



serle court

clerks@serlecourt.co.uk
+44 (0)20 7242 6105

Stephanie Wickenden

Year of Call: 2014

"She is the perfect balance of academic prowess and commercial sensitivity, which makes her stand out."

"She is strategically considered and thoughtful."

"Stephanie is excellent to work with - a creative thinker, thorough and bright."

Chambers and Partners

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Practice Overview

Stephanie specialises in Intellectual Property, Art and Media law. She also accepts instructions on broader commercial issues pertaining to the creative and technology sectors, such as contractual and tortious IT disputes or advice on IP transactions and licensing. A significant proportion of her practice involves an international element and she has experience in cases with disputed jurisdiction, foreign law, and service and enforcement out of the jurisdiction.

Her background in art, combined with her expertise in IP, commercial and private international law, means she is uniquely placed to advise clients across a broad range of contentious or non-contentious matters relating to art and cultural property.

Stephanie enjoys working as part of a team and is also experienced and confident acting as sole counsel. She is regularly instructed in the most significant Intellectual Property cases before the UK courts, often unled and against QCs. She has appeared before the CJEU (General Court), Court of Appeal, High Court and IPEC as well as in registry proceedings before the UK IPO and EUIPO.



Stephanie Wickenden

Areas of Expertise

Intellectual Property

Her Intellectual Property practice covers all rights across a variety of sectors, with a focus on soft IP disputes and cross-border litigation within the pharmaceutical, consumer and creative industries. She continues to be instructed in many of the most significant IP cases before the UK courts, regularly appearing in the Court of Appeal, High Court, IPEC and UK IPO. She is frequently instructed as sole counsel in matters which would usually go to those more senior. She has been successful before the court of appeal (unled) and has been instructed as sole counsel in several matters against top ranked QCs.

Stephanie has experience in more specialist aspects of intellectual property law such as malicious falsehood, breach of confidential information, moral rights, false endorsement and non-traditional trade marks.

Read Stephanie's IP ITeaser mini-series from LinkedIn [here](#).

Current and recent cases include:

EasyGroup v Nuclei and others [2022] EWHC 901 (Ch) : following a previous well-known judgment by the late Henry Carr J ([2018] EWHC 3608 (Ch)) upholding a revocation of Pathway's trade marks, easyGroup brought this claim for trade mark infringement. Particularly significant on likelihood of confusion, honest concurrent use, abuse of process/res judicata/, consent and revocation. Court of Appeal proceedings are ongoing.

[EasyGroup Ltd v Beauty Perfectionists Ltd](#) [2021] EWHC 3385 (Ch): leading case on the interpretation of the law

relating to jurisdiction impending EU trade mark proceedings.

Adolf Schaller v Ivor Braka: a copyright infringement case involving a piece of appropriation art, and the applicability of UK and US law thereto.

Next v Matalan: unregistered design infringement and copyright infringement case involving designs in clothing and footwear.

Beiersdorf v Aldi: trademark dispute relating to packaging marks of Nivea sun cream.

Standard International Trade Mark – EU IPO Board of Appeal, and General Court decision pending: A cancellation action brought against the EU trade mark of Standard International hotels, by the Asian hotel chain Asia Standard. GC decision pending which will consider how the concept of targeting is approached by the EU in relation to advertising use.

Other Reported cases:

EasyGroup Ltd v Easyway SBH

Intellectual Property Enterprise Court [2021] EWHC 2007 (IPEC): a trademark infringement case brought by EasyGroup against a travel agency services provider based in the Caribbean. EasyGroup successful on the basis of establishing a family of marks, and that the defendants were targeting the UK.

Urbanbubble Ltd v urban Evolution Property Management Ltd

Intellectual Property Enterprise Court [2022] EWHC 134 (IPEC): trademark and passing off infringement dispute relating to use of similar names in residential Property Management.

