



## Stuart Baran

Year of Call: 2011

### Stuart Baran

**"Impresses sources with his innate intelligence, enthusiasm and confidence. A chemist by training, he has proven his mettle in cases involving patents and trade marks, and has further won admiration for his advocacy in the IPEC ... Extremely hard-working and shows judgment beyond his level of experience ... Exceptionally bright and brilliant with clients, he's going to be a star."**

**Chambers and Partners 2016**

**"An up-and-coming junior whose appearances as sole junior in deeply complex matters belie his recent call ... he has also appeared in major trade mark disputes ... He's very bright and doing a lot of big technical cases, ones which would often go to someone of more senior call."**

**Chambers and Partners 2015**

**"Despite only being called in 2011, he is already developing a reputation as a hard-working junior with a confident grasp of the subject ... A real star in the making ... He is exceptionally bright and brilliant with clients."**

**Chambers and Partners 2014**

### Practice

Stuart practises in all areas of intellectual property, including: patents, SPCs, trade marks, passing off, copyright, designs and confidential information.

Despite being of relatively recent call, Stuart already has experience as a junior on the biggest of IP cases in the High Court and Court of Appeal, as well as appearing in his own right. Stuart has appeared unled in the High Court, the IPEC, the General Court of the European Union, and the European Patent Office, as well as in trade mark registration proceedings (*ex parte* and *inter partes*, at first instance and on appeal) in the UKIPO. He enjoys working with solicitors, patent and trade mark attorneys from a variety of different settings, including in-house lawyers, specialists and non-specialists.

Stuart was recognised as a ranked junior in Chambers and Partners (2014 edition) before his first full year as a tenant was complete.

## Education

- 2011–12: 12-month pupillage at Three New Square, to Tom Hinchliffe, Simon Malynicz, Tom Mitcheson and Geoff Pritchard, covering all aspects of intellectual property law.
- 2010–11: *Outstanding*, Bar Professional Training Course - BPP Law School, Holborn
- 2009–10: *Distinction*, Graduate Diploma in Law - City Law School
- 2005–09: DPhil, Physical and Theoretical Chemistry, “Gas Phase Detection Using Diode Lasers” - Balliol College, Oxford
- 2001–05: *First Class Hons*, MChem Chemistry with Quantum Chemistry (*Distinction*) - Jesus College, Oxford
- 1999: AQA National Award for 100% in all papers, GCSE French

## Other IP Interests

2014 - Contributor to UK AIPPI submissions regarding second medical use patent claims

2013– IP Editor, White Book (responsible for commentary on Part 63 CPR and relevant parts of Part 45 (costs) and Section 2 (Injunctions))

2008–2012 Chairman, Oxford International Intellectual Property Moot and *Conversazione*

2012 Occasional contributor to IPKat (part of the team at Three New Square blogging as *the Advokat*)

## Selection of Recent Cases (\* - unled)

### Patents

\**Biosphere Medical Inc v. Biocompatibles UK Ltd* - EPO Opposition - medical devices

*Elsworth Ethanol Co Ltd and Bookless v. Hartley and others* - IPEC - pre-action advice

*Resolution v. H. Lundbeck A/S* (sole junior for trial)

\**Resolution v. H. Lundbeck A/S* - interim hearings in relation to recusal of judge (including one unled) [2013] EWHC 3160 (Pat); [2013] EWCA Civ 1515

*Actavis UK Ltd v. Eli Lilly and Co* [2014] EWHC 1511 (Pat) - High Court - patents; chemotherapy drugs; jurisdiction; foreign patents law.

\**FH Brundle v. Perry* - IPEC - action for unjustified threats; application for judgment in default; publicity orders; Defendant forged letter from judge

*Idenix Pharmaceuticals, Inc. v. Gilead Sciences, Inc.* (sole junior for trial) - High Court - patents; antiviral drugs

*Merck Sharp and Dohme Ltd v. ONO Pharmaceutical Co Ltd* (led for trial; \*interim hearing unled) - High Court - biotechnology; patents

*Schenck v. Universal Balancing* - High Court - mechanical patents, defences to infringement

*Teva UK Ltd v. Boehringer Ingelheim International GmbH* - patents, SPCs, pharmaceuticals

\*Confidential advice for major pharmaceutical innovator company relating to experimental use (“Bolar”) exemptions to patent infringement

Confidential advice for pharmaceutical generics company - freedom to operate/direct products

### Trade Marks and Passing off

\**RE: ARTBANK* O-169/14 - UKIPO - Resisting revocation proceedings and Opposition to later application

*Société des Produits Nestlé SA v. Cadbury UK Ltd* [2013] EWCA Civ 1174 - Court of Appeal - colour marks; registrability; signs

\**Re: FORGE* O-326/14 - UKIPO Appointed Person - appeal of decision under s. 5(2)(b)

\**Re: HILUX* O-297/13 - UKIPO - opposition under s. 5(4)

\**Sussex Heights (Brighton) Ltd v. Coady* [2012] EWPC 57 - PCC - passing off; form of injunction

\**Re: TEAM GB* - UKIPO - *ex parte* hearings for the British Olympic Association in relation to registering the TEAM GB mark.

\**The Coca-Cola Company v. OHIM (“MASTER”)* T-480/12 - GCEU - appeal; registrability; unfair

advantage;

*Comic Enterprises Ltd v. Twentieth Century Fox (“GLEE”)* [2014] ETMR 46 - High Court - infringement; defences; form of order.

*Timesource and Woolley v. Ultimate Products Ltd* [2014] EWHC 1919 (Ch) - passing off, account of profits

## Other IP cases

\**Mark-Antony Johnson v. Career Development Group* - PCC - copyright; strike out of claim in IPEC small claims track

*Timesource and Woolley v. UPGS UK Ltd* [2014] EWHC 1919 (Ch) - account of profits

*UPGS v. Timesource* - Unlawful interference with trade

\**Ayman and anor v. Reem al Bawadi Restaurant Ltd* (“REEM AL BAWADI”) - trade marks; passing off; enforcement of *Tomlin* order; costs

\*Confidential advice relating to interim injunction for major cosmetics brand;

Confidential advice regarding format-shifting and exemptions to copyright

## Select cases observed/contributed to as a pupil:

*Perini v. PCMC* (Patents, Infringement, Causation, Damages Inquiry)

*Merck v. Sigma Pharmaceuticals* (Patents, SPCs, Pharmaceuticals, EU “Special Mechanism”)

*Omnipharm v. Merial* (Patents, Veterinary Pharmaceuticals, Costs)

*Environmental Manufacturing v. OHIM “WOLF HEAD”* (Court of Justice of the EU, Trade Marks)

+*Mouneer v. FCO* (Freedom of Information; Confidentiality Agreements)

*Wagner v. Earlex* (Patents, Infringement, Experimental Evidence)

*Really Virtual v. Comptroller-General* (Patent Exclusions, Computer Programs, Business Methods)

*Nokia v. ICom* (Patent Infringement, Pre-trial procedure, Costs)

*Coys v. Historics* (Database Right)

*Technical One v. Curran* (settled before trial - Copyright, Damages, Flagrancy)

*BOS v. Cobra* (Patents County Court, Engineering, Patent Infringement)

## Personal

A keen violinist, Stuart has played as part of the [Oxford Spezzati](#) as a member and soloist; and also has an active string quartet. Other interests include food (reading, cooking, and eating), city travel and orchestral concerts.