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# Dr Tim Sampson

**Year of Call: 2000**

Contact Practice Manager

Cliff Alderson

[cliff@lambchambers.co.uk](mailto:cliff@lambchambers.co.uk)

020 7797 8303



VAT Reg No

815213658

## Dr Tim Sampson

Tim regularly acts in complex construction disputes often with significant technical or expert evidential issues – including adjudications (both under the Scheme for Construction Adjudications and under ad hoc rules) and High Court TCC enforcement proceedings, as well as leading in recent appeals to the Court of Appeal. *PBS Bester AS v Bester Generation UK Ltd* [2020] EWCA 404; [2020] B.L.R. 355; [2020] Bus. L.R. 1626; *Gosvenor London Ltd v Aygun Aluminium UK Ltd* at first instance [2018] B.L.R. 353; [2018] Bus. L.R. and on appeal [2018] EWCA Civ 2695; [2019] Bus. L.R. [2019] B.L.R. 99; 182 Con. L.R. 38 | [2019]; C.I.L.L. 4249: and *Brown & Brown v Complete Building Solutions Ltd.* [2016] EWCA Civ 1; [2016] B.L.R. 98; [2016] 164 Con. L.R. 21. Tim also has substantial experience in relation to domestic building disputes, with a particular emphasis on dealing with such cases through mediation or ADR. Tim became Head of Lamb Chambers' Construction Group in January 2020.

Tim has a successful intellectual property practice which covers all aspects of contentious and non-contentious UK and European intellectual property law (copyrights: *Davies v Wolverhampton Wanderers Football Club (1986) Ltd* [2019] EWHC 1252 (Ch), trademarks and brand rights: *Asian Business Publications Ltd v British Asian Achievers Awards Ltd* [2019] EWHC 1094 (IPEC), rights in designs and patents) in the High Court (IPEC and chancery division), the UKIPO and the CJEU:

Sun Mark Ltd and Bulldog Energy Drink Ltd v Red Bull GmbH – (Court of Justice of the EU – Case C-206/15 P: 2015). He advises on and drafts commercial contracts and IP / software licensing agreements.

His practice also includes acting in complex international arbitrations of intellectual property and commercial claims under both LCIA and AAA rules.

In addition, Tim lectures and writes on all his specialist areas of legal practice and for a number of years taught on professional training courses run by BPP University.

## Publications

University Course content – A Contractual Right or a Matter of Academic Judgement? **Ed. Law Journal 2011**

Strategic Legal Thinking For IPR Dependant Enterprise – **The ‘Five Rings’ Method: EIPR – July 2009**

The “Adjusted Future Free Income Ratio” – A New Methodology for Determining IPR Royalty Rates? : **EIPR – September 2007**

Transboundary Movement of Genetically Modified Organisms (EC) 1946/2003: A Review: **Bio-Science Law Review 2005/2006 Vol. 8**

The Regulation of Genetically Modified Food and Feed in the Community: **Bio-Science Law Review 2004/2005 Vol. 7**

Would you know your GMO? **Bio-Science Law Review 2004/2005**

GMO Regulation in Europe – A Prima for Patent Applicants: **Bio-science Law Review 2003/2004 Vol. 4**

Madey, Integra and the Wealth of Nations: **EIPR January 2004**

Achieving Ethically Acceptable Biotechnology Patents: A Lesson from the Clinical Trials Directive?: **EIPR September 2003**

Aptamers and SELEX – Part 2 Protecting IP Rights: in **World Patent Information**, December 2003

Aptamers and SELEX – Part 1 The Technology; in **World Patent Information**, June 2003

Environmental Risk Assessments of GMOs Under Directive 2001/18: An Effective Safety-net or a “Collective Illusion”: **EIPR February 2003**

Rewriting the Genetic Code: The Impact of Novel Nucleotides on Biotechnology Patents: **EIPR**  
August 2002

## Further information

### Other publications

- IPR Updates – July 2015
- Starbucks (HK) Ltd. v British Sky Broadcasting Group and Other (No.2) [2015] UKSC 31
- CJEU Clarifies Law on Form Shifting and the Exhaustion of Distribution Rights in the EU – Arts & Allposters (Case C-419/13)

### Qualifications

- Durham University – Bsc (Hons) Molecular Biology and Biochemistry
- University of Cambridge PhD in Biochemistry

### Languages

- Basic Spanish

### Memberships

- Called to the Bar at Lincoln's Inn (March 2000)
- Associate Member of the Chartered Institute of Patent Agents
- Chancery Bar Association
- Fellow of the Cambridge Philosophical Society

### Interests

Climbing, skiing and classical music

## Intellectual Property

Tim has been instructed in IPR cases before the Chancery Division of the High Court, the Intellectual Property and Enterprise Court (IPEC), as well as representing clients before the UK Trade Mark Office, the EUIPO and CJEU, as well as the European Patent Office. Tim also lectured in IP law on Cambridge University's Masters in Bioscience Enterprise MPhil course for 5 years between 2003 and 2007.

