

GARRY WILLIAMS

BARRISTER

Curriculum Vitae



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Garry Williams has more than 20 years' experience of civil and commercial litigation.

He qualified as a barrister and solicitor of the High Court of New Zealand in 1992 and as a solicitor of the Supreme Court of England & Wales in 1998.

Garry commenced his career at Russell McVeagh, where his work focused on commercial litigation and contentious intellectual property matters.

In 1997, he went to the UK where he worked for Nabarro Nathanson and then Olswang – two leading UK firms.

On his return to New Zealand in 2003, he joined Bell Gully and was a member of that firm's litigation department until he moved to the separate bar at the beginning of 2014.

Garry accepts instructions in most areas of civil litigation and he has particular expertise in intellectual property matters.

He is a member of the New Zealand Committee of the Intellectual Property Society of Australia and New Zealand (IPSANZ) and of the Faculty of the NZLS Litigation Skills Programme.

CAREER HISTORY

Mar 2014 to date	Barrister, Richmond Chambers, Auckland, New Zealand
Aug 2003 to Mar 201	Bell Gully, Auckland, New Zealand Intellectual Property, Commercial Litigation & Media Law
Jul 2000 to Sep 2002	Olswang, London, United Kingdom Intellectual Property, Litigation, Media, Technology & Communications Departments
Dec 1997 to Jun 2000	Nabarro Nathanson, London, United Kingdom Intellectual Property Department
Feb 1992 to Nov 1997	Russell McVeagh McKenzie Bartleet & Co, Auckland, New Zealand Law Clerk/Solicitor/Senior Solicitor in General Litigation and Intellectual Property Department
Nov 1990 to Feb 1991	Russell McVeagh McKenzie Bartleet & Co, Auckland, New Zealand Summer Clerk in General Litigation and Intellectual Property Departments

NOTABLE CASES

The Coca-Cola Company v Frucor Soft Drinks Ltd & PepsiCo Inc (2011-2013). Successful defence of allegations that a unique bottle used by Frucor and Pepsi infringed trade marks owned by Coca-Cola.

Fast Future Brands Pty Ltd v Valleygirl New Zealand Ltd (2011-2013). Complicated trade mark infringement appeal before the High Court and Court of Appeal relating to the ownership of the trade marks VALLEYGIRL and TEMT in New Zealand.

Unilever plc v McPherson's Consumer Products Pty Ltd (Application for CATWALK trade mark) (2012- 2013). Opposing the registration of the trade mark CATWALK in relation to hair care products.

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Graham v Colenso BBDO Ltd (2012). Defending allegations of copyright infringement arising from the alleged unlicensed synchronisation of a sounding recording with an internet and television commercial.

Clague v APN News & Media Ltd (2012). Successfully defended an urgent interim injunction application brought by the Executive Principal of Kristin, one of New Zealand's most prestigious private schools, to prevent the publication of a news story relating to certain allegations being made by his former wife.

NZX Ltd v Craigs Investment Partners Ltd (2012). Defending a market participant in proceedings before the NZ Markets Disciplinary Tribunal for alleged breaches of the NZX Participant Rules.

W v S (2012). Complex contractual dispute relating to whether or not the installation of a snack food manufacturing plant met specification. Successfully mediated.

Y v Z (2011-2012). Complex arbitration relating to whether a party could terminate a contract requiring it manage and operate an electricity generation plant.

A v B (2011-2012). Multi-million dollar international arbitration between parties in the petrochemical drilling equipment industry.

Intellectual Property Development Corporation Pty Ltd v Primary Distributors Ltd (2007- 2012). Successful trade mark infringement proceedings. Acting on behalf of the registered proprietor. The proceedings involved the taking of an account of profits and the judgments are the leading ones in New Zealand on this form of relief.

Air New Zealand Ltd v Queenstown District Council (2011). Judicial review of the Council's decision to sell a substantial shareholding in Queenstown Airport to Auckland International Airport Ltd.

Unilever plc v Mars New Zealand Ltd (Application for M device) (2010). Successful defence of opposition to the registration of Unilever's M Device trade mark in respect of Magnum ice-creams.

Genetic Technologies Ltd v Corson Grain Ltd (2009-2010). Further High Court litigation between these two competitors relating to alleged misleading and deceptive advertising material.

PZ Cussons Australia Pty Ltd v Unilever New Zealand Ltd (2009). Defending interim injunction application alleging breaches of the Fair Trading Act 1986, trade mark infringement and infringement of copyright arising from the broadcast of a comparative television commercial.

