equipment (Southampton) v intelligent Cleaning Holdings Co [2023] EWCA Civ 1451 whether Trade Marks Act 1994 introduced a new defence of statutory acquiescence to the law of passing off
- PlanetArt LLC v Photobox Ltd, "FreePrints" trade mark and app store icon for online photo printing app: [2019] EWHC 1688 (Ch) interim injunction, [2019] EWHC 2436 (Ch) survey evidence, [2020] EWHC 713 (Ch), trial
- London Taxi Corp v Frazer-Nash Research [2018] E.T.M.R. 7 [2018] F.S.R. 7, CA; whether goodwill subsists in 3D shape of London taxis; whether Defendants' proposed new Metrocab constitutes actionable misrepresentation
- Comic Enterprise v Twentieth Century Fox Film Corporation [2016] EWCA Civ 41, [2014] EWHC 185 (Ch), "The Glee Club" comedy club v "Glee" television programme; distinction between confusion
  and misrepresentation

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- London Taxi Corp v Frazer-Nash Research [2016] EWHC 52 (Ch) passing off in relation to the shape of London taxis; [2015] EWHC 1840 (Ch) application for survey evidence in passing off case
- Orvec International Ltd v Linfoots Ltd [2014] EWHC 1970 (IPEC) "reverse passing off", use of photographs of Claimant's product to promote Defendant's business
- B Sky B v Digital Satellite, High Court, [2011] EWHC 2662 (Ch), [2011] EWHC 2636 (Ch), summary judgment relating to alleged mis-selling of extended warranties for satellite TV equipment; stay of proceedings due to settlement
- Hasbro v 123 Nahrmittel GmbH [2011] FSR 21 "Play-Doh" trade mark vs "The Edible Play Dough"; [2011] EWHC 548, scope of injunction
- Unilever v British National Party (High Court, 2010) use of Marmite name and logo in political election broadcast; interim injunction
- Strip Limited v Strip Pte [2009] EWHC 2070 interim injunction to restrain foreign-owned waxing salon entering UK market
- B Sky B v Reynolds (High Court, 2008) substantial damages enquiry for passing off
- MedGen v Passion for Life Products [2001] FSR 496, ownership of goodwill between UK distributor and foreign manufacturer

BREACH OF CONFIDENCE

- Salt Ship Design AS v Prysmian Powerlink [2021] EWHC 3583 (Comm) publicity order relating to misuse of confidential information for ship design
- Illiquidx v Altana Wealth Ltd [2021] EWHC 647 (Ch) pleadings in claim for misuse of financial information
- Freshasia Foods v Jing Lu [2019] EWHC 638 (Ch) action to prevent breach of confidence and enforce post-termination restrictive covenant relating to solicitation of customers; interim injunction previously granted at [2018] EWHC 3644 (Ch)
- Allied Pressroom Products v ECS Printchem [2013] EWHC 3715 (Ch); claim for misuse of chemical product formulations; application to strike out on grounds of procedural delay post-Jackson
- Flogas Britain Ltd v Calor Gas Ltd, [2013] EWHC 3060 (Ch); £8m damages claim for misuse of confidential information consisting of customer names and addresses
- B Sky B v Digital Satellite, High Court, [2011] EWHC 2662 (Ch), [2011] EWHC 2636 (Ch), summary judgment relating to misuse of customer confidential information
- Sesame v Click, High Court, May 2010, ability of third parties to recover damages on a cross-undertaking relating to misuse of confidential information
- Microtek Medical v Shipley, High Court, 2009, interim injunction to restrain breach of confidence in relation to customer price information
- Aston Martin Lagonda v CLF technologies, High Court, 2008 (breach of confidence in source code)
- Weight to Go v Bowater, High Court, 2008 ex-employee removing a quantity of confidential material, injunction granted