## Recent and Reported Cases

### Trade Marks

Grenade (UK) Ltd v Grenade Energy Ltd & Anr [2016] EWHC 877 (IPEC) – represented the

Defendants at the Claimant's application for summary judgment for passing off & trade mark infringement

"ISLAM CHANNEL" – acted for the applicant in respect of the UK Trade Mark Office's refusal, under s.3(1)(b) and (c) of the TM Act, to grant a trade mark for Islam Channel (UK 00003119213 – (2016))

Sun Mark Ltd and Bulldog Energy Drink Ltd v Red Bull GmbH – (Case C-206/15 P: 2015) - represented the applicants in their application for permission to appeal to the CJEU in circumstances where the applicants had not taken part in proceedings before the General Court in respect of trade mark Opposition proceedings that has been resisted to that point in time by OHIM.

"PHYSIO SOLUTIONS / PHYSIOTHERAPY SOLUTIONS" – acted for the Opponent in its Opposition to the registration of "Physiotherapy Solutions"- OP 401540 – and the counterclaim for revocation – CA 500535 (2015)

"SAVE AN ORPHAN" (UK Trade Mark Opposition No.: 2628031 (2013)) – represented the Opponent in opposition proceedings in respect of the Save an Orphan trade mark.

Weight Watchers Ltd & Others v Love Bites & Others [2012] EWPC 11, [2012] E.T.M.R. 27: represented the Defendants in respect of allegations of trade mark infringement where the PCC (now the IPEC) exercised its power to give a preliminary non-binding judgment in a trade mark case for the first time.

Sun Mark v Red Bull – 2011 – instructed by Sun Mark on three related cases involving Sun Marks' trade mark disputes with Red Bull GmbH. (a) judicial review proceedings brought against the UKIPO and Red Bull as an interested party alleging that the UKIPO had improperly granted trade marks to Red Bull that had been applied for in bad faith (led by Aidan Robertson QC) (b) Drafting amended grounds of appeal and appeal skeleton in respect of the ruling of Arnold J. in Claim No. HC10 CO173 finding Sun Mark had infringed certain Red Bull trade marks (led by John Baldwin QC) and (c) trade mark office proceedings for the revocation of two Red Bull trade marks (No. 790389 & 824548) – all three claims were eventually compromised.

Shafi and Others t/a Chiswick Cars v. Khan and Others t/a New Chiswick Cars 2007 H.C. – claim for passing off in respect of minicab services the Defendants settled immediately prior to the hearing.

## **Database Rights**

Executive Grapevine International Limited v Wall & Others [2012] EWHC 4152 (Ch); – Chancery Division of the High Court before Norris J.: represented the Claimant in its claim for infringement of database rights by an ex-employee who had stolen copies of the company's marketing databases and sold them via e-Bay.

## **Data Protection**

Raminder Ranger v House of Lords Appointments Commission [2015] EWHC 45 (QB); [2015] 1 WLR 4324 – representing Dr Ranger in his Part 8 claim against HOLAC for access under the Data Protection Act for access to letters held by the Commission that allegedly contained information pertaining to his application for membership of the House of Lords.

## **Patents**

European Patent Office

Opposition to EP 1 021 120 B1 by HOOVER Ltd. (GB). – Acting for the opponent in oral opposition proceedings at the EPO in Munich.

Opposition to EP 1 161 405 by BIAGRO Inc. / Opposition to EP 743931 by MANDOPS (UK) Ltd. – joined cases heard before the EPO.

## **Design Rights / Registered Designs and Copyrights**

Hyams v Cooling (High Court Chancery Division – Claim No.: HC CO2434 in 2009) – advising the Claimant in respect of settling injunctive proceedings arising out of claims over the copyrights in certain works and photographs.

Acoustic Building Supplies Ltd. v. Durabella Acoustics 2006 – advising the Defendant on design right infringement proceedings in respect of sound proof floor tiles.

Red Girl Records v. Richard Murdoch advising Defendant on possible infringement issues in respect of distribution and sale of “free” promotional records.