Court of Appeal [2020] EWCA Civ 609 [2020] 3 W.L.R. 810; High Court (IPEC) [2019] EWHC 1733 (IPEC)

Case involving the design and shape of whisky glasses. The Claimants brought an application to remove the Defendants' solicitors (Virtuoso) on the basis that the firm previously acted for another opponent of the Claimant. The earlier proceedings involved the same IP rights but a different allegedly infringing product. HHJ Hacon refused an injunction but granted permission to appeal as the law was unsettled. The Court of Appeal upheld the judgment below and gave new guidance on the law. Sole counsel for the successful Defendants.

Chan V Kast Services Ltd

Trade Marks Registry (Appointed Person) [2021] 3 WLUK 877: Appointed person appeal relating to the trade mark "QUIN".

Christie's Trade Mark Application (No.3268877), Re

Trade Marks Registry (Appointed Person) [2020] 1 WLUK 557: Appointed person appeal to an opposition bought by ZARA in respect of the mark "ZOHARA".

Easygroup v Easy Fly and Avila [2020] EWHC 40 (Ch)

Dispute of jurisdiction application involving considering full and frank disclosure and territoriality of acts for the purpose of jurisdiction in a trade mark case. Led by Michael Bloch QC (sole counsel for costs hearing and further application to serve out)

Glaxo Wellcome UK Ltd (t/a Allen and Hanburys) v Glenmark Pharmaceuticals Europe Ltd

Chancery Division [2019] EWHC 3239 (Ch): An extension of time to apply to adduce survey evidence was refused where granting the extension would cause the expedited trial of a trade mark infringement and passing off claim to be postponed and there was no good explanation for the delay in making the application that would justify extending time.

Glaxo Group Ltd v Sandoz and others [2019] EWHC 2545 (Ch) (and various interim judgements)

Trial of passing off case relating to the colour and shape of a respiratory inhaler. Led by Simon Malynicz QC (3 New Square) and Tom Hickman QC (Blackstone Chambers).

Easy Rent a Car Ltd v Easygroup Ltd [2019] EWCA Civ 477

Dispute of jurisdiction in relation to a trade mark and passing off claim, owing to previous proceedings in Cyprus. Permission to appeal to the Supreme Court pending. Sole counsel.

Pathway IP Sarl (formerly Regus No 2 Sarl) v EasyGroup Ltd (formerly Easygroup IP Licensing Ltd) [2018] EWHC 3608 (Ch)

High Court appeal from the registry on revocation of trade marks for non-use. Led by Simon Malynicz QC (3 New Square).

Easygroup Ltd v Easy Fly Express Ltd [2018] EWHC 3155 (Ch)

Application disputing jurisdiction in a trade mark case on the basis that use of the marks on a website did not amount to targeting of consumers in the territory. Led by Michael Bloch QC (Blackstone Chambers).

Glaxo Group Limited v EUIPO T-803/16 (CJEU, General Court)

Second appeal in relation to a revocation of a pharmaceutical shape mark. Led by Tom St Quintin (Hogarth Chambers).

Sony/ATV Music Publishing LLC v WPMC Ltd [2015] EWHC 1853 (Ch)

Trial involving rights to footage of the first Beatles concert recorded in the USA. Claims were brought under UK and USA copyright, with defences of a collateral contract and proprietary estoppel. Led by Alastair Wilson QC (Hogarth Chambers).





Art & Cultural Property

With her background in the art world, Stephanie is particularly well-placed to advise clients in both contentious and non-contentious art matters. She is experienced in advising galleries, museums, dealers and individual artists and designers. She has a particular interest in advising clients on copyright issues relating to contemporary art. She is also involved in pro bono projects advising early career artists and designers on a range of legal matters, most usually in the field of IP or contract law.

Most of Stephanie's work in the art and cultural property sector is confidential. A recent case that has been issued is *Adolf Schaller v Ivor Braka* which involves a piece of appropriation art, and the applicability of UK and US law thereto.

