

Curriculum Vitæ

Name : **Ashley Wentworth Roughton**



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Summary :

Graduate chemist and master's level economist in competition and regulation with a PhD in applied mathematics and engineering. Author of the two standard and top recognised texts in patents and trade marks and with over 24 years litigation experience as well as a strong transactional practice. Regularly cited as the top Data Protection and a top Intellectual Property lawyer in the UK. Has, save one, never lost a criminal intellectual property case.

I am about to be called to the Bar of the Republic of Ireland so that I can maintain a Euro practice after Brexit.

More detail :

Currently employed as a senior lawyer working solely on mechanical, life science and biotech patents, data protection, the blockchain and cyber security. Also working in independent intellectual property practice at the Bar of England and Wales (called October 1992), the Bar of Northern Ireland (called November 2000) and the Eire bar (called July 2017). Periodically licenced to Practice in the Isle of Man. Standing Prosecutor for the Bar Council on disciplinary matters. Visiting Professorial Fellow at the University of London in competition law and intellectual property. Council Member of AIPPI. Member of the editorial board for the publication Privacy and Data Protection. Member of the department of biochemistry, Birkbeck College, University of London.

I am not now a member of any set of barrister's chambers and practice on my own account when time permits.

Citations :

Cited in Chambers & Partners (2014) "Rated highly for his niche expertise in border control, criminal infringement and counterfeiting cases. He is noted for his practical approach and masterful knowledge of his areas of expertise." and "The best for anything relating to criminal anti-counterfeiting work - precisely who you wouldn't want to see on the other side." "A walking encyclopaedia of case law." - band 2.

My Recent Past:

11/2016 Lawyer at Venner Shipley LLP, patent attorneys working principally on data protection, technologies involving the ethernet, the blockchain and bitcoin, regulatory pharma, sonar and CRISPR patents and non-crispr life sciences licencing and exploitation issue (principally concerned with Alzheimer's).

2/2015-11/2016		Senior Consultant at Nabarro LLP, Solicitors with partnership responsibility: life sciences, patents, trade marks and data protection (incl. cyber security). I appeared in the CJEU and G-C very regularly. I worked on a number of “pay for delay” cases before the CMA.
9/2014 – 2/2015		Representing claimant in confidential information and copyright case concerning seismic data exclusivity. Representing the estate of an artist of significant repute in proceedings concerning copyright entitlement. Representing a software developer in proceedings regarding entitlement and copyright ownership. Representing various large institutional clients in data protection. Standing counsel for a large telecommunications and satellite broadcasting organisation. Representing large physical package transit company (as claimant) on passing off and trade mark infringement. Representing large tobacco company (as claimant) on passing off and trade mark infringement.
8/2013	8/2014	Working as external counsel for Pillsbury Winthrop Shaw Pitman LLP (though not as an employee of Pillsbury). Represented insurance company against its bankers for misuse of confidential information and breach of privacy rules (case heard and won). Representing a software and hardware services purchaser in proceedings regarding quality of service in a large scale migration for a large institutional client.
10/2012	8/2013	Working as external counsel for Gowlings (UK) LLP. Prepared for appearance in the Supreme Court on criminal aspects of Broadcasting (now won). Instructed as standing counsel for a large broadcasting organisation. Completed a trial on extended passing off in relation to Greek Yoghurt and a trade mark trial concerning relative grounds and the local nature of the passing off objection. Recently fought and won appeal on landlord and tenant data protection case for large institutional lender.
09/2011	10/2012	Standing counsel for LOCOG and the IOC during the London 2012 Olympic and Paralympic Games. I advised and represented LOCOG in relation to a range of IP, sponsorship, licensing, ambush marketing, anti-counterfeiting, advertising, merchandising and new media issues.

Case load:

Criminal Case load	– 15-20% of my practice year.
Intellectual Property	– 60% of my practice year.
Other	– 10-20 % of my practice year.

Degrees:

B.Sc. (Eng)(Hons)(Lond), 2:1.
 Ph.D. (Cantab), pass with minor revision.
 Dip.Law. (Westminster), pass.
 Bar Finals, competent.
 Barrister-at-Law (England and Wales) – oddly not recognised in England and Wales but it is elsewhere.
 Barrister-at-Law (Northern Ireland).
 Barrister-at-Law (Eire).
 M.Sc (Econ)(City), pass.
 B.Sc (Hons)(Mol Sci)(Open), 2:1 (quantum mechanics, peptidomimetic drugs and molecular biology specialisms).

Practice summary:

Advocacy: I have appeared regularly in the Court of Justice of the European Union, the

General-Court, the Court of Appeal (both criminal and civil), the High Court (Chancery and Queen's Bench Divisions), the Divisional Court (both civil and criminal), the County Court (both general and patents) the Crown Court, the magistrates' court, the trade marks registry and the patent office. I have also appeared in lengthy criminal cases concerning counterfeiting and piracy and usually for large institutional defendants.