DATABASES

- Freshasia Foods v Jing Lu [2019] EWHC 638 (Ch) infringement of database right in business documents
- Flogas UK Ltd v Calor Gas Ltd, [2013] EWHC 3060 (Ch); subsistence of database right in customer database, vicarious liability, additional damages
- B Sky B v Digital Satellite, High Court, Oct 2011, subsistence of database right in customer records
- Nominet v Francis-Macrae, High Court, 2004 (mining the database of Nominet, the UK internet naming agency, so as to send out unauthorised renewal invoices)

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- Royal Mail Group v i-CD Publishing [2004] ECDR 18, database right in the Royal Mail's Postcode Address File

INFORMATION TECHNOLOGY CASES

- Seiko Epson v DCI, 2013 (printers and print cartridges)
- Seiko Epson v Medea, 2010 (printers and print cartridges)
- Phillips, Sony, Samsung et al v Alba, Amino, 2008 (the "MPEG-2 patent portfolio", which relates inter alia to DVD and digital television technology)
- CTI Group v British Telecom 2007 (telephone billing systems)
- SanDisk v Phillips, Sony, et al, 2006 (the "MPEG-1 patent portfolio", which relates inter alia to MP3 players)
- Essex Business and Careers Partnership v Microdec, 2003 (employment services software)
- Glass's Guide v Logica, 2003 (automotive industry information systems)
- Anker Systems v Jawad, 2002 (retail information systems)
- Frontline Technology v Rushton et al, 2001 (education attendance monitoring software)

EUROPEAN PATENT OFFICE CASES

- EP1829697; EP1852267; EP1317345; and EP1767375 (Zipher Limited/Videojet Technologies), all entitled "Tape drive and printing apparatus", Opposition Division
- University of Greenwich's application (restitutio in integrum); Board of Appeal [2009] EPOR 39
- EP 1 475 024 (Thomas Daniels Jr.) entitled "Beverage Mixer", Opposition Division
- EP 0 670 870 (Ameron, Inc) entitled "Polysiloxane coating"; Board of Appeal
- EP 0 848 846 (ODS Technologies, LP) entitled "Interactive wagering systems and processes"; Board of Appeal
- EP No. 0 359 358 (in the name of Showa Aluminium KK) entitled "A condenser"; Opposition Division, and Board of Appeal
- EP No. 0 595 601 (Showa Aluminium KK) entitled "Brazeable aluminium material and a method of producing same"; Opposition Division, and Board of Appeal
- EP 0 219 974 (Modine Manufacturing Company) entitled "Condenser with small hydraulic diameter flow path"; Opposition Division, and Board of Appeal
- EP 0 517 702 (Stanley Rokicki) entitled "Pultruded Fibreglass Framing Sections"; Opposition Division
- EP 840 893 (Cohesive Technologies) entitled "Highly Efficient Liquid Chromatography Process and Chromatographic Apparatus therefor" Opposition Division, and Board of Appeal
- EP 710074 (Unilever plc) entitled "Ice Confections", Board of Appeal
- EP 328257 (Optical Coating Laboratory Inc) entitled "Magnetron sputtering apparatus and process", Board of Appeal
- EP 0 732 101 (Deprenyl Animal Health) entitled "Use of L-deprenyl for retarding age dependent deterioration of the immune system function in mammals"; Opposition Division, and Board of Appeal
- EP 0 473 252 (Deprenyl Animal Health) entitled "Use of L-deprenyl for retarding deterioration due to aging", Opposition Division, and Board of Appeal
- EP 779809 (Deprenyl Animal Health) entitled "Use of Selegiline to prolong life span"; Examination Division
- EP 0623344 (Ceva Sante Animale) entitled "Use of Selegiline in veterinary medicine"; Opposition Division
- EP 728014 (Prodigene, Inc) entitled "Vaccines expressed in plants" Board of Appeal

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PROFESSIONAL MEMBERSHIPS

- Gap year 1990-91 teaching English in Kagoshima, Japan; awarded brown belt in full-contact karate; prize winner in prefectural karate tournament for best performance, though losing to a former sumo wrestler; passed Japanese Government language proficiency test (6000 words/1000 characters level).
- IP Bar Association, Chancery Bar Association

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