

# THREE NEW SQUARE

INTELLECTUAL PROPERTY



## GEORGINA 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

Illumina Inc v Premaitha Health Plc: High Court – Biotech patents, infringement, validity.

#### TRADE MARKS AND PASSING OFF

##### (UK)

- Azumi Ltd v Zuma's Choice Pet Products Ltd: IPEC – infringement, own name defence, unjustified threats. Instructed and appeared at trial as junior counsel for the Claimant.
- Multinational communications/IT company v Broker: High Court – Parallel imports, counterfeit products, joint tortfeasance. Instructed as junior counsel for the Claimant.
- Media company v Individual: IPEC – infringement and invalidity, bad faith, domain names. Instructed as junior counsel for the Claimant.
- Re: Grill'o The Healthier Option: UKIPO inter partes hearing resisting cancellation proceedings under s. 5(2)(b), 5(3), 5(4) and 3(6) (unled).
- Re: Military Fitness Limited: UKIPO ex parte hearing in relation to registering the BRITISH MILITRY FITNESS mark. (unled).
- 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).
- Georgina Messenger Year of Call: 2014
- Confidential written advice: trade mark liability, joint liability, liability of intermediaries, infringement, invalidity, revocation, registrability, bad faith, enforcement of costs orders.

##### (EUROPE)

- Danjaq, LLC vs OHIM: Appeal to the General Court. Drafted application for annulment (jointly instructed).

3 New Square, Lincoln's Inn,  
London WC2A 3RS

T +44 (0)20 7405 1111

F +44(0)20 7405 7800

clerks@3newsquare.co.uk

LDE454

# THREE NEW SQUARE

INTELLECTUAL PROPERTY



GEORGINA  
MESSENGER

Year of Call: 2014

## COPYRIGHT/DESIGN RIGHTS/CONFIDENTIAL

### INFORMATION/CONTRACTUAL

- 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 of 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)

3 New Square, Lincoln's Inn,  
London WC2A 3RS

T +44 (0)20 7405 1111

F +44(0)20 7405 7800

clerks@3newsquare.co.uk

LDE454

# THREE NEW SQUARE

INTELLECTUAL PROPERTY



## GEORGINA MESSENGER

Year of Call: 2014

- 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.

### 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

3 New Square, Lincoln's Inn,  
London WC2A 3RS

T +44 (0)20 7405 1111  
F +44(0)20 7405 7800  
clerks@3newsquare.co.uk

LDE454