- Intellectual property: patents (mechanical, chemical and biotechnological), trade marks (both registered and passing off), breach of confidence and restraint of trade, competition generally and also involving either a technical element or intellectual property, copyright (media, entertainment, industrial designs and fashion), licensing of all types, crime (prosecuting and defending section 107 (piracy), 92 (counterfeiting) and 297 (unlawful reception) matters as well as consumer protection matters) and matters with a technical content, registered and un-registered designs, semiconductor topographies, border and customs controls. Intellectual property aspects of European law and competition and the jurisdiction and judgments regulation.
- Data protection: both criminal and civil (in court and before the Information Commissioner and Information Tribunal), data subject and data controller issues, private investigator and dustbin delving issues (including questions relating to solicitors and insurers instructing private investigators and maintaining fraud or fraud detection databases). I am on the exam board for PDP training's practitioner certificate in Data Protection.
- Other: Sale of goods and commercial agency questions. Medicines control (both applications, licensing and criminal aspects). Computer related crime, computer related contracts and contracts of a complex or technical nature, Computer misuse, cyber security and data protection. I have both prosecuted and defended a variety of computer related criminal actions brought at the behest of a number of organisations including the CPS, the Business Software Alliance, The Federation Against Software Theft and the Serious Fraud Office. I am a member of the Federation Against Software Theft Legal Advice Group.

Books/Publications:

Current senior editor and contributing author with Trevor Cook of Bird & Bird Solicitors and Philip Johnson of Lexis Nexis Modern Law of Patents Published 2008 (1st Ed), 2010 (2nd Ed) and 2014 (3rd Ed). Chapters: European Jurisdiction, Competition, Amendment, Border Controls - The European Procedure, Crown Use, Employee's Compensation, EPO Procedure, Pleadings and Precedents, Licences of Right and Compulsory Licences, Judicial Review, Supplementary Protection, Priority, UK and EPO Patents, Miscellaneous Jurisdictional Matters, Translations, Biotechnological Inventions (part), Electronic Filing, Extending Time and Entitlement.

Current co-author with Christopher Morcom *Q.C.*, and Tom St Quintin on the Modern law of Trade Marks published by Butterworths. Published 1999 (1st Ed), 2005 (2nd Ed), 2008 (3rd Ed), 2013 (4th Ed) and 2016 (5th Ed).

Current co-author with many others on the patents and competition chapter of the CIPA guide to the Patent Acts published by Sweets 2017.

Current editor of the Green Book (Civil Court Practice) working on intellectual property. Published annually with supplements.

Current co-author with Guy Tritton on Intellectual Property in Europe relating to jurisdictional matters. Published 2002 by Thompson Sweet & Maxwell, now in a 4th edition - 2014.

Current author of the sections on Patents, Trade Marks and Copyright and Designs in the Lawyer's Remembrancer published by Butterworths. Now out of print.

Contributing author to "Trade Mark Use" (Chapter 11: "Permitted Infringing use: The Scope of Defences to an Infringement Action") edited by Jeremy Phillips and Ilanah Simon, OUP, published 2005.

Contributing author to "Bellamy and Child on European Community Law of Competition" (Chapter 9: Intellectual Property Rights") edited by Peter Roth *Q.C.* and Vivien Rose, published 2007 with supplements.

Other:

Cited in the Legal 500 (2003) as having an "impressive reputation." and mentioned as leading junior and in Chambers & Partners (2003) as a "rising star who has demonstrated skill in numerous summary judgments".

Cited in Chambers & Partners (2004) as having an "acute analyses of problems relating to criminal IP work for copyright and trademarks".

Cited in the Legal 500 (2005) as a leading junior and as having had "another busy year".

Cited in Chambers & Partners (2006) as "Impressive" and "'stands out from the crowd' especially when dealing with criminal and counterfeiting matters.". Also cited as being in the 3rd division of leading juniors.

Cited in Chambers UK (2007) as doing "all aspects of IP law" being in the 3rd division of leading juniors.

Cited in Chambers UK (2008) as "Known for being quick on his feet and "good at responding to requests for advice promptly in a short time and offers ready and detailed knowledge of customs procedures relating to counterfeit goods" being in the 3rd division of leading juniors.

Cited in Chambers & Partners (2010) as "[enjoying full market confidence and] ... an IP heavyweight with undoubted technical knowledge. Roughton's caseload spans civil and criminal IP matters, in

addition to data protection litigation.” Also cited as being in the 3rd division of leading juniors.

Cited in Chambers & Partners (2011) “Ashley Roughton has a broad practice that takes in both technically demanding patent work and complex trade mark litigation. He is known for his discreet handling of sensitive issues, and in recent times he has been engaged in a series of disputes relating to design rights of various types.” Still cited as being in the 3rd division of leading juniors. One can but try!

Cited in Chambers & Partners (2012 & 13) “Ashley Roughton has a niche in criminal IP proceedings concerning counterfeiting and piracy, for which he has an all but unmatched record in securing acquittals. He is at home with briefs for cases involving design rights, patents and trade marks. ” Still in the 3rd division of leading juniors!

Cited in Chambers & Partners (2012 & 2013) - top tier in data protection.

Citations : Cited in Chambers & Partners (2014) “Rated highly for his niche expertise in border control, criminal infringement and counterfeiting cases. He is noted for his practical approach and masterful knowledge of his areas of expertise.” and "The best for anything relating to criminal anti-counterfeiting work - precisely who you wouldn't want to see on the other side." "A walking encyclopaedia of case law." ” - band 2 (wow!).

Interests: There is only one – Ironman; rated 9 in the UK (73 worldwide) for my age group. I hold a silver All World Athlete award. I still find swimming the biggest challenge.