GA Modefine SA's Application (2008). Successful defence of an opposition brought by the owner of the ELIZABETH ARDEN trade mark against the registration of a device mark consisting in part of the letters EA.

eGalaxy Multimedia Ltd v Alt TV (2008). Trade mark claim involving the alleged wrongful use of the mark NAKED NEWS on the internet and in television broadcasts.

Hermes International v Hermes Gloves Ltd (2007-2008). Claim for revocation of trade mark for non- use (and also copyright infringement). This matter settled amicably.

Collins v Dalgana (2007-2008). Patent infringement proceedings relating to roof anchors.

Sunlec International Pty Ltd v Electropar Ltd (2007-2008). Defending allegations of copyright infringement arising from the alleged use of 5 photographs and 2 advertising strap-lines in material published on the internet and in advertising brochures.

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Smith-Hughes v Gatherum Ltd (2007-2008). Defending allegations of copyright infringement arising from the acrimonious split-up of an alleged fashion accessories partnership.

ASB Bank Ltd v Commissioner of Inland Revenue (2007-2008). Complex tax litigation relating to the conduit regime. This matter was one of the most substantial pieces of litigation recently before the Courts. In 2007 issues arising from the litigation (and related similar litigation) were before the Supreme Court and Garry was one of two counsel who appeared on ASB's behalf.

Vitasoy International Holdings Ltd's Application (2007). Successful opposition to application by Green Spot (Thailand) Ltd for V-SOY and device.

Trelise Cooper Ltd v Tamsin Cooper (2006-2007). High profile High Court litigation acting for Tamsin Cooper. Successfully negotiated a settlement which saw Trelise Cooper Ltd drop all claims of trade mark infringement, passing off and breach of the Fair Trading Act 1986 and allowed Tamsin Cooper's trade marks to proceed to registration.

Osmose New Zealand v Wakeling & Smith (2005-2006). Claim involving allegations of defamation, injurious falsehood and misleading and deceptive conduct arising from statements made by Drs Robin Wakeling and Nick Smith MP regarding Osmose's TimberSaver timber preservative product.

Sony Computer Entertainment Europe Ltd v van Veen (2005). Acting for Sony in relation to preventing the sale of an anti-circumvention device that enabled its users to copy PlayStation2® games on to hard disks.

Celador International Ltd v Screentime Ltd (2005). Copyright infringement claim involving allegations of plagiarism of a television format.

Unilever (New Zealand) Ltd v Kao (2005). Interim injunction application relating to alleged misleading and deceptive television commercial.

Automobile Club de L'Ouest, ACO v South Pacific Tyres Ltd (2004-2005). Successful opposition before the Commissioner of Trade Marks to registration of the mark LE MANS as a trade mark by the French car club which organises the famous race. The High Court appeal was also successfully defended.

Steel Storage Australia Pty Ltd v Brownbuilt Metal Folding Ltd (2004). Defending copyright infringement allegations relating to the design of self-storage units.

Reckitt Benckiser (Australia) Pty Ltd v S C Johnston & Son Ltd (2004). Interim injunction application relating to alleged misleading and deceptive television commercial.

Genetic Technologies Ltd v Corson Grain Ltd (2004). Litigation relating to alleged misleading and deceptive advertising material and abuse of substantial market power.

R v Cara & Kelman (2004). Acting for APN News and Media Ltd (The New Zealand Herald) to obtain photographs of the defendants from the Court file. This was the so-called "Israeli Spy" case.

LBM Direct Marketing Ltd v eShare Technologies Ltd (2002). Complex IT dispute arising out of the alleged incorrect installation of call centre technology.

ZM International Ltd v Button Fronts (London) Ltd (2002). Claim for wrongful threats of trade mark infringement.

Fremantle Operations BV v The BBC (2000-2002). Dispute relating to the ownership of the trade mark

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“CALL MY BLUFF” in relation to television programming.

Edmund Irvine v TalkSport Ltd (2000-2001). The leading UK case on use of a famous individual’s image in an advertisement without authorisation.

R-JH Promotions Ltd v A (2001). Successful interim injunction application to prevent a former employee of the Princess of Wessex’s public relations company from divulging commercial information to the media.

The Official UK Chart Company Ltd v The MRIB (2001). Successful claim on behalf of the company which produces The Official UK Music Charts to prevent infringement of copyright and database rights.

Morgan Construction Company v Kvaerner Metals Dary Ltd (1999-2000). Claims for breach of confidence and breach of contract arising from the termination of a licence agreement for the manufacture and distribution of steel rolling-mill bearings.

Ampy Automation Digilog Ltd v Siemens Metering Ltd (1999-2000). Patent infringement proceeding in which the main issue was quantum of damages.

Holmes Place plc v Colclough (1999-2000). Claim of passing-off in the context of “cybersquatting”.

