

Alastair Wilson QC



Year called: 1968

Practice areas: IP, Patents, Copyright & Design, Trade Marks, IT, Media & Entertainment

Email: ibowie@hogarthchambers.com

“He is very bright, a real star for technical cases.” Legal 500 2020

“He has phenomenal analytical skills combined with sheer brilliance as an advocate.”? Chambers & Partners 2019

“A formidable advocate.” Legal 500 2017

“He is a man for hard cases. He thinks laterally and dynamically, and challenges the norms” Chambers & Partners 2017

“He has a way of making clients and judges spellbound by his charm and knowledge.” Legal 500 2016

Profile

Alastair Wilson specialises in all aspects of intellectual property and commercial disputes with a technical aspect. He has become familiar over the years with many different technologies, ranging from mechanical devices to microbiology. His experience of copyright and confidential information has led to appearances in a number of important privacy cases. He appears in the Technology and Construction Court, and has also appeared in a number of computer law and electronics cases. (Arising out of *Express Newspapers v Liverpool Evening Post*, he also advises on Lottery and Gaming matters.)

His cross-examination played a crucial role in his clients' success in, for example, *Designer's Guild v Russell Williams* [2000] 1 WLR 2416 (House of Lords – see page 2430), *Sabaf v MFI & Ors* [2004] UKHL 45 (House of Lords – see paragraphs 31-32) and *Just Employment v Just Employment Ltd* [2007] WL 2817829 (see paragraph 41).

Alastair is listed by “The Legal 500” and “Chambers and Partners” as a Leading Silk in Information Technology and Intellectual Property.

Directory & Testimonial Quotes

Chambers & Partners 2020 “He provides down-to-earth advice and succeeds in distilling complex issues into a digestible form for clients.”

Chambers & Partners 2019 “He’s a very innovative thinker and a creative mind who develops interesting angles on cases. Very good on his feet in court.”

Chambers & Partners 2018 “He is very effective, very quick at thinking on his feet and he has a very nice courtroom demeanour.” “He is an exceptional and highly experienced IP barrister who is very hard-working.”

Chambers & Partners 2017 “*He is a man for hard cases. He thinks laterally and dynamically, and challenges the norms.*”

Chambers & Partners 2016 “*A brilliant IP lawyer who does not rest until he has looked at a problem from every angle.*”

Chambers & Partners 2014 “*Another seasoned silk at Hogarth whom sources rate for his determination and advocacy skills. He undertakes a variety of cases across a range of technical industries. He has a great courtroom style and his considerable experience gives real confidence to the client. He really gets to grips with the nitty-gritty of the case.*”

Chambers & Partners 2012

In Intellectual Property: “*Alastair Wilson QC is an experienced and exceptionally able silk with a reputation for being an innovative lateral thinker. He is “very smooth and very bright,” and is well equipped to handle a broad range of highly technical IP matters.*”

In Information Technology: “*Alastair Wilson QC brings his formidable intellect to bear on a host of*

cases. His recent appearances have included MMW v Cellxion, a patent case regarding mobile phone interception equipment.”

Legal 500 2021 *“Fantastic for highly technical matters.”*

Legal 500 2020 *“He is very bright, a real star for technical cases.”*

Legal 500 2019 *“He handles issues concerning all IP rights, including patent disputes in the technology sector.”*

Legal 500 2016 *“He has a way of making clients and judges spellbound by his charm and knowledge.”*

Legal 500 2015 *“Charming and brilliant.”*

Legal 500 2013 *“Alastair Wilson QC is absolutely excellent.”*

Legal 500 2011

In Intellectual Property: Alastair is *“extremely intelligent and able to get on top of complex legal issues quickly”*

In Media and Entertainment: Alastair *“has expertise in copyright and confidential information, which has led him to some high-profile cases, including Lucas Film v Ainsworth, involving copyright issues surrounding the costumes in the Star Wars films.”*

Alastair is regarded in Who’s Who Legal 2015.

Career

Called 1968 (Middle Temple), QC 1987

Called Eire 1977

Called Northern Ireland 1989 (QC)

Recorder 1996

Mathematics and Law at Pembroke College, Cambridge (Exhibition).

Cases

Patents

Philips Lighting North America Corporation & Anor v Megaman (UK) Ltd & Ors. – a patent infringement action involving LED lights.

Fontem Holdings BV & Anor. v Ten Motives Ltd & Anor. [2015] EWHC 2752 – a matter regarding a strike out application in an patent infringement action for vaping cigarettes.

Kennametal v Pramet Tools SRO & Anor [2014] EWHC 1438 & [2014] EWHC 565 – patent action involving mechanical patents and difficult issues of infringement and validity.

Protomed v Medication Systems [2012] EWHC 3726 (Ch) & [2013] EWCA Civ – unusual case where interim injunction was refused on the ground that the patentee had no arguable case. Upheld on appeal

MMI v Cellxion [2012] EWCA Civ 139; Appropriate costs order where Defendants invalidated patent on only one of several argued objections

MMI v Cellxion [2012] EWCA Civ 7; Patent for phone tapping equipment held invalid in light of one brief description plus common general knowledge

Allan Nuttall v Fri-Jado [2009] EWCA Civ 1520; Patent for heated food storage cabinet valid and infringed.

FNM v Drammock [2009] 1294 (Pat); Meaning of the word “for” in a patent claim

San Gobain v Fusion Provida [2005] EWCA Civ 177; Patent for long life metal protection upheld despite extremely close prior art.

Sabaf v MFI [2004] UKHL 45; Patent invalid as a mere collocation. Observations on joint tortfeasorship in the case of a foreign manufacturer.

Trade Marks and Passing-off

Elliott v LRC Appointed person, 2 May 2013; Trade Mark LUV for sex toys not confusingly similar to LOVE for condoms etc.

Och-Ziff v Och Capital [2010] EWHC 2462 (Ch); Initial interest confusion in trade mark infringement and passing off cases.

Sport international v Inter-Footwear [1984] 1 W.L.R. 776; House of Lords decides that relief against forfeiture doctrine does not apply to a trade mark licence

Confidential Information

AVB v TDD [2014] EWHC 1442 (QB) & [2014] EWHC 1663 (QB) – a privacy case.

Vestergaard Frandsen v Bestnet [2013] EWCA Civ 428; Form of enquiry as to the damages for misuse of confidential information

Vestergaard Frandsen v Bestnet [2013] UKSC 31; In order to establish liability of an employee for misuse of confidential information it is necessary to show that they personally had the necessary *mens rea*

FNM v Drammock [2009] 1294 (Pat); How far can confidence protect specific recipe for known product?

Copyright and Design

Sony / ATV Music Publishing LLC & Anor. v. WPMC Ltd & Anor [2015] EWHC 1853 – copyright and performing rights case relating to a recording of the Beatles' first US concert. Dealt with issues of estoppel and the US fair use defence.

Lucasfilm v Ainsworth [2011] UKSC 39; Effect of section 51 of the Copyright, Designs and Patents Act 1988: Star Wars mask not a sculpture therefore not protected by UK copyright in drawings. Jurisdiction of English Courts to try foreign infringement cases.

Grisbrook v MGN [2009] EWHC 2520 (Ch); Contempt of Court: breach of earlier copyright injunction for newspaper to make back numbers available on the internet.

British Leyland v Armstrong Patents [1986] AC 577; Special defence available to manufacturers of spare parts despite copyright infringement.

Other

Fearn v Anglo-Dutch Paint and Chemical [2010] EWHC 1708 (Ch); Enquiry as to damages for, inter alia, trade mark infringement

Douglas v Hello (No 9) [2004] EWHC 63 (Ch); Enquiry as to damages: over £1 million awarded for breach of confidence

MMI v Timson and Cellxion [2006] EWCA Civ 317; Mareva Order set aside and not re-imposed on ground of serious non-disclosure by Claimant

Intergraph v Solid Systems [1995] ECC 53; Competition law defence to computer copyright infringement case not struck out.

Membership

Intellectual Property Bar Association

TIPLO

Chancery Bar Association

Chartered Institute of Patent Agents (Associate)

Qualifications and Regulations

Qualifications

Mathematics and Law at Pembroke College, Cambridge (Exhibition).

Regulation

Alastair 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: 18592)