

# THREE NEW SQUARE

INTELLECTUAL PROPERTY



GEORGRINA  
MESSENGER

Year of Call: 2014

## 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

- *Trailerlogic LLC v Roftek Ltd (IPEC)*: mechanical patent, infringement, validity – instructed as sole counsel for the Defendants
- *Astrazeneca v Tesaro [2023] EWHC 803 (Ch)*: royalty provisions, second medical use patents – Junior Counsel for Tesaro.
- *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)

- *Gibraltar (UK) Limited v Viovet Limited [2024] EWHC 777 (Ch)*: comparative advertising, preliminary issue – sole counsel for the Claimants.
- *Enreach UK Limited v Inreach Group Limited [2022] EWHC 2867 (Ch)*: sole counsel for the Defendant, successful strike out application.
- *Industrial Cleaning Equipment (Southampton) Limited v Intelligent Cleaning Equipment Holdings Co., Ltd [2023] EWHC 411 (IPEC)*: Infringement, validity, acquiescence, honest concurrent use – sole counsel for the Claimant at first instance. Appeal on acquiescence [2023] EWCA Civ 1451.
- *Hayman-Joyce Property Ltd v Hayman-Joyce Broadway LLP [2023] EWHC 1028 (IPEC)*: passing off, trade marks; validity, implied licences – sole counsel for the Defendants.
- *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

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- 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.
- 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).

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- 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.

### OPTIONS/ ADVICE

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

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## PERSONAL

A keen amateur triathlete and marathon runner and ex Great Britain student horse rider. Georgina plays violin with the Portobello Orchestra.

## PROFESSIONAL MEMBERSHIPS

Intellectual Property Bar Association

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