



Jacqueline Reid

Called: 1992

Practice

Jacqueline practices in all areas of IP and in IT law. In recent years she has become sought after for her expertise in the areas of Trade Marks, Data Protection and Confidential Information and often advises high profile clients in these areas.

She has an equally impressive reputation for her work in the areas of design right and copyright cases. She has built up longstanding relationships with well known beauty and fashion brands and is regularly instructed by them to appear in court and to advise more generally.

Jacqueline became a Bencher of Middle Temple in 2018.

What the directories say

“A legal streetfighter who is very good on trade marks, particularly for IPEC cases.” – **Legal 500**

“With very commercial, no-nonsense and responsive advice, she is undoubtedly a star of the IP Bar.” – **Legal 500**

"She is very bright; her advice is spot-on and very commercial. She has an annoying habit of always being right." – **Chambers and Partners**

"She is very experienced and combines a thorough and methodical approach with a combative attitude in court. Clients have the confidence that she is fighting their corner." – **Chambers and Partners**

“She has a great eye for detail and is forthright as an advocate.” – **Legal 500**

Education and Qualifications

University of Surrey: BSc. (Hons) Biochemistry, Associate of University of Surrey
Imperial College of Science and Technology, University of London MPhil Biochemistry (Neurobiology)
Diplock Scholar, Middle Temple
1992 - Called to the Bar, Middle Temple
2018 - Bencher of Middle Temple

Recent & Reported Cases

Entertainment One UK Ltd v Cong Ty TNHH Tu Cong Nghe Va Dich Vu Sconnect Vietnam and ors [2022] EWHC 3295 (Ch)

The claim concerned allegations of worldwide copyright infringement, UK and EU trade mark infringement and passing off relying on various rights said to subsist in relation to Peppa Pig. The Defendants, a Vietnamese company and individual, a US company and a non-trading and now-dissolved UK company applied to set aside the Claim Form, served by email in the jurisdiction, on the Defendants' solicitors. Jacqueline Reid acted for the Defendants

Royal College of Veterinary Surgeons O/851/22

In an application for cancellation by RCVS of 2 trade marks de facto registered by a veterinary nurse though using a company as named applicant, Jacqueline Reid appeared for RCVS, the statutory regulator of the Veterinary professions, and proprietor of a certification mark. The veterinary nurse could not hide behind the company set up for this purpose and the conduct raised a prima facie case of bad faith, which was not addressed in evidence and no explanation for its conduct was provided. The marks were invalidated on the basis of the applicant's bad faith (s. 3(6) Trade Marks Act 2014).

The Jolly Hog Group Limited v Porky Whites Limited O/823/22

Jacqueline Reid, instructed by Pennington Manches Cooper, represented Porky Whites Ltd on its successful application to invalidate the trade mark "PORKY BLACK" under s. 5(2)(b) Trade Marks Act 2014 in relation to sausages. During the proceedings the PORKY BLACK registration mark was abandoned in respect of all goods and services, except sausages.

WATERROWER (UK) Ltd v Liking Ltd (t/a Topiom) [2022] EWHC 2084 (IPEC); [2023] ECDR 1

Miss Reid acted for the Claimant in successfully defending against the Defendant's application to strike out the claim for copyright infringement on the basis that the Claimant's WaterRower was not a work of artistic craftsmanship. The Court held that the Claimant had a real prospect of demonstrating at trial that the WaterRower satisfied the tests in *George Hensher Ltd v Restawile Upholstery (Lancs) Ltd [1976] AC 64*, *Cofemel-Sociedade de Vestuário SA v G-Star Raw CV (C-683/17; [2020] ECDR 9)*, *SI and another v Chedech/Get2Get (C-833/18; [2020] Bus LR 1619)* (Brompton) and *Bonz Group (Pty) Ltd v Cooke [1994] 3 NZLR 216*. Directions to trial were also provided.

Pathway IP II GmbH v HQHUBS Ltd O/395/22

Jacqueline Reid appeared for the Opponent, PATHWAY IP II GmbH, proprietor of the trade mark “HQ”, on the application to register “HQHUBS”. The application for bad faith failed because even though the applicant claimed every service listed in 4 classes and did not intend to use the mark for all those services, this arose from a complete lack of understanding of the trade mark system rather than having a nefarious purpose. Once the applicant reduced the scope of its application to its core business it was the same as that of the opponent, though on a far smaller scale. Accordingly, there was a risk of indirect confusion in respect of corresponding services, under s. 5(2)(b) Trade Marks Act 2014.

