

Nicole Bollard

Year of Call: 2012

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Overview

Nicole is a specialist Intellectual Property (IP) barrister. She is regularly instructed in cases in the High Court, IPEC and the UKIPO. Nicole's practice covers all areas of IP and she has recently been instructed in claims concerning trade marks, designs, copyright, passing off, patents and breach of confidence. Nicole has also recently appeared in the Company Names Tribunal.

Nicole's IP practice is complemented by her extensive experience in commercial litigation. She is regularly instructed in a wide range of commercial matters, both independently of and in conjunction with IP disputes.

Examples of recent work

- Alyssa Smith Jewellery Limited v Alisa Goodstone t/a Alyssa Jewellery Design [2021] EWHC 1482 (IPEC). Claim for passing off relating to jewellery brands.
- Scott Hallsworth v Kurobuta Limited – KUROBUTA (O/359/19). Successfully opposed appeal to the Appointed Person.
- DPA (London) Limited v Andrea D'Aguanno, Gretel Muller and MUDA Architecture Ltd [2020] EWHC 2374. Claim for copyright infringement and breach of contract.
- Muckle Brig Limited v Gleann Mor Spirits Company Limited – LEITH GLASS WORKS (O/244/20). Successfully opposed appeal to the Appointed Person.
- Grundfos Holdings A/S v Abcot UK Limited and another (IP-2019-000187). Ongoing dispute concerning trade mark infringement and passing off relating to the sale of parallel imports.
- Lease Comparison Limited v Carparison Limited (IP-2019-000052) – IPEC claim for passing off.
- Visual Foods Limited v New Harvest Wholesale Limited and another (IP-2019-000182) – IPEC claim concerning trade mark infringement.
- Examples of copyright cases: alleged copying of a crime fiction novel; use of rap lyrics by another artist; and ownership of architects' plans and models.
- Examples of trade mark cases: skin care brands; international magazine; Chinese martial arts; coffee shop branding.
- Examples of design right cases: sports kit; safety harness; domestic utility cupboard; lunch box.
- Examples of patent cases: construction device involved in the manufacture of roads; construction tool involved in building walls.
- Kirk Silo Installations Limited v Mansfield Garage Doors Limited (O/676/19) and (O/012/20) – successfully obtained an order for the change of the Respondent's company name.

Commercial

Nicole has a wide range of experience in commercial matters including advising, drafting and representing clients in a range of general contractual and commercial matters. Nicole has extensive experience representing clients in the following matters:

- Breach of contract
- Agency
- Insolvency & bankruptcy
- Sale and supply of goods & services
- Misrepresentation, undue influence & duress
- Professional negligence
- Intellectual property
- Non-contentious

Nicole also accepts instructions in non-contentious matters and has experience in drafting and advising on:

- Share holder agreements
- Manufacturing agreements
- Standard terms and conditions
- Data protection notices

The limits and exceptions to issue estoppel: Nicole analyses *Thomas v Luv One Luv All Promotions Ltd and another* [2021] EWCA Civ 732 for Practical Law's Dispute Resolution blog.

Recent cases

- Advising and drafting a skeleton argument in relation to a claim concerning the restriction of a former employee's use of a personal LinkedIn account which involved issues of restrictive covenants and general contractual arguments.
- Advising on a claim in relation to the ownership of a domain name which involved issues of undue influence and mistake.
- Successfully obtaining an interim injunction to restrain the presentation of a winding-up petition.
- Drafting a defence to a claim for breach of contract and misrepresentation concerning the sale of a dentist practice.
- Advising in respect of solicitor's negligence in advising on settlement.
- Instructed in relation to a claim for a preference under s.239 of the Insolvency Act 1986.
- Acting as a junior in an arbitration concerning the installation of industrial fittings.

Recommendations

Nicole Bollard is increasingly recognised for her broad expertise in a range of contentious IP matters. She frequently assists a broad array of clients in trade mark and passing-off disputes and offers experience acting before the IPEC.

Strengths: "Nicole Bollard is proactive and client-focused."

Chambers UK 2024/Intellectual Property/The Regions Bar

Chambers UK 2023/Intellectual Property/The Regions Bar

Strengths: "She's really collaborative, available and personable." "She is very forthright, her advocacy is brilliant and she is very good with clients."

Recent work: Represented Abcot UK Limited against a claim for trade mark infringement and passing off in relation to the sale of boiler pumps in the IPEC.

Chambers UK 2022/Intellectual Property/The Regions Bar

Strengths: "She is very clear-thinking and user-friendly. Her clarity of thought and ability to take a viewpoint on things are very helpful." "She is well prepared, thorough and persuasive." "She is personable and strategic and delivers on timing and content."

Recent work: Acted in Visual Foods v New Harvest Wholesale and Another, an IPEC trade mark infringement and passing-off case relating to the packaging for raw chicken.

Chambers UK 2021/Intellectual Property/The Regions Bar

Nicole Bollard is ranked in the **Legal 500 2024/Intellectual Property/London Bar/ Leading Junior**

'She is an extremely strong advocate. Confident, succinct, and always very well prepared.'

Legal 500 2023/Intellectual Property/Leading Juniors/London Bar

'She is an extremely strong advocate. She is commercially minded, very personable, and sensible yet robust when it is called for.'

