



Jane Foulser McFarlane

Year of Call: 1994

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Overview

Jane Foulser McFarlane is an associate with 3PB and handles a wide range of personal injury and clinical negligence claims. She is a highly experienced expert in these fields and is regularly instructed for both advisory work and remote hearings.

Jane is also counsel with a high level of academic achievement in intellectual property, having recently completed a PhD in intellectual property at Exeter University on the subject of punitive damages in copyright.

She is a regular contributor to New Law Journal, including writing a book review of William Patry's "*How to Fix Copyright*."

Publications of note:

- *God and the Stormtroopers – Assessing How Far Toys Can be Used for Role Play Without Breaching Copyright*
- *Virtual Reality? Online Infringement? No...It's Infringement Online*
- *Privacy's death knell? Interim injunctions*
- *Mediation in Intellectual Property Law Disputes – Is Low Cost Dispute Resolution the Way Forward, Following the Findings of The Hargreaves Report*
- *Bottom of The Class: What are the implications for Google's online library?*
- *For Richer or Poorer – To what extent are intellectual property rights matrimonial assets?*
- *God & the Stormtroopers – Assessing how far toys can be used for role play without breaching copyright*
- *Piracy's Death Sentence – Anti-Counterfeiting Trade Agreement*
- *In the Witches Domain – Internet domain names*
- *Tarzan Yell Falls Flat – Sounds as Trademarks*

Jane has appeared on "Law in Action" on Radio 4 to debate the subject of "Remote Justice" alongside Lord Burnett.

Academic qualifications

- LLB (Hons); University of Wales, Cardiff
- LLM (International commercial and maritime law, with emphasis on international intellectual property law)
- PhD in intellectual property law, Exeter University

Professional bodies

- Personal Injury Bar Association (PIBA)
- Intellectual Property Bar Association
- International Association for the Protection of Intellectual Property (AIPPI UK)

Expertise

Personal Injury

Jane Foulser McFarlane advises and represents both claimant and defendant clients on a broad range of issues including:

- Catastrophic injury
- Asbestosis/ industrial disease
- Employer's liability
- Occupiers and public liability
- Road traffic claims including motorcycle accidents
- Highway claims

Jane has represented a number of clients in personal injury actions arising out of hit-and-run incidents and is known for being an approachable and pragmatic advocate.

Reported cases

- *Aquilina v Aquilina* [2004] EWCA 504
- *David Lewin v Stephen Harvey* [2010] Lawtel AM0201691: Representing the Claimant, who was awarded £31,000 for the loss of taste and smell.