

## Roisin Higgins QC

Year of Call: 2000 Year of Silk: 2015

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### Professional Career to date

Devil Masters: Ian Duguid QC, W James Wolffe QC.

2015: Year of silk

2000: Year of call

September 1997 - September 1999: Solicitor, McGrigors (Edinburgh office), Commercial Litigation Department

September 1995 - September 1997: Trainee Solicitor, Maclay Murray & Spens (Edinburgh and London offices). Training included experience in commercial litigation, commercial property, venture capital, and mergers and acquisitions.

### Education & Professional Qualifications

Lord Reid Scholarship: (1999-2000)

LLB (Hons), Dip LP, University of Glasgow (1990-1995)

### Areas of Expertise

- Commercial Contracts
- Commercial Property
- Construction and Engineering
- Intellectual Property Rights
- Media Law

### Professional Experience

Roisin practised as a solicitor for two years before calling to the Bar in 2000. Since then, she has pursued a practice in commercial litigation and has developed a particular specialism in intellectual property law. In that sphere, she has significant experience in: (i) pharmaceutical and medical patent disputes; (ii) oil and gas patent disputes; (iii) parallel importation of trade marked goods; (iv) trade mark protection for large businesses; (v) protection of copyright and design rights; (vi) broadcasting rights under the Copyright, Designs and Patents Act 1988; and (vi) providing advice to football clubs and cricket and rugby associations in relation to trade mark rights, image rights and rights in footage of sporting events. She is a door tenant at 8 New Square, Lincoln's Inn.

### Recent Cases

*East Dunbartonshire Council v Bett Homes Ltd.* [2012] CSIH 1 - Commercial Action - construction of missives of sale of development land

*Verathon Medical (Canada) ULC v Aircraft Medical Limited* [2011] CSOH 19 - Intellectual Property Cause - patent infringement and revocation with respect to medical devices.

*Bayer Cropscience KK v Charles River Laboratories & Anr* 2011 SLT 145 - Intellectual Property Cause - claim for 'springboard' profits arising out of infringement of a patent for insecticidal products.

*Martin Hines & Ors v King Sturge LLP* 2011 SLT 2, 2009 SLT 763 - duties of care owed by property managing agents to tenants.

*City Inn Limited v Shepherd Construction Limited* 2011 SC 127, [2008] BLR 269 - Commercial Action - construction delay claims, contractual interpretation and waiver.

*Patersons of Greenoakhill Ltd. v SP Transmission Ltd.* 2010 SLT 115 - interpretation of provisions of the Electricity Act 1989 and wayleave agreements

*Castle Inns (Stirling) Limited t/a Castle Leisure Group v Clark Contracts Limited* [2009] CSOH 174 - Commercial Action - construction delay claims and resulting claims for loss of profits.

*Cala Management Ltd v The Firm of Messrs A & E Sorrie* [2009] CSOH 79 - Commercial Action - construction of missives of sale of development land.

*Arrow Generics Limited v Akzo Nobel NV* 2008 SC 518, 2006 SLT 919 - Intellectual Property Cause - revocation of pharmaceutical patent.

Roisin has also recently been instructed in the following intellectual property matters:

copyright infringement in respect of a business logo;

passing off proceedings arising out of the use of a business name by a previously connected company;

trade mark infringement arising out of the name of a Twitter account;

copyright infringement proceedings in respect of website content;

copyright infringement in respect of classical music recordings;

Section 1 Petition orders arising out of breach of confidential information and trade secrets; and copyright infringement proceedings raised by football associations with respect to the showing of live football matches on foreign satellite channels.

### **Advocates Courts & Tribunals**

Primarily Court of Session, though additionally Sheriff Court, at arbitration and in various tribunals. Roisin has a significant amount of court experience, in proofs, debates and reclaiming motions and, particularly, in applications for interim interdict (interlocutory injunