Mark Wilden



Year of Call: 2018
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Overview

Mark Wilden is a commercial barrister specialising in intellectual property and media and entertainment.

Mark came to 3PB in 2022 after training at 8 New Square, and has developed a practice focusing on copyright, trade marks, contractual issues, confidential information, defamation, economic torts and related issues. He acts in the High Court (Chancery and Kings Bench Divisions), IPEC, the UK Intellectual Property Office, the County Court, the Court of Appeal (Civil Division) and the Competition Appeal Tribunal. He gives regular talks for the Chartered Institute of Trade Mark Attorneys and writes on intellectual property issues. He also offers monthly pro bono advice clinics for BIPC Bristol and has spoken about musicians' rights issues, including for BBC radio.

Before coming to the bar Mark was a project manager and registered PRINCE2 practitioner and a trained audio recording engineer and producer. He performed and recorded extensively with live bands between 2002 and 2016, worked in house at Oxford University Press between 2008 and 2014, and is a composer / performing member of PRS For Music and PPL respectively. These experiences of the workings of the creative industries inform Mark's approach to case strategy, including in cases involving large media organisations, litigants in person and organisations in between.

Mark is an authoritative and persuasive advocate with a practical approach to advice, pleading and litigation strategy.

Intellectual property

Mark Wilden accepts instructions in all areas of Intellectual Property.

Examples of recent work include:

JJH Enterprises Limited (trading as ValueLicensing) v Microsoft Corporation and others (CAT / EWCA): For claimant in trial of preliminary issues on exhaustion of copyright in second-hand software licences (led by Matthew Lavy KC, with Henry Edwards): [2025] CAT 75; [2025] WLR(D) 582; [2026] Bus. L.R. 161. For successful respondent in subsequent appeal on both the substantive issues and on the jurisdiction of the CAT to hear copyright causes of action (led by Matthew Lavy KC on jurisdiction and Michael Hicks on copyright): [2026] EWCA Civ 872; [2026] E.C.C. 18.

Makeality v City Doggo (IPEC / EWCA): For defendant in TM infringement / passing off claim over the name 'Piddle Patch' for dog toilets. Successfully applied to re-allocate the claim to IPEC small claims track, upheld on appeal (sole counsel at first instance; led by Nicholas Saunders KC for appeal): [2025] EWCA Civ 400; [2025] Costs LR 543; [2026] F.S.R. 2.

Phoenix Music International v Cadiz Music and Digital (ChD): For claimant in claim for infringement of copyright in compilation CDs, including by copying of track lists, artwork and remastered audio recordings.

Husk Design and others v Cross Keys Homes and others (ChD): For fourth defendant in claim for infringement of copyright in architectural drawings.

Reed v Clapperboard Studios and Saffron Cherry Productions (IPEC): For defendants in successful strike-out of copyright infringement claim concerning location scouting materials for television drama series, in which the claim was certified as totally without merit.

Brice v Universal Music Publishing Limited (IPEC): For claimant in claim for a declaration of ownership of copyright in a commercially successful musical work.

Basilotta v Jack Hill Culture Company (IPEC): For defendant in successful strike-out of copyright infringement claim concerning clothing designs.

Zone 8 Media v Rodriguez (IPEC): For defendant in copyright claim for alleged piracy of internet pornography.

Re. ORIGIN FROM PASTURE TO PLATE NOSE TO TAIL (IPO): For successful respondent in appeal to the Appointed Person concerning late-filed defence: decision O-0312-26

Re. MONSTER (IPO): For Ducati Motor Holding, opposing a trade mark application for the word 'MONSTER' for virtual goods: decision O-0329-25.

Re. CARCHAMBER (IPO): For Cheyne Motors in successful opposition to application for the word 'CARCHAMBER: decision O-0002-25

Re. WINDRUSH (IPO): For the Department of Levelling Up, Housing and Communities opposing five trade mark registrations for 'WINDRUSH' and related terms: decision O-0051-24.

Re. EONX (IPO): For trade mark applicant in opposition by E.ON based on three prior marks: decision O-1155-23.

Advisory work including:

- Threats of infringement proceedings by use of Amazon IPR take-down procedures.
- Performers' rights of choristers in church services broadcast online.
- Alleged infringement of IP rights by sale of signed books with purportedly faked signatures.
- Design right infringement by copying of fashion designs.
- Copyright infringement issues including unlicensed use of photographs and music online.
- Trade mark infringement by unlicensed resale of own-brand products.

Articles

Read Mark Wilden's article about navigating copyright in the world of ever evolving technology for Counsel magazine.

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3PB's specialist intellectual property barrister Mark Wilden has written for The Barrister on fighting against unjustified intellectual property takedown complaints in online platforms such as Amazon, eBay and YouTube.

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Mark Wilden discusses the case of Pasternak v Prescott [2022] EWHC 2695 (Ch) and explores how the case illustrates the intricacies of copyright protection of historical research.

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Mark Wilden on "Massive overdisclosure" ordered in departure from business & property courts disclosure regime in Genius Sports Technologies Ltd v Soft Construct (Malta).

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Hebden v Domino Recording Company Ltd [2022] EWHC 74 (IPEC)

Specialist intellectual barrister Mark Wilden has recently critiqued the key new case of *Hebden v Domino Recording Company Ltd* [2022] EWHC 74 (IPEC), which concerns royalties for music streaming and downloads and could have a significant effect on the UK music industry.

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Easygroup v Beauty Perfectionists [2021] EWHC 3385 (Ch)

3PB's specialist intellectual property Third Six pupil barrister Mark Wilden analyses the decision of the High Court in *Easygroup v Beauty Perfectionists* [2021] EWHC 3385 (Ch).

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Recommendations

Mark Wilden is ranked a Leading Junior for Media and entertainment/London Bar in the **Legal 500 2026**

Mark Wilden of 3PB Barristers boasts a burgeoning reputation for intellectual property work. He draws on prior experience in the music and publishing industries to guide clients through complex litigation.
Strengths: "He was able to deliver his advice in a way which was understood by the clients in terms of both the legality and also the commercial approach to take."
"Mark Wilden's calm reassurance and friendly manner are exactly what clients need to hear and gives them the confidence to fight their corner."
Chambers UK 2025/Intellectual Property/London Bar/Up and coming

"New session with IP barrister Mark Wilden. Very different perspective on a wide range of IP matters to previous session with IP attorneys, both very interesting, informative and helpful. Strongly recommended. Thanks to BIPC and Mark." - **BIPC Bristol IP advice clinic client**

"I'm so thankful for the support, kindness and professionalism I received from day one. I couldn't think of a better team to have by my side." - **Lay client in IPEC claim**

"We used Mark for some advice on grey goods for [High Street retailer]. He was very responsive, very knowledgeable and technically excellent. I particularly admired the pre-con call to discuss the format and what he was going to say. We have used him several times since on a range of IP and IT matters and are very impressed." -**Laura Trapnell, Head of IP and IT, Paris Smith Solicitors**

"Mark dealt with a breach of restrictive covenants and database issue in a clear concise manner enabling the client to grasp complex legal arguments very quickly and provided very thorough advice in conference. Mark's dealing with the client and follow-up with me were very impressive." - **Instructing Solicitor**

"Mark is one to watch and has a bright future ahead of him at the bar. He is very responsive, easy to work with and has a very high technical ability. I would not hesitate in either instructing or recommending Mark in the future." - **Alex Jeffery, Partner, Head of Litigation, Bright Solicitors**

Academic qualifications

- LLB (Hons) (1st class), Open University with University of Law

- BPTC LLM (Distinction), University of Law
- Postgraduate Diploma in Intellectual Property Law and Practice residential school, University of Oxford

Professional bodies

- Chancery Bar Association
- IP Bar Association
- Commercial Bar Association
- British Literary & Artistic Copyright Association
- Next Generation Media Lawyers
- Advocate
- PRS For Music: writer member
- PPL: performer and recording rights holder member