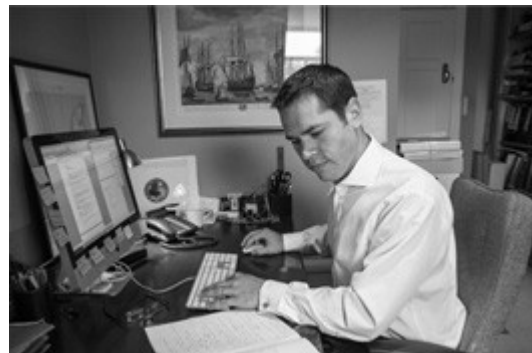


Benjamin Longstaff

Year called: 2009
Practice areas: IP, Patents, Copyright & Design,
Trade Marks, IT, Media &
Entertainment, Privacy
Email: ibowie@hogarthchambers.com



✓ [Profile](#)

After finishing a mathematics degree at Pembroke College, Oxford, Ben spent seven years as a senior subeditor and contributor at New Scientist magazine. His wide experience of all areas of science, from the quantum to the cosmological, provided a great springboard for a move to the IP Bar.

Ben practises in all fields of intellectual property. His mathematical background is particularly applicable to highly technical subject matter such as electronics and telecoms patents. He has appeared in the Court of Appeal and CJEU, and regularly represents clients in the High Court, including the Intellectual Property Enterprise Court, as well as at the UKIPO at first instance and on appeals.

✓ [Directory & Testimonial Quotes](#)

Chambers & Partners 2020

Intellectual Property: *"I rate him very highly as he is a thoughtful lawyer and is very useful to have on the team."*

Chambers & Partners 2019

Intellectual Property: *"Consistently excellent. His advice is brilliant, he's incredibly practical and I have never worked with counsel whom I would be more happy to introduce to clients."*

Chambers & Partners 2018

Intellectual Property: *"He is very hard-working, diligent and works well with solicitors." "He is extremely good with clients."*

Chambers & Partners 2017

Intellectual Property: *"He is a real talent whose experience, advice and approach are far beyond his years." "He is a very focused and clever barrister, and is extremely good to work with."*

Chambers & Partners 2016

Intellectual Property: *"An exceptional junior who provides clear advice and never sits on the fence."*

Chambers & Partners 2014

Intellectual Property: *"A highly rated junior of four years' call who is already gaining attention among top IP solicitors as a skilful barrister, who is particularly adept at complicated patent disputes. He quickly gets to grips with complex technical*

patent cases. He is a real team player and a joy to work with."

Legal 500 2020

Intellectual Property: *"An excellent junior, always very calm and easy to deal with."*

?Legal 500 2019

Intellectual Property: *"A steady pair of hands."*

Legal 500 2017

?Intellectual Property: *"Hardworking and incisive."*

Legal 500 2016

?Intellectual Property: *"Extremely personable, with a calm and authoritative manner."*

World Trade Mark Review 2017

"often on the frontlines of complex patent cases, he is also a frequent flier in trade mark contentions."

Ben is regarded in **Who's Who Legal 2015**.

[Career](#)

Ben's legal experience includes major patent litigation, as well as actions in trade marks, passing off, copyright, design right, domain names, confidential information and comparative advertising. He has appeared as a junior in the Court of Appeal for HTC in HTC v Gemalto and for Huawei in Unwired Planet v Huawei & ors, and has acted as a junior in many High Court patent trials, most recently in PulseOn v Garmin as junior counsel for Garmin. He has appeared at the General Court in Luxembourg, and has conducted various trials on his own in the Intellectual Property Enterprise Court (formerly the Patents County Court).

As part of his early work, Ben spent seven months on secondment to a major firm of patent litigation solicitors. This has given him invaluable knowledge and insight into the litigation process, including case strategy and the instruction and handling of expert witnesses.

Ben is co-author of A User's Guide to Trade Marks & Passing Off (along with Hogarth's Nicholas Caddick QC). His other publication credits include co-editing the intellectual property chapter of Clerk & Lindsell on Torts, co-editing Copinger & Skone James on Copyright, and extensive research on Moral Rights.

In 2012 Ben was the UK's National Rapporteur to the International League of Competition Law (LIDC).

[Cases](#)

Patents

Thoratec Europe Limited v. AIS GmbH Aachen Innovative Solutions [2016] EWHC 2367 (Pat)

A medical device patent dispute concerning two patents for catheter-based blood pumps for providing cardiac support via femoral insertion.

Nicocigs Limited v. Fontem Holdings 1 BV [2016] EWHC 2161 (Pat) -A patent infringement and validity dispute concerning electronic cigarettes.

Vringo Infrastructure v ZTE UK [2014] EWHC 3924 (Pat) - Acted as junior for Vringo, whose 3G/LTE network handover patent was found to be valid and infringed.

HTC v Gemalto [2014] EWCA Civ 1335 - Junior counsel for HTC, defeated Gemalto's appeal against earlier finding of non-infringement. HTC also secured a narrower construction of the patent as part of the appeal.

HTC v Gemalto [2013] EWHC 1876 (Pat) - Junior counsel in multi-patent action relating to mobile phone technology and Java programming.

Schenck Rotec v Universal Balancing [2012] EWHC 1920 (Pat) - Trial of validity and infringement of a patent about balancing prop shafts and other axles and rotors.

Wagner International v Earlex [2012] EWHC 984 (Pat) - Patent dispute about paint spray guns, including issues of prior user and added matter.

