



David Ivison

Called: 2014

Practice

David's academic background is in chemistry. He completed his undergraduate degree at the University of Oxford and then went onto his PhD at the University of Bristol, where his research involved use of analytical chemistry and molecular biology techniques to investigate the way in which some biosynthetic enzyme systems are able to carry out an iterative series of reactions in an apparently pre-programmed manner.

David has developed a busy practice across a range of intellectual property disciplines. His recent work has included a medical devices patent infringement claim, a claim for copyright infringement and breach of contract relating to the application of blockchain technology, and a fashion industry design right infringement and passing off claim. He appears regularly in the High Court and other tribunals as sole counsel and led by other members of Chambers, and has appeared as sole counsel before the Court of Appeal in a jurisdictional dispute. During 2015 and 2016, David spent several months on secondment at a leading City solicitors' firm working on pharmaceutical patent litigation.

Education and Qualifications

- 2015 Tenancy 11 South Square
- 2014 Called to the Bar (Lincoln's Inn)
- 2014 Bar Professional Training Course (City University)
- 2013 Graduate Diploma in Law (College of Law)
- 2012 PhD, Chemistry & Molecular Biology (University of Bristol)
- 2009 MChem, Chemistry (Lincoln College, Oxford)
- 2005 A-levels (Chemistry, Mathematics, Music, Physics) (Bedales School)

Recent and reported cases

Original Beauty Technology Co Ltd & ors v G4K Fashion Ltd & ors [2021] EWHC 294 (Ch)

Appeared with Anna Edwards-Stuart for the claimants at trial and interim hearings in a claim for infringement of 91 unregistered garment design rights and passing off.

The Press Association Limited v Workers of England Union (2021)

Appeared as sole counsel for the Claimant at an interim injunction application brought to restrain trade mark infringement and passing off.

Fisher and Paykel Healthcare Ltd v Flexicare Medical Ltd & anr [2020] EWHC 3282 (Pat)

Appeared with Benet Brandreth QC for the claimant in the trial of a patent infringement action concerning medical equipment used for ventilation of intubated patients.

Songtradr Inc & ors v Ditto Music Ltd & ors (2020-)

Representing the defendants to a claim for breach of confidence and copyright infringement with Hugo Cuddigan QC. The claim concerns the application of blockchain technology to music rights licensing.

Fit Kitchen Limited (2) Amar Lodhia v Scratch Meals Limited [2020] EWHC 2069 (IPEC)

Appeared as sole counsel for the Claimants at the trial of a claim for trade mark infringement and passing off.

Slater & ors v Anglo Atlantic Media Limited [2020] EWHC 710 (Ch)

Appeared as sole counsel on behalf of the defendants, who were members of The Bonzo Dog Doo-Dah Band, at an application to strike out a claim brought by a company operated by the band's former promoter for unlawful means conspiracy, malicious falsehood, misrepresentation, and trade mark infringement.

TQ Delta LLC v ZyXEL Communications UK Ltd [2020] EWCA Civ 1277

Appeared with Brian Nicholson QC for the appellant in an appeal concerning the English court's jurisdiction to determine (F)RAND licensing terms in circumstances where one party had waived any right to take such a licence in the United Kingdom.

University of British Columbia v Sub Salt Solutions Limited (2019)

Sole counsel for the defendant in entitlement proceedings in the UK IPO brought in relation to a patent concerning seismic imaging techniques for oil and gas exploration.

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

Appeared as sole counsel for the appellants in a jurisdictional appeal arising out of a trade mark infringement and passing off claim brought against parties domiciled in Cyprus, where related proceedings between the parties were already on foot.

Quinn Packaging Ltd v Linpac Packaging Ltd & anr [2019] EWHC 2119 (IPEC)

Appeared with Anna Edwards-Stuart for the claimant at the trial of a claim for revocation of two patents relating to recyclable plastic packaging.

Dansac A/S & anr v Medik Ostomy Supplies Ltd & ors (2017 – 2020)

Represented the Claimants with Mark Vanhegan QC in a claim for trade mark infringement arising from the importation of medical devices from Europe into the UK.

TQ Delta, LLC v ZYXEL Communications Ltd & Anor [2019] EWHC 562 (Pat)

Appeared with Iain Purvis QC and Brian Nicholson QC for the defendants at the technical trial and various interim hearings in a claim for infringement of two patents relating to Digital Subscriber Line ("DSL") broadband internet technology.

