



Mark Wilden

Year of Call: 2018

Email Address: mark.wilden@3pb.co.uk

Telephone: 020 7583 8055

Overview

Mark Wilden is a commercial barrister specialising in Intellectual Property and Media and Entertainment.

Mark came to the Bar after a successful 15-year career as an audio producer, sound engineer and musician. He worked in house at Oxford University Press for eight years, played drums professionally, performed as a DJ and produced music podcasts through the 2000s. He still performs occasionally, most recently with top-40 band Stornoway. He worked at Carpmaels & Ransford LLP before completing pupillage at 8 New Square Chambers.

Mark acts unled in the High Court, IPEC, County Court and IPO and accepts instructions in all forms of intellectual property and related matters, including contract, technology and economic torts. He acts for clients across the creative and entertainment industries including in fashion design, film and TV, sport and music, including very high profile clients and high value matters. He writes articles and presents seminars on intellectual property, entertainment and law, and civil litigation.

Mark was shortlisted for Bristol Law Society Pro Bono Lawyer of the Year in 2023 in recognition of his regular pro bono advice clinics for musicians and for SMEs in the creative industries. He also volunteers in the High Court as part of the Chancery Litigants in Person Support Scheme (CLiPS) and is a panel member of Advocate.

Mark is an authoritative and persuasive advocate with a practical approach to advice, pleading and litigation strategy, and has been described as "a diligent and talented lawyer and a pleasure to work with".

Intellectual property

Mark accepts instructions in all areas of Intellectual Property. Examples of recent work include:

Pasternak v Prescott [2022] EWHC 2695 (Ch): Analysis and drafting of defence in high-profile copyright infringement claim (with Carpmaels & Ransford LLP)

R2843/2019-3 B&Bartoni v Hypertherm (EUIPO): Written submissions for successful appeal on the invalidity of registered design protecting a consumable part of a complex product (with Carpmaels & Ransford LLP)

In IPEC

E v V: For claimant in patent infringement action (pre-action).

R v BC: For claimant in copyright infringement claim regarding TV show formats.

NS v SP: For claimant in passing off claim regarding nutritional supplements.

Z v R: For defendant in claim for alleged piracy of internet pornography.

M v CFC: For claimant football club in a passing off claim against a rival club.

ICC v CCC: For defendant in claim for trade mark infringement and passing off regarding charity clothing collection.

J v M&B: Win at trial for claimant in a trial for passing off of jewellery brand.

In IPO

Re. WINDRUSH: For the Department of Levelling Up, Housing and Communities opposing five trade mark registrations for 'Windrush' and related terms.

Re. EONX: For trade mark applicant in opposition by E.ON based on three prior marks.

Re. LOVE UR CURLS: Win for trade mark applicant in overcoming objections of three examiners for lack of inherent distinctiveness.

Re. TMKONNECT: For opponent in trade mark opposition on relative grounds.

Re. GAY STAR NEWS: For opponent in trade mark opposition on relative grounds relying on unregistered rights.

Advisory work including:

- Threats of infringement proceedings by use of Amazon IPR take-down procedures
- Performers' rights of choristers in church services
- Infringement of IP rights by sale of signed books with allegedly faked signatures
- Design right infringement by copying of fashion designs
- Copyright infringement issues including unlicensed use of photographs on non-commercial websites
- Trade mark infringement by unlicensed resale of own-brand products
- Domain name disputes and use of the Nominet Domain Dispute Resolution Service.

Articles

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.

[View Article](#)

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.

[View Article](#)

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

"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
- Advocate
- PRS For Music: writer member
- PPL: performer and recording rights holder member