Keith Graham v Dragon Corp O/750/21

Jacqueline Reid represented the Respondent in upholding the Decision below on Appeal to the Appointed Person in relation to the allegation of non-use of the mark RASTA PASTA owned by Keith Graham, more popularly known as Levi Roots. All of the Appellant’s many grounds of appeal were dismissed. Jacqueline also represented Levi Roots before the Hearing Officer.

Costa v Dissociadid and anor [2021] EWHC 3275 (IPEC)

Miss Reid acted for the Claimant in relation to a claim for infringement of literary copyright in scripts and text uploaded to a YouTube channel by the Defendant. Consent was then withdrawn. Cross-applications made at the CMC for abuse of process based on Jameel v Dow-Jones [2005] QB 946 and for summary judgment were dismissed, and part of the Defendants’ counterclaim was stayed on the basis it did not meet the cost benefit test in IPEC and was being addressed in separate County Court proceedings.

Red Bull GmbH v Big Horn UK Ltd & Ors [2020] EWHC 124 (Ch)

Red Bull sued 3 defendants, a UK company Big Horn (UK) Ltd, its director and controlling mind, Lyubomir Enchev, a Bulgarian national and a Bulgarian company Voltino EOOD for infringement of 3 EU device trade marks – all of which can be found on cans of RED BULL energy drink. The Defendants failed to comply with orders on disclosure, and D1 & D3 relied on no evidence at trial.

Mamas & Papas Ltd v EUIPO Case T-672/17.

Registered design cancellation action. General Court dismissed appeal on the basis that admissions against interest are not good evidence of the facts admitted. Admitted prior art therefore not considered to be prior art.

Cassa Di Compensazione E Garanzia S.p.A. and ors v Cassa Di Compensazione E Garanzia Spa Limited and ors ChD 18/4/18

Action for passing off against companies set up to exploit the names of well established Italian companies by registering their company names at Companies House. CPR Part 70.2A and s. 39 Senior Courts Act 1981 orders obtained.

The Military Mutual v PMAS and ors [2018] E.T.M.R. 33

Action for extended form passing off on the basis of the mutual concept.

VegTrug Ltd and anor v BVG Group Ltd and anor Ch D STS 15.3.18

Application for interim relief for trade mark infringement and passing off refused on the basis of the balance of convenience after the giving of undertakings.

***Red Bull GmbH v Germany Fu Tai Red Bull Potassium Group (Europe) Co., Ltd and 69
ors 20/2/18***

Action for infringement of registered trade marks and passing off against a number of associated companies and their directors set up to exploit Red Bulls' trade marks by inclusion in company names and through links to operations in China. CPR Part 70.2A and s. 39 Senior Courts Act 1981 orders obtained.

AMS Neve Ltd v Heritage Audio S.L. [2017] F.S.R. 16, CA [2018] F.S.R. 23

Application for strike out of claim on basis that the Court had no jurisdiction for infringement of EU Trade mark over the Internet.

Pending referral to ECJ.

Gap (ITM) Inc v British American Group Ltd [2016] E.T.M.R. 30

Appeal from IPO decision on registration of trade mark.

PeCe Beheer BV v Alevere Ltd [2015] EWHC 2618 (IPEC) and [2016] EWHC 434 (IPEC)

Application for transfer to High Court in trade mark and copyright infringement and passing off claim. Application for joinder of additional claimant.

Crocker Enterprises Ltd v Giordano Poultry Plast SPA [2015] EWHC 1754 (Pat)

Application for summary judgment in patent and design infringement action successfully defended.

DKH Retail Ltd v H Young Operations Ltd [2015] F.S.R. 21

Trial on infringement of unregistered design right in clothing.

Winkworth Office Interiors Ltd v Winkworth Franchising Ltd 0/136/14

Trade mark opposition appeal. Appeal before Appointed Person.

Crocker Enterprises Ltd v Giordano Poultry Plast SPA [2013] FSR 44

Transfer to PCC/IPEC; effect of CFA; imposition of costs budgeting.

Western Air Ducts Ltd v Intel Corp 0/282/13

Trade mark opposition proceedings. Intellectual Property Office.

Wilkinson v London SHA [2012] EWPC 48

Copyright; implied licence. PCC.

Red Bull v Sun Mark Ltd [2013] ETMR 53***Red Bull v Sun Mark Ltd [2012] EWHC 2046 (Ch)***

Infringement of registered trade marks and application for invalidity based on claim of bad faith, and consequential relief.