Recent examples of advisory and drafting work includes:

- A dispute relating to unauthorised use of art works and false endorsement

- Advice in relation to copyright in unconventional contemporary media.
 - Advice in relation to incidental use of copyright artworks within films.
 - Advice and draft proceedings in relation to a copyright and confidential information dispute relating to painted works used in interior design.
 - Moral rights disputes and in particular advice relating to the risk of selling particular art works that have been altered or decontextualised.
 -  Advised a commercial London gallery on the cross-border sale of a conceptual piece of sound art and potential copyright infringement in displaying/playing it in public, including drafting indemnity clauses to protect the purchaser.
 -  Advised a major international museums authority on a complex architectural copyright issue with a conflicts of law element.
 -  Advised a London art gallery on the commercial and regulatory risks involved in posting a conceptual piece of art involving gambling on their website.
 - Advised an architectural sculptor on the commissioning of various pieces of public art.
 - In relation to artists and designers - advice in relation to IP and commercial disputes, commissioning and licensing agreements; product design protection and strategy advice.
 -  Advice on artist resale right.
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Private International Law

Stephanie regularly acts for clients involved in international and cross-border disputes, often with an IP element. She has gained particular experience recently in applications disputing jurisdiction, both in the UK and abroad, and applications for service and enforcement out of the jurisdiction. Examples of recent cases include:

- *easyGroup v Easy Fly and Avila* [2020] EWHC 40 (Ch) - Dispute of jurisdiction application involving considering full and frank disclosure and territoriality of acts for the purpose of jurisdiction in a trade mark case. Led by Michael Bloch QC (sole counsel for costs hearing and further application to serve out).
 - *Easy Rent a Car Ltd v Easygroup Ltd* [2019] EWCA Civ 477 Dispute of jurisdiction in relation to a trade mark and passing off claim, owing to previous proceedings in Cyprus. Permission to appeal to the Supreme Court pending. Sole counsel.
 - *Glaxo Group Limited v Sandoz Limited* [2016] EWHC 2743 (Ch) (led by Simon Malynicz QC): application joining German domiciled Defendants also party to proceedings in Germany.
 - Various hearings for permission to serve abroad, including applications for default judgment where there has been service abroad.
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Telecommunications and Information Technology

Stephanie has acted in a number of IT contract disputes with issues such as breach of licence terms and failure to meet software design specifications. Her IT experience further includes advising on tortious claims and remedies in the context of a cyber-attack. She has also advised on IP elements of outsourcing contracts and data protection.

Commercial Litigation

Stephanie has experience on broader commercial issues pertaining to the creative and technology sectors, such as contractual and tortious IT disputes or advice on IP transactions and licensing. She also has experience in regulatory

matters within contractual disputes.

Sports, Entertainment & Media

Stephanie acts in IP and commercial disputes relating to sports, media and entertainment clients. She has particular experience in:

- The Theatre industry (both disputes and non-contentious work) including managing works of co-authorship, special issues arising with devised pieces, and licensing.
 - The Film industry including permissions relating to use of imagery and other copyright works within films.
 - Brand and licensing disputes relating to sports teams.
 - Music industry disputes in particular licensing and copyright infringement.
 - Copyright disputes in the publishing sector.
 - Disputes relating to the use of fonts and typefaces.
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Recommendations

Art and Cultural Property Law (Chambers High Net Worth, 2023)

Intellectual Property (The Legal 500, 2022)

Intellectual Property (Chambers and Partners 2021, 2022)

Quotes

"Stephanie Wickenden is fantastic to work with and a brilliant advocate." Chambers & Partners HNW, 2024

"Stephanie is really expert in terms of copyright disputes. She provided clear advice to the client, developing a new argument that had not been advanced previously." Chambers & Partners HNW, 2024

"Stephanie Wickenden is an excellent specialist intellectual property lawyer. She is very thorough, strategic and quite practical in the advice she gives." Chambers & Partners HNW, 2024

"Stephanie Wickenden is one of the best juniors at the IP Bar. She is really good in court, and has a fantastic practical approach derived from a very good legal knowledge of the subject matter. She is also a pleasure to work with." (Chambers & Partners UK Bar, 2024)

"Stephanie is fast becoming one of the go-to juniors for IP, with a real breadth of positive decisions to her name already. She is ferocious in cross-examination and thinks outside the box." (Chambers & Partners UK Bar, 2024)

"Stephanie is really bright, very quick and also creative in providing solutions. She always finds something extra. She is good on case analysis and strategy." (Chambers & Partners UK Bar, 2024)

