



CEDR Accreditation: 2006

CEDR Panel Admission: 2010

Languages: English

Location: United Kingdom

## William Lister

***"You emphasised your role and this was the opportunity for the parties to sort it out without resorting to [the] court process. Overall, a good experience for all concerned."***

### Overview

Bill acts for a wide range of UK, US and European corporate and private clients in the fields of:

- Intellectual Property: contentious copyright, registered and unregistered (passing-off) trade marks, registered and unregistered UK and European Design Rights, patents and trade secrets (know-how etc).
- Media: libel, slander, confidentiality, privacy, BBC Regulatory work, Regulator referrals (Ofcom and Press Complaints Commission). Clients have included sports and media personalities, and a wide range of individuals and companies that may have come to (or may wish to come to) the media's attention.

In addition, Bill has acted for some highly notorious individuals as well as key and sensitive witnesses in the inquests into the deaths of Diana, Princess of Wales and Chief Constable Michael Todd.

Bill further advises clients as regards the Advertising Standards Authority's CAP Code.

He also has significant mediation experience, both as a party representative and as mediator and he has been listed as a "Leader in the Field" by Chambers Directory each year since 2011 for Intellectual Property law and is ranked by The Legal 500 as a "Leading Individual" for IP/Media each year since 2012.

## Professional Background

Having studied law at Oxford University and a former barrister, Bill was for many years head of IP at Pannone LLP was a partner in the Intellectual Property and Technology Protection and Enforcement Group of Field Fisher Waterhouse LLP and is the head of the Intellectual Property and Media team in the Manchester office where he

acts for clients such as Aurora Fashions Group and its associated companies and brands Karen Millen, Oasis, Coast and Warehouse for which he oversees their global trademark and brand strategy. Other major clients include VW AG, The Coal Authority and B&M Retail Ltd. Bill is now a partner in a leading firm of European Trade Mark and Patent Attorneys, Appleyard Lees.

## Expertise

- Intellectual Property
- Sale of Goods & Services
- Trusts, Wills & Probate

## Notable Cases

- *Neville and Hill v Wilson and Others* (Constructive trusts relating to corporate share transfers).
- *Rugby Football Union and Nike v Cotton Traders Ltd* (trade mark rights in the red rose of England).
- *ScoreDraw Ltd v Finch* (Trade mark rights in the historic playing badge of the Brazil FA).
- *Ultraframe Ltd v Eurocell Ltd* (Damages for patent infringement).
- *Environmental Defence Systems Limited -v- Synergy Health plc & Others*, a case relating to a patent for the process of manufacturing flood defence systems.
- *Automobili Lamborghini SpA v AutoTransformations Ltd*, in which Bill acted for the iconic sports car manufacturer protecting its design rights and trademarks.

## Dispute Experience

Bill has acted as Lead Mediator in a number of CEDR and other mediations including:

## Intellectual Property

### Comparative Advertising

- Dispute regarding comparative advertising and the appropriateness and objective fairness of testing methods and data collection in the industry concerned. The two day Mediation resulted in the drafting of a new protocol for testing.

### Copyright

- Dispute regarding rights in film pre-launch publicity.
- Dispute over rights in photograph and labelling on imported packaging.
- General copyright disputes.

### Patent Disputes

- Dispute regarding obviousness and novelty and the "identity" of the "skilled man".

### Trademark Disputes

- Trade Mark dispute concerning the alleged infringement of a Community Trade Mark and ancillary top level .co.uk domain name.
- A major Trade Mark dispute in the Telecoms industry.
- Trade Mark dispute relating to issues of non-use.
- A number of general Trade Mark Disputes.

### Sale of Goods & Services

- Dispute concerning the importation of imported teak decking.
- Dispute involving costs of scaffolding for building project.
- Dispute regarding fireplaces which were delivered not in accordance to specification.
- Dispute regarding purchase of defective caravan.
- Dispute regarding hire of large mechanical diggers required for building of a road tunnel project.



- Allegations of breach of contract regarding an alleged contract for the provision of telecommunications services.

### Trusts, Wills & Probate

- Dispute between members of a family regarding terms of a will and rights of natural and step children.

Bill has further acted as an Assistant Mediator in a number of other disputes including:

- Solicitors negligence claim.
- Loan dispute.

Bill frequently speaks on mediation at seminars.

### Personal Style

Bill's style is energetic and highly proactive though informal and relaxed to put parties at their ease. He explains his role carefully to the parties so there are no surprises on the day and warns that difficult questions may be asked in break-out sessions. Most importantly, he listens to what the parties are saying but is not afraid to test and question their underlying assumptions about the issues. He encourages the parties to work together to resolve the dispute, occasionally in a form of commercial settlement which would not be available through conventional litigation.

### Feedback

- *"You emphasised your role and this was the opportunity for the parties to sort it out without resorting to [the] court process. Overall, a good experience for all concerned."*
- *"Mediation was very useful and good. We thought that it would not settle but it settled. The mediator was approachable, saw the matter inside out and was very straight forward with the client what was exactly what we needed. His style was fair and forceful when needed."*

### Mediation Memberships

- Member of CEDR National Mediation Helpline Panel
- Member of CEDR 125 panel
- Member of the WIPO List of neutrals for the resolution of disputes relating to ".com" top level domain names.
- Member Civil Mediation Council
- Member of the Association of Northern Mediators
- Clerksroom

### Mediation Experience as a Legal Representative

Advising and acting for clients in many very substantial mediations including:

- Parallel importing ("grey market") cases against Microsoft Corporation where damages claimed were in excess of £10,000,000.
- Dispute regarding copyright in the pre-launch publicity for a major British film.
- Community Trade Mark dispute acting for major UK telecoms provider against major German Insurance Group.
- Breach of privacy dispute involving Chief Executive of Russell Group University.
- Acting for US company in dispute relating to the intellectual property rights in and a European distribution agreement for industrial floor mats.
- Many other IP and media disputes.

### Reputation

Bill has been listed each year since 2005 by Chambers UK as a Leader in the Field (describing him as "Highly rated") and by The Legal 500 as a Leading Individual (describing him as a "Highly regarded") for intellectual property law in the North West.

He has been interviewed and taken part in discussion groups on recorded or live radio and television on a number of occasions and was invited by IBC to deliver a key-note lecture on libel to lawyers, editors and journalists at Gonville and Caius College Cambridge.

Bill lectures to MA graduate journalism students at the University of Salford.

## Publications

*"The High Court - Practice and Procedure"* - Kluwer Law 1986. This was well received.

Numerous Articles in journals.

Bill is a regular contributor to both hard copy and on-line legal journals and contributed to PCL on intellectual property issues.

## Interests

Cycling, keeping fit, playing the flute, reading.