Semtech EMEA Limited & anr v HiLight Semiconductor Limited & ors

Working with leading counsel on behalf of the claimants in a substantial claim brought by a semiconductor design company in which the defendants are alleged to have misused confidential information relating to optical communications hardware and acted in breach of contract. One of the claimants also claims entitlement to patents filed by one of the defendants.

Saunders & Dolleymore LLP v Keter Plastics Limited BL O/350/17

Appeared before the UK IPO for the applicant in a claim to revoke a patent concerning wheeled plastic containers.

Henry Martinez & anr v Prick Me Baby One More Time Limited & anr [2018] EWHC 776 (IPEC)

Appeared with Brian Nicholson for the Defendants, retailers of cacti, at the trial of a claim for passing off brought by the proprietors of a tattoo parlour in East London.

Scolmore International Limited v CDS (International) Limited

Appeared for the Defendant, a major homewares retailer, before the IPEC to strike out parts of the claim for damages in a trade mark infringement and passing off action.

Neil Strain Floral Couture Limited v Kenneth Turner Limited O/562/17

Appeared before the trade marks registry for the applicant in a trade mark opposition based upon §5(4)(a) of the Trade Marks Act 1994.

Swanwick v Technology Strategy Board O-199-17

Appeared for the Respondent in an appeal to the Appointed Person from a trade mark registry opposition decision.

Fifth Dimension Limited v Curve 1 Limited O-427-17

Appeared for the trade mark applicant in trade mark registry opposition proceedings.

Ridgeback Studios Limited v Bel UK Limited

Appeared for the Defendant, a major cheese manufacturer, in a claim for damages for infringement of copyright in photographs.

Def Fret Management Limited v Sally Rushbrook

Appeared for the Defendant, a musician, at a 1-day trial in a claim for infringement of copyright, breach of contract, and unjust enrichment brought by a management company.

easyGroup Limited v Easy Rent a Car Ltd & anr 2017 WL 04574676

Appeared for the Defendants before the High Court in a jurisdictional challenge under the *lis pendens* provisions of the Brussels Regulation. Obtained permission to appeal from the Court of Appeal.

Signature Realty Ltd v (1) Fortis Developments Ltd (2) Beaumont Morgan Developments Ltd [2016] EWHC 3583 (Ch)

Appeared for the Claimant with Mark Vanhegan QC at trial and various interim hearings in a claim for infringement of copyright in architects' plans.

Trinity Haircare AG v EUIPO Case T-453/13

Represented the intervener, Advance Magazine Publishers, Inc., proprietor of an EUTM incorporating the word "VOGUE" registered in respect of goods including beauty and personal care products, in an appeal to the General Court from a decision of the Board of Appeal of the EUIPO.

Newbran Entertainments Limited & Marlon Anthony Brown v Ashley Charles

Appeared as sole counsel for the claimant in a trial at the Central London County Court in a contractual claim concerning a dispute between a recording artist, her record label, and her former manager.

Gary Hambyln v Jeremy Hoye O-211-16

Application for cancellation of a trade mark consisting of the name of the Proprietor registered in respect of items of jewellery.

Secondment to leading City firm

A 9-month secondment to a leading City solicitors' firm, working on pharmaceutical patent litigation.

Cases during Pupillage

Fresh Trading v Deepend Fresh Recovery [2015] EWHC 52 (Ch)

Trial of a claim for a declaration as to the ownership of the copyright in a logo used by a well-known drinks brand.

IPCom v HTC [2015] EWHC 1034 (Pat)

Trial of a claim for infringement of a patent relating to mobile telephone network access control and counterclaim for revocation.

Merck KGaA v Merck Sharp & Dohme (High Court – decision pending)

Trial of a claim for trade mark infringement and breach of contract, and counterclaim for revocation.

Saab v Atlas (Patents Court)

Trial of a claim for revocation of two mechanical patents relating to underwater mine disposal, and counterclaim for infringement.

American Science & Engineering v Rapiscan (2015)

A claim for infringement of a patent relating to mobile backscatter X-ray imaging devices and counterclaim for revocation.

Football Association v Davis (2015)

A claim for trade mark infringement, passing off and copyright infringement, and related interim injunction application.

Medical Innovations v Eakins & Others [2014] EWHC 4626 (Pat)

An application for summary judgment on a claim involving breach of contract, misuse of confidential information, database right and copyright.

Tech 21 v Logitech (High Court – decision pending)

An application challenging jurisdiction in a cross-border design right infringement claim.

Memberships

Intellectual Property Bar Association