"Stephanie brings a crossover between art and company law and trade mark issues as well. She is great and has a broad expertise. Her IP knowledge is very useful." (Chambers & Partners UK Bar, 2024)

"She is responsive, authoritative, and inspires confidence in clients." (Chambers & Partners UK Bar, 2024)

"An exceptional barrister, with an uncommon blend of commercial awareness, sector knowledge and legal skills." (Chambers & Partners UK Bar, 2024)

"Stephanie Wickenden of Serle Court is regularly involved in intellectual property matters and brings this experience to her art and cultural property work." (Chambers & Partners, 2024)

"Stephanie is really expert in terms of copyright disputes. She provided clear advice to the client, developing a new argument that had not been advanced previously." (Chambers & Partners High Net Worth, 2024)

"Stephanie Wickenden is an excellent specialist intellectual property lawyer. She is very thorough, strategic and quite practical in the advice she gives." (Chambers & Partners High Net Worth, 2024)

"Stephanie Wickenden is bright, dedicated, articulate and creative-thinking. She does work far beyond her year of call and represents great value to a client." (Chambers & Partners UK Bar, 2023)

"Legally sharp but also commercially savvy. She knows how to use litigation in her clients' best interests." (Chambers & Partners UK Bar, 2023)

"Stephanie is a creative barrister: she produces novel and credible written arguments to help put the client in a position of strength." (Chambers & Partners UK Bar, 2023)

"Stephanie has a real understanding of the sector and it comes across in the advice she gives. She's is incredibly user-friendly and a pleasure to work with." (Chambers & Partners UK Bar, 2023)

"Stephanie brings a crossover between art and company law and trade mark issues as well. She is great and has a broad expertise. Her IP knowledge is very useful." (Chambers & Partners HNW, 2023)

"She is responsive, authoritative, and inspires confidence in clients." (Chambers & Partners HNW, 2023)

"She is very good. She has a real understanding of the sector and it comes across in the advice she gives. She's been incredibly user-friendly and it's been a pleasure working with her." (Chambers High Net Worth, 2022)

"Stephanie is technically astute and strategically brilliant, with clear intellectual rigour. She has in-depth knowledge of UK and EU trade mark law." (The Legal 500, 2022)

"She is the perfect balance of academic prowess and commercial sensitivity, which makes her stand out." "She is strategically considered and thoughtful." "Stephanie is excellent to work with - a creative thinker, thorough and bright." (Chambers and Partners, 2022)

"She is very calm and collected, and has a good sense of commerciality." "She brings a lot of good ideas to the table and brings a good dynamic to any litigation." (Chambers and Partners, 2021)

Publications

Forthcoming: Contentious Trade Mark Proceedings 2nd Ed.

Read Stephanie's IP ITeaser mini-series on Art and Intellectual Property [here](#).

Copinger & Skone James on Copyright, 17th Ed 2016, Contributor to chapter: Artist Resale Right

Entertainment Law Review: European Intellectual Property Review Article, *"Graffiti art: the rights of landlords, tenants and artists: Creative Foundation v Dreamland Leisure Ltd"* E.I.P.R. 2016, 38(2), 119-121.

Bar Council Law Reform Website, Article, Nov 2014: *"Artistic Works and Artists' Rights – Redrawing the Law"*

Education

University of Oxford, Postgraduate Diploma: Intellectual Property Law and Practice

City Law School, City University, Postgraduate Diploma: Bar Professional Training Course

University of Cambridge, Wolfson College: BA Law

Courtauld Institute of Art, University of London: BA History of Art

Prizes

The Honourable Society of the Inner Temple, Prize for Outstanding BPTC result

City Law School, Everard Ver Heyden Prize (for one of the highest results in the year)

City Law School, Excellence Award Scholarship (one of 6 fee scholarships across c.400 students)

Bar Council Law Reform Essay Competition, Prize for Highly Commended essay

The Honourable Society of the Inner Temple, Exhibition Award (for BPTC)

University of Oxford, International Intellectual Property Moot, Prize for best written submissions

The Honourable Society of the Inner Temple, Exhibition Award (for two year BA in Law)

Courtauld Institute of Art, Highest first class result in various modules