GUS Home Shopping Ltd v Knickerbox Ltd (1999-2000). Trade mark proceedings alleging infringement / revocation / invalidity in respect of GUS’ KITT trade mark which is registered in respect of clothing.

Byers v Anness Publishing Ltd (1999-2000). Copyright dispute over the appropriate quantum of damages for the infringement of a reflexology foot chart.

The Heil Co v Jack Allen (Sales and Service) Ltd (1999-2000). Dispute as to trade mark proprietorship.

The United States Government & NASA v Higgins (1999). Successful application to adduce further evidence at the Appeal of the Registrar’s decision declining NASA’s trade mark opposition. The Appeal itself was also ultimately successful.

Levi Strauss & Co v Costco UK Ltd (1998-2000). Trade mark infringement proceedings arising out of the parallel importation of Levi’s into the United Kingdom from outside the EEA. A Preliminary Reference to the ECJ was ordered and the Reference was joined by the ECJ with that in the Davidoff case.

A Technology Ltd v B Technology Ltd (1998-1999). Claims for breach of confidence, copyright, contract and fraud against a group of ex-employees of high tech engineering company who left with confidential information.

West Pharmaceutical Services Cornwall Ltd & Anor v Smith Kline Beecham Ltd (1998-1999). Patent entitlement proceedings in respect of a desiccating stopper for use as part of a container for hydroscopic pharmaceutical compounds.

London Scottish Rugby Football Club v Yates (1998). High profile RFU disciplinary proceedings brought against an English international prop as a result of an ear-biting incident.

Cerissi Design & Marketing Ltd v Australian Rugby Football Union (1997). An application by Cerissi to set aside a statutory demand. Now one of the leading authorities on the calculation of time.

Anchor Butter Co Ltd v Tui Foods Ltd (1997). Dispute as to the construction of certain words appearing in registered user agreements relating to the trade mark FERNLEAF.

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Arkelow Investments Ltd v Matakana Island Forests Ltd (In Receivership) (1996-1997). Claims of breach of confidence and breach of fiduciary duties by retained merchant bankers in respect of a development scheme for Matakana Island.

Tie Rack plc v Tie Rack Stores Ltd (1996-1997). Copyright infringement and passing-off claims arising from virtually identical shop fittings and fixtures.

Amarillo Cell Culture Co Inc v Fernz Corporation Ltd (1996-1997). Patent infringement proceedings relating to an invention involving the use of low dosages of interferon.

Paccar Inc v Four Ways Trucking Ltd (1995-1997). The plaintiff issued copyright infringement proceedings relying on original drawings and sculptures of certain key components of Kenworth trucks to prevent their parallel importation into New Zealand from North America.

The Equiticorp Litigation (1994-1996). The claim arose out of the collapse of the Equiticorp group of companies as a result of the defalcations of one of its directors, Mr Allan Hawkins.

Allen & Hanburys Ltd's Patent (1996). Opposition to an application before the Commissioner of Patents for the extension of a pharmaceutical patent.

Glaxo Group Ltd v Apotex NZ Ltd (1996). Patent infringement proceedings relating to Glaxo's then largest selling product, ranitidine hydrochloride (ZANTAC). Attempted strike-out on the basis that Glaxo's proceedings were speculative and as such an abuse of process.

Pharmaceutical Management Agency Ltd v Researched Medicines Industry Association New Zealand Inc (1996). Successful defence of claims for interim relief and contempt of court. The claims arose out of the publication of a litigation media press kit.

Brill v National Business Review (1995-1996). Defamation proceedings brought by a senior company executive against New Zealand's leading weekly business newspaper. The proceedings were settled and an apology printed by the National Business Review.

Avis Rent A Car NZ Ltd v Mainzeal Group Ltd (1995). Claim brought by the car hire company to establish a precedent that it should be entitled to damages for loss of use of its damaged vehicles.

Pilcher v New Zealand Steel Ltd (1994-1997). Claims of negligence, nuisance and Rylands v Fletcher arising from damage to kiwifruit crops alleged to have been caused by pollution from New Zealand Steel's mill alighting on the fruit while it was still on the vines.

Cory-Wright & Salmon Ltd (In Receivership) v Grayburn (1994-1995). Alleged breach of directors' duties.

Refugee Appeal No 1094/93 (1994-1995). Appeal against a decision of the Refugee Status Section of the New Zealand Immigration Service which declined the grant of refugee status to the Appellant, an ethnic Georgian from Turkey. It was heard before the Refugee Status Appeals Authority.

Scott v Dunlop Flexible Foams Ltd (1993). Claim by artist against Dunlop that the copyright in his painting "Lattice No.72" had been infringed by reproduction on covers for foam mattresses.