DKH Retail Ltd v Republic (Retail) Ltd [2012] EWHC 877 (Ch)

Case concerning unregistered design rights in a hooded shirt. Procedural issues; transfer to Patents County Court.

AB v Barristers Benevolent Association Ltd [2011] EWHC 3413 (QB)

Confidentiality orders; Anonymity; Interim injunctions practice; Notice.

A Nelson & Co Ltd v Guna SpA [2011] E.C.C. 23

Commercial Court dispute relating to distribution agreements for homeopathic Bach flower remedy products in Italy. Commercial Court.

L'Oréal v Bellure [2010] E.T.M.R. 47; [2010] R.P.C. 23; [2009] E.T.M.R. 55; [2010] R.P.C. 1; [2008] E.T.M.R. 1; [2008] R.P.C. 9; [2007] E.T.M.R. 1; [2007] R.P.C. 14

Infringement of trade marks with a reputation under Art. 5(2) Trade Marks Directive, infringement under Art. 5(1)(a) Trade Marks Directive, and Comparative Advertising Directive, unfair competition and instruments of fraud. High Court, Court of Appeal, ECJ.

L'Oreal SA v eBay International AG [2008] F.S.R. 37

Infringement and passing off of trade marks, brand names and selling of goods on the auction site eBay. Procedural issues concerning confidential information and Tomlin Orders. High Court.

Jimmy Choo v Towerstone [2008] E.C.C. 20; [2009] E.C.D.R. 2; [2008] F.S.R. 19

Remedies for Community design right infringement, effect of innocence. High Court.

Johnson v MDU [2008] Bus. L.R. 503; [2007] 3 C.M.L.R. 9; (2007) 96 B.M.L.R. 99; [2006] Info. T.L.R. 47; (2006) 89 B.M.L.R. 43; [2005] 1 W.L.R. 750; [2005] 1 All E.R. 87

Data protection; definition of processing and damages recoverable; subject access requests High Court and Court of Appeal.

Special Effects v L'Oréal [2007] Bus. L.R. 759; [2007] E.T.M.R. 51; [2007] R.P.C. 15; [2006] R.P.C. 33;

Trade marks, cause of action and issue estoppel. High Court and Court of Appeal.

Sawkins v Hyperion Records Ltd [2005] 1 W.L.R. 3281; [2005] 3 All E.R. 636; [2004] 4 All E.R. 418; [2005] E.C.D.R. 10; [2004] E.M.L.R. 27; [2005] R.P.C. 4

Subsistence of musical copyright in editions of ancient works. High Court and Court of Appeal.

Co-operative Group (CWS) Ltd v International Computers Ltd [2004] Info. T.L.R. 25; (2004) 27(3) I.P.D. 27023; (2004) 148 S.J.L.B. 112

IT contract at trial; bias in the Court of Appeal

Baker v Home Secretary [2001] U.K.H.R.R. 1275

Representing the Information Commissioner as intervener – subject access request to Secret Services.

Norowzian v Arks [2000] F.S.R. 363

Subsistence of copyright in a film as a dramatic work. Court of Appeal.

United Wire v Screen Repair Services [2000] 4 All E.R. 353; [2000] F.S.R. 204; (1997) 20(12) I.P.D. 20121

The right to repair doctrine under the Patents Act 1977. High Court, Court of Appeal, House of Lords.

Gromax v Don & Low [1999] R.P.C. 367

The definition of “bad faith” under s. 3(6) of the Trade Marks Act 1994 and joint goodwill in a trade mark. High Court.

British Gas v Information Commissioner [1997-98] Info. T.L.R. 393 Midland Electricity v Information Commissioner [1998-99] Info. T.L.R. 217

Data protection and utilities. Data Protection Tribunal

Brain v Ingledew [1997] F.S.R. 511

Dimplex v. De’Longhi [1996] F.S.R. 622

Unlawful threats of patent infringement. High Court.

John Richardson Computers Ltd v Flanders [1993] F.S.R. 497

Infringement of copyright in a computer program. High Court (as pupil)

Anacon Corp Ltd v. Environmental Research Technology Ltd [1994] FSR 659

Subsistence of copyright in circuit diagrams. High Court.

Memberships

IP Bar Association

Chancery Bar Association

Associate Member of CITMA

Society for Computers and Law

IP Inclusive supporter