



# Faizul Azman

**Year of Call:** 2018

**Email Address:** [faizul.azman@3pb.co.uk](mailto:faizul.azman@3pb.co.uk)

**Telephone:** 020 7583 8055

## Overview

Faizul Azman is a commercial litigation and intellectual property barrister. He operates from 3PB's London office.

Faizul has an unconventional background for a barrister having served in the British Army and UK Civil Service prior to joining 3PB.

During his career as a civil servant, Faizul worked in several government departments including the Home Office and UK Intellectual Property Office ("UKIPO").

During his time at the Home Office, Faizul worked on some of the most contentious areas of government immigration and asylum policy, led a team that managed all immigration statutory appeals in the Court of Appeal and Supreme Court, and as an Assistant Director, led on the Northern Ireland EU Exit Strategy relating to security and customs.

As a Senior Policy Advisor in the Copyright and Enforcement Directorate in the UKIPO, Faizul represented the UK at the Standing Committee on Copyright and Related Rights at the World Intellectual Property Organisation in Geneva, and frequently represented the UK in EU working groups in Brussels to negotiate the legal text of a Directive and Regulation which implemented the Marrakesh Treaty into both EU and UK law (the copyright disability exception in the Copyright, Designs and Patents Act 1988). Faizul also managed and developed the UK's copyright exceptions policy, responded to copyright enquiries, engaged with a range of stakeholders, and drafted briefing packs to senior government ministers and officials.

Faizul has worked on some high-level matters with multiple demands and pressures in his previous careers, and as a barrister. This puts him in a unique position to not only advise on the law, but to also identify potential reputational risks and non-legal/commercial opportunities to best serve his clients. He can quickly grasp the interplay between national and international legal frameworks which adds a further layer of expertise to both domestic and international clients.

Faizul is also busy member of the Attorney Generals 'Junior Scheme' to the Crown and has been instructed on several high-profile matters.

## Recommendations

"Faizul's advice was clear, on-point and focussed on what our client needed to do and he gave our client clear options as to the next steps our client could take. The advice Faizul gave was indeed relevant to the client's own situation and what he wanted to achieve. We would be pleased to instruct Faizul in the future in relation to any internet domain/IP matter..." **Solicitor**

"Faizul did a great job" **Solicitor**

"Notwithstanding the result, my clients were very impressed with Mr Azman" **Solicitor**

"... As soon as we spoke, I realised I was in exactly the right hands. You did a great job putting me at ease even with the tech issues I was having. You must have been told before that you have a great bedside manner. Thank you so much for getting me over the final hurdle with such a great result... If the opportunity to recommend you ever comes my way I most definitely will" **Lay Client**

"... my experience of instructing Faizul has been very positive, and I did seek to instruct him again, though he was unavailable on this occasion... I look forward to instructing him again" **Solicitor**

## Academic qualifications

- LLB (Hons) Law Accelerated Route – 2:1
- BPTC (The University of Law, London) – Very Competent

## Scholarships

- The Duke and Duchess of Cambridge Scholarship, Major Award, Middle Temple

## Professional bodies

- IP Bar Association
- Chancery Bar Association
- IPSoc
- IP Pro Bono
- Advocate
- CITMA

## Direct Access

Faizul Azman is qualified to accept instructions directly from members of the public and professional clients under the Direct Access scheme.

# Expertise

## Commercial

Faizul Azman is regularly instructed in a broad range of commercial law matters. He provides advice, drafts pleadings, and represents clients in litigation at both interlocutory and final hearings. Faizul's commercial practice focusses on the following areas:

- Breach of contract
- Misrepresentation, undue influence & duress
- Supply of goods and services
- Director/Shareholder disputes
- Professional liability
- Intellectual Property
- Non-Contentious – corporate governance structures

Faizul's recent commercial work includes:

- Successfully striking out a defence to a £90,000 claim
- Drafting pleadings for force majeure/frustration of contract, and successfully obtaining a settlement worth 90% of the claim after a wedding was cancelled due to the pandemic
- Advising on the merits of bringing a claim for breach of contract against an independent school when the Government closed schools because of the pandemic
- Advising on the merits of bringing a claim for misrepresentation against a property developer
- Advising on the merits of resisting an appeal where the court had made overlapping and contradictory Orders following an Order of Sale
- Advising and drafting a defence following a claim for a right to reject a motorhome worth £50,000 under the Consumer Rights Act 2015
- Advising on the merits of bringing a professional liability claim against a trade union on behalf of a university lecturer
- Advising on the corporate governance structure of a public body

## Intellectual property

Faizul specialises in a broad range of intellectual property law including copyright and databases, trade marks, passing off, design rights, confidential information, domain names, and related areas of contract law, employment law and other commercial matters.

