



Stephanie Wickenden

Year of Call: 2014

"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

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Practice Overview

Stephanie specialises in Intellectual Property, Media and Art law and is developing a chancery and commercial practice. A significant proportion of her practice involves an international element and she has experience acting in cases with disputed jurisdiction.

Despite her recent call she is currently instructed in some of the largest and most high profile Intellectual Property cases currently before the UK courts. 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. She enjoys working as part of a team and is also experienced and confident acting as sole counsel. She is regularly instructed to appear as sole counsel in applications and smaller matters in the High Court and IPEC, and is also instructed as sole counsel in the Court of Appeal.

Areas of Expertise

Intellectual Property

Her Intellectual Property practice covers all rights across a variety of sectors, with a focus on trade mark disputes and cross-border litigation within the pharmaceutical, consumer and creative industries. She regularly appears in the Court of Appeal, High Court and IPEC as well as in registry proceedings before the UK IPO.

Reported cases

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 Group Ltd v Sandoz and others [2019] EWHC 2545 (Ch)

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).

Glencairn IP Holdings Ltd v Product Specialities Inc (t/a Final Touch)

Court of Appeal hearing - March 2020, Judgment pending; High Court (IPEC) [2019] EWHC 1733 (IPEC)

Application for an injunction to restrain the Defendants' solicitors from acting in a design and trade mark case owing to their acting previously against the Claimants in a similar case. Court of Appeal judgment pending. Sole counsel.

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

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.

Recent examples of advisory and drafting work includes:

- 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 act 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 includes:

- 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.

Property

Stephanie has acted in a variety of property cases including those which include trusts and partnership angles. Her experience includes:

- acting for landlords and tenants in 1977 Rent Act tenancy disputes;
 - advising parties in property development joint venture disputes including those involving partnership and trusts issues, or claims for unjust enrichment;
 - advising a client on the default of mortgage payments on a development property, and whether subrogation had occurred following the refinancing of the loan with a sharia-compliant finance agreement;
 - advising a client faced with a compulsory possession order.
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Private Client Trusts and Probate

Stephanie also undertakes trusts and private client work. Her experience includes offshore trusts and court of protection matters. Some examples include:

- Advising on whether there was a partnership or trust in circumstances where money had been donated to a central fund for alleged charitable purposes by several members of a community.
 - Acting in a county court dispute involving various loans secured on residential properties, an offshore trust and potentially fraudulent foreign exchange transactions.
 - Advising on a claim under a constructive trust and attended County Court (family) proceedings on behalf of a mother in her claim for a financial remedy.
 - Advice on a probate application involving a complex domicile issue.
 - Advising on a potential application for deputyship when a party had been made bankrupt despite having substantial net worth.
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Recommendations

Intellectual Property (Chambers and Partners)

Quotes

"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

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 Univeristy, Postgraduate Diploma: Bar Professional Training Course

University of Cambridge, Wolfson College: BA Law

Courtauld Insitute 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 (various modules)