Legal 500 2022/Intellectual Property/Leading Juniors/London Bar

'Nicole has the ability to build strong and personable relationships with clients from the outset, and provides excellent and concise advice.'

Legal 500 2021/Intellectual Property/Leading Juniors/London

"You did a fantastic job and we got a great result. You had clearly spent a lot of time preparing and considering the various issues. Your cross-examination was spot on. You were calm yet tenacious, overall a fantastic job and I am very grateful."

Instructing solicitor

"Nicole really has been a huge support in our case and I was very pleased and grateful to have her on board. She has been accessible, practical and thorough. It has not been the most straightforward matter but knowing I could rely on Nicole has made it much easier for me to assume conduct of this case."

Instructing solicitor

Academic qualifications

- BA Hons. English, University of Oxford
- GDL, City Law School
- BPTC, City Law School

Professional bodies

- IP Bar Association
- Chancery Bar Association
- Technology & Construction Bar Association (TECBAR)

Expertise

Intellectual property

Nicole's Intellectual Property practice includes copyright, trade marks, passing off, designs and confidential information. Examples of Nicole's recent work includes the following:

- Achieving a favourable settlement in a claim for infringement of a sports kit design
- Advising in a trade mark dispute concerning an international magazine
- Advising in relation to the copying of music lyrics
- Drafting pleadings in a design case in connection with a toy
- She also has experience of advising and acting in matters concerning domain names and database rights.
- In August 2017 Nicole attended the Cambridge University Intellectual Property Law Summer School. Hosted by well-known senior IP lawyers the one week course included lectures and various practical exercises including an application for injunctive relief.

Nicole completed her pupillage under the supervision of IP specialist Victoria Jones, and continues to work closely with counsel in a broad range of intellectual property matters including copyright, trade marks and passing off.

Recent IP cases

- Alyssa Smith Jewellery Limited v Alisa Goodstone t/a Alyssa Jewellery Design [2021] EWHC 1482 (IPEC). Claim for passing off relating to jewellery brands.
- Scott Hallsworth v Kurobuta Limited – KUROBUTA (O/359/19). Successfully opposed appeal to the Appointed Person.
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Property and Estates

Nicole practices in all areas of property law and is regularly instructed to advise and represent clients in the High Court, County Court and First Tier Tribunal as well as at meetings within the ADR sphere. Nicole's experience covers the broad spectrum of real property, including nuisance, trespass, boundaries and easements. Nicole also has good expertise in landlord and tenant matters, including: commercial leases, possession hearings, rent arrears and service charges, disrepair and forfeiture. Nicole regularly advises and represents clients in matters involving TOLATA (Trusts of Land and Appointment of Trustee Act) issues, and is known for giving clear strategic advice to resolve matters as quickly and efficiently as possible.

Nicole has substantial experience in cases involving right to light, property damage, access injunctions (including those for utility services), mortgages and charging orders.

Recent cases

- Advising on numerous claims for nuisance, arising from rights of way and rights to light.
- Advising in relation to the parties' respective beneficial interests in a property owned solely by one party, which involved considering TOLATA claims and proprietary estoppel.
- Successfully defending a claim for breach of covenant for quiet enjoyment.
- Obtaining an interim injunction in the High Court to prevent interference with the right of way of a property developer.
- Obtaining an interim injunction requiring a landlord to allow a commercial tenant to re-enter the property.
- Obtaining an access injunction to allow a utility company to access their services on farm land where the landowner was refusing access.

Articles

Specialist intellectual property barrister, [Nicole Bollard](#) has issued an update on the Trade Marks and International Trade Marks (Amendment) (EU Exit) Regulations 2021, a must-read for all UK-based intellectual property specialists.

[View Article](#)

Intellectual Property and Commercial law barrister Nicole Bollard reviews Secretary of State for Health and another v Servier Laboratories Ltd and others [2021] UKSC 24 and the Supreme Court's recent decision concerning the economic tort of causing loss by unlawful means.

[View Article](#)

Nicole Bollard analyses the judgment in Thomas v Luv One Luv All Promotions Ltd and another [2021] EWCA Civ 732, in which the Court of Appeal considered the scope of issue estoppel and when the courts can disapply it due to special circumstances.

Nicole's article was first published in Thomson Reuters' [Practical Law Dispute Resolution blog](#) on 9 July.

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Trade marks and the drinks industry

Nicole Bollard reviews a selection of recent trade mark decisions concerning the drinks industry, including:

- Sazerac Brands LLC and others v Liverpool Gin Distillery Limited and others [2020] EWHC 2424
- Les Grands Chais de France SAS v Consorzio di Tutela Della Denominazione di Origine Controllata Prosecco
- Gleann Mor Spirits Company Limited v Muckle Brig Limited (O/366/20).

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Nicole Bollard analyses The Racing Partnership Ltd and others v Done Brothers (Cash Betting) Ltd, a case involving a broad

range of claims including conspiracy, copyright, database rights and breach of confidence, which will be of interest beyond those working in the horseracing arena, to those working industries which produce and disseminate data to third parties.

"This article was first published by Lexis@PSL on 14/05/2019"

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