Designs

PulseOn OY v Garmin (Europe) Limited [2018] EWHC 47 (Ch) - Registered and unregistered design right dispute concerning the arrangement of LEDs and photodetector on the reverse of wrist-worn heart-rate monitoring devices. Substantial questions of fact concerning the issue of copying (multiple witnesses giving the defendant's detailed design narrative), plus detailed legal questions on the relevance of technical function to the layouts in dispute. Led by Hugo Cuddigan QC.

John Kaldor Fabricmaker UK v Lee Ann Fashions [2014] EWHC 3779 (IPEC) - Successfully represented defendant against allegations of copying and infringement in relation to fabric designs.

Louwer-Lite Ltd v Harris Parts Ltd (t/a Harris Engineering) [2012] EWPC 53 - Patents County Court trial of registered design right dispute concerning head rails for blinds. Won on both infringement and validity.

Ningbo Beifa v Schwan-Stabilo - Revocation action relating to Community registered designs in highlighter pens. Advised and helped prepare second appeal to the General Court of the CJEU, following that Court's earlier judgment and the subsequent reappraisal by the Boards of Appeal of OHIM.

Trade marks

Property Renaissance Ltd T/A Titanic Spa v Stanley Dock Hotel Ltd T/A Titanic Hotel Liverpool and Ors. [2016] EWHC 3103 (Ch) - Trade mark dispute for invalidity including the principle of own name defence involving an appeal from the UKIPO against a ruling that late evidence should not be admitted, an IPEC trade mark infringement case and a High Court trade mark infringement case. The judgment considered the comparison between the registered trade marks TITANIC SPA, TITANIC QUARTER and the sign TITANIC HOTEL. Held that TITANIC HOTEL infringed TITANIC SPA which was not too similar to TITANIC QUARTER. It also considered the own-name defence.

Vince v EUIPO [2016] EUECJ T-315/15 - Appeal to the General Court of the European Court of Justice in relation to the refusal to register the mark ELECTRONIC HIGHWAY.

UK Trade Mark Nos. 3039661 & 3039690 – HOGS & HEIFERS - Appeal to the Appointed Person where marks in the UK were a direct copy of marks in the USA, giving rise to a dispute about bad faith

PLYMOUTH LIFE CENTRE trade mark O/236/13 - Appeal to the Appointed Person over the use of the disputed mark in relation to sports facilities.

HAJI BABA trade mark O/186/12 - Successfully resisted opposition to the mark HAJI BABA by the proprietor of the mark HAJI.

PORTMEIRION trade mark O/342/12 - Acted for Portmeirion Limited and the Trustees of Ymddiriedolaeth Clough Williams-Ellis Foundation in a dispute over an application to register the word PORTMEIRION in relation to certain services.

GURU JOSH PROJECT trade mark O/308/12 - Acted for DJ Guru Josh in a successful appeal before the Appointed Person, involving allegations of bad faith against a former business partner who registered the mark in question.

ROBOT WARS trade mark O/090/11 - Successful invalidation action before the UKIPO, representing the companies behind the popular television series "Robot Wars".

ALLORO trade mark O/464/11 - Combined opposition/invalidation proceedings. Succeeded in defeating the opposition by partial invalidation of the Opponent's earlier mark.

Copyright

Slater v Wimmer [2012] EWPC 7 - Trial in the Patents County Court, acting for defendant who was being sued for copyright infringement. Issues included implied terms as to equitable ownership in commissioned works.

Casey v Talkback Thames - Acted for the defendant television production company, obtaining summary judgment against claimant who was suing for copyright infringement relating to the format of a sitcom.

Phonographic Performance Limited / PRS for Music v various parties - Ben has obtained hundreds of injunctions in the High Court against defendants who have infringed copyrights owned by Phonographic Performance Limited and PRS for Music by playing sound recordings in public.

Other

AI Claims Solutions v Plusnet - Obtained a Norwich Pharmacal order for disclosure of the name of a broadband subscriber suspected of sending malicious and harassing emails.

Ben was also involved in a number of significant cases during his pupillage, including:

SAS Institute v World Programming [2010] EWHC 1829 - Software functionality and copyright infringement.

Diageo North America v Intercontinental Brands [2010] EWHC 17 - 'Extended form' passing off relating to 'VODKAT'. The case later went to Court of Appeal: [2010] EWCA Civ 920.

Folding Attic Stairs v The Loft Stairs Company (settled after first day of trial) - Damages inquiry for patent infringement.



Membership

Chancery Bar Association
IP Bar Association

Qualifications and Regulations

Qualifications

BA (Math) 2000

Anthony Bessemer Clark scholar 2007

Lord Justice Holker scholar 2008
(Gray's Inn)

Called to the Bar, Gray's Inn, 2009

Regulation

Ben is a self-employed, independent barrister whose practice is governed by the Code of Conduct of the Bar of England and Wales. He is registered with the Bar Standards Board of England and Wales (Bar Ref: 55808)

He has professional indemnity insurance provided by the Bar Mutual Indemnity Fund (BMIF Ref: 2190/056). Please refer to the BMIF website for full details of the world-wide cover provided, and the BMIF's contact details.

Publications

Books:

[Tritton on Intellectual Property in Europe](#)

[A User's Guide to Trade Marks and Passing Off, 4th ed. \(2015\)](#)

[Clerk and Lindsell on Torts \(22nd Edition\)](#)

Human Interest

Ben plays classical guitar and also enjoys marathons, photography and travel.

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