Before joining Chambers, Faizul was a Senior Policy Advisor in the UKIPO. As a Senior Policy Advisor, Faizul represented the UK at the Standing Committee on Copyright and Related Rights at the World Intellectual Property Organisation in Geneva, and frequently represented the UK in EU working groups in Brussels to negotiate the legal text of a Directive and Regulation which implemented the Marrakesh Treaty into both EU and UK law (the copyright disability exception in the Copyright, Designs and Patents Act 1988).

Faizul has also held high level security clearance and advised the Ministry of Defence and other government departments on intellectual property matters. He is also a busy member of the Attorney General's 'Junior Scheme' to the Crown.

## Recent and Ongoing Cases

### Trade Marks and Passing Off:

**Enterprise Holdings v EUIPO** (T/499/23 and T/500/23) – For Enterprise, drafted the grounds in two applications to the General Court of the CJEU to annul the decisions of the Board of Appeal of the EUIPO relating to the mark 'QOMMUTE' (awaiting judgment).

**NRJ Group Société Anonyme de Droit Français v Hard Carry Gaming, Inc** – For NRJ, led by Victoria Jones in an appeal to the Appointed Person contesting the decision (O/0340/23) of the UKIPO relating to the mark 'NRG' (awaiting judgment).

**Netflix Studios v JJ Beanos** – A trade mark Opposition in the UKIPO relating to the mark 'LADY WHISTLEDOWN', and a dispute relating to the 'Bridgerton' Netflix series (settled on favourable terms pre-hearing).

**Gowers v Athena Cosmetics, Inc (RevitaLash Cosmetics)** – For Athena Cosmetics, a trade mark Revocation in the UKIPO relating to the marks 'KILLER LASHES' and 'KILLER BROWS' (settled on favourable terms pre-hearing).

**Re: Sky UK Limited** – For Sky, several copyright and trade mark infringement claims relating to illicit internet protocol television streaming services in the IPEC.

**PS v C** – For the claimant, a dispute relating to passing off and 'domain squatting' (settled on favourable terms pre-action).

**Fit Kitchen Limited v Appleyard Lees IP LLP** – For Appleyard Lees, a dispute relating to the jurisdiction of the Senior Courts Costs Office to hear a detailed assessment of the invoices raised by trade mark attorneys following an unsuccessful IP trial. Faizul successfully argued the Senior Courts Costs Office had no jurisdiction.

Recent advisory work includes:

- Challenging the UKIPO's preliminary view in refusing a Proprietor's request to exclude evidence at a hearing.
- Trade mark infringement and passing off dispute relating to advertising keywords on Google.
- Passing off and character merchandising.

### Copyright, Databases, Domain Names and Confidential Information

**Insource Select Limited v Robbin** (KB 2022-0044-08) – High Court, Kings Bench Division. Advised Insource and their legal team, led by Alice Mayhew KC, on possible IP infringement claims. Faizul was later instructed to make amendments to the Amended Particulars of Claim (ongoing).

**Mirza Video Entertainment Limited v Karman Entertainment Limited** (IL-2022-BHM-000002) – For Mirza, a copyright infringement and assignment claim. Faizul advised and successfully transferred the claim from the Intellectual Property List to the IPEC (ongoing).

**Daemonlinks Ltd v Brown** [2022] EWHC 1154 (IPEC) – Following the application for summary judgment, Faizul advised, and represented Brown in the 'fallout' relating to copyright infringement and whether there was a valid assignment of a film (settled pre-trial).

**P v A** – For the claimant (an author) in a copyright infringement and breach of contract dispute when the publisher continued to advertise and sell the claimant's book after the publishing agreement was terminated (ongoing).

**PS v C** – For a company, a copyright infringement dispute relating to marketing material, a computer program, and database (settled on favourable terms pre-action).

Recent advisory work includes:

- Ownership of copyright works created by directors, employees, and contractors.
- Restoring a company and the beneficial interest in a domain name and development code when a company is dissolved.

- Copyright infringement and the use of hyperlinks.
- Assignment of a film to a third-party which formed part of a settlement agreement.
- Risks of copyright infringement when using certain materials on social media.
- Copyright infringement when a competitor copies the layout and colour scheme of a website.
- Jurisdictional/evidential issues relating to assignments of copyright in music outside of the UK.

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## Articles

3PB Intellectual Property barrister [Faizul Azman](#) provides an insightful article which aims to provide both employers and employees with a general understanding of intellectual property rights in a copyright work created in the course of employment.

[View Article](#)