



LEGALINK

INTERNATIONAL BUT PERSONAL

IP/IT Interview
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Adam Rose

– Mishcon de Reya

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Which areas of IP/IT is your firm active in?

We are active across all areas of IP, including litigation, licensing and advisory work. We file trade mark applications and deal with the whole process of registration/opposition; and we manage trade mark portfolios around the world. We do not file patent applications, but we advise on patentability, we review patents and we license and litigate patents. We are particularly strong in copyright and design work. Some of the sectors we are particularly well known for, such as fashion and luxury goods, depend on the whole concept of brands, so trade marks, copyrights, design, are all part of the brand story of a number of our clients and the product lines that they provide.

On the IT side, we cover a whole range of software development, software licensing, IT litigation, website development, outsourcing, procurement and telecoms. We have a very broad technology offering, which sits well alongside our very broad IP offering.

Who in your firm is dedicated to which area of IP/IT?

We have a number of partners and associates in our team – in all, we are a team of over 35 lawyers.

The team is led by Jeremy Hertzog. Jeremy is primarily an IP litigator, covering a broad range of IP. He is especially well known for trade mark and copyright disputes, in particular in grey market disputes, where he is very strong in obtaining injunctions to stop infringers. That type of work is the origin of our IP group. He is particularly well known for acting for major brand and IP owners, and acts for some major corporates around the world, such as Hewlett Packard and Microsoft.

We were joined very recently by David Rose, who was head of IP at King & Wood Mallesons, formerly SJ Berwin. David joined our IP and brand protection practice together with a number of major clients that he has brought to the firm and a number of colleagues of his as well, increasing the scale of the group a lot.

We were joined about a year earlier by another senior partner from King & Wood Mallesons, Ray Black. He has over 30 years of experience in advising rights owners, particularly in the media and entertainment space, which has also significantly strengthened our trade mark and branding proposition.

On the trade mark front, Sally Britton leads. She runs major portfolios around the world with her team of assistants, legal executives and trade mark attorneys. She joined the firm just under three years ago, on the same day as I joined Mishcon. She has a very strong reputation, particularly in the fashion retails space where there is a lot of work she does.

Martyn Hann focuses on life sciences, on biotech and pharma, and again, across litigation, licensing and advisory work. His work is very broad, but his particular focus of attention, which we are determined to expand, is pharma and life sciences, where he acts for a number of multinational companies in relation to the UK.

On the brand enhancement side and brand extension side, we have Lewis Cohen, whose main specialist area is international franchising. He advises a number of clients, particularly retailers, restaurant companies, leisure businesses. One of his main clients for many years has been football club Tottenham Hotspur. He advises them on their sponsorship and brand protection and brand extension generally. He acts for major retailers and restaurant chains in international franchising all over the world.

I approach things more from the IT side, covering a wide range of software development, software licensing, telecoms, outsourcing and procurement work, as well as, increasingly, data protection, which is growing in importance around the world, and especially in Europe. We are involved in some very interesting and leading-edge cases at the moment, where we are taking organizations to court, acting for wealthy individuals, who are using data protection and related laws to protect their privacy. We are opening new areas for treating data protection as an area of litigation, rather than just an area for back office administration and compliance. We use data protection very aggressively.

The final area that we work in within our IP practice is related to sports rights. Particularly branding in relation to sport clubs, and sports players (footballers, rugby players, cyclists, boxers and others). We act both for owners of clubs (the board room), and for the players as well, dealing with advisory and contracts works, and litigation. That is a team lead by Liz Ellen and Kendrah Potts. They are a very interesting group, with a great set of clients. From the Legalink perspective, Dean Poster is a corporate partner involved in buying and selling a number of football clubs, working very closely with our sports team.

Altogether, we have 11 partners and legal directors and about 25 other lawyers working in the IP/IT space at the firm.

Which are the recent major IP/IT matters that you and your colleagues have been working on?

We have been acting for Hewlett Packard Enterprise on a very successful claim. Our client was awarded £1.95m against the defendants, for fraud, conspiracy and inducement of breach of contract following a trial heard at the end of April 2016.

The case centered on an abuse of HPE's partner programmes and discounts, with the defendants fraudulently obtaining over £1.5m in discounts on HPE products. As a team (and a firm) we particularly are strong in obtaining early injunctions, making it attractive for rights holders to take actions and force their IP rights in the UK. This is an area of law that a number of my colleagues have developed a substantial skill in, and as a result it attracts very interesting work. As a result, we always seem to have a good mix of injunctions, freezing orders and search orders on the go.. It is always fun walking in to my colleagues' rooms and seeing all the fake handbags and shoes and things that they need as evidence in their cases. We do a lot of anti-counterfeiting work across a number of sectors but particularly where brand or design are keys, so fashion, luxury items, pharmaceuticals, IT are areas where there is always a lot of counterfeiting and we are doing our best to stop that.

Has there been any interaction or cooperation with any other Legalink member in the past?

We do interact with a number of Legalink firms at different times and we try where appropriate to use our Legalink colleagues around the world. I have been doing some work quite recently for a large pharmaceutical company that needed advice around data protection issues, amongst other things, in a number of countries and we were able to use various Legalink colleagues from some of the countries where Legalink has member firms. We do our best to make sure that we use our colleagues from Legalink as much as we possibly can.

What are your firm's expectations and plans in the area of IP/IT in the future – will there be any interesting developments in your jurisdiction?

In terms of our plans for IP generally (and as I have explained, it is a very broad group, covering all aspects of IP, IT, litigation, licensing, advisory), it is very much a growth area for this firm. It is an area where we recruited two of the leading practitioners into the firm in the past year and we have recruited probably a further eight or nine additional lawyer just in the past year into the group, taking advantage of the fact that we already have great strength in this space. I think the firm sees our intellectual property practice in its widest form as very much one of the core areas of the firms' practices because it is very well established, and is a very international practice, which is something that the firm very much sees itself as being. It attracts some interesting and big name clients, as well as new fascinating businesses and startups, and is able to operate at the cutting edge, with fin-tech, med-tech, ed-tech, virtual reality; there is a whole range of technologies that are coming up that are very much part of what we are looking to do in this space.

As regards developments in terms of law that are going on at this moment, I think data protection is obviously particularly interesting with the GDPR (General Data Protection Regulation) - even with Brexit possibly happening. We are already very busy with that sort of work and I think that will definitely continue for the foreseeable future.

What do you like to do in your spare time?

I like cooking, in particular, I like making bread.

For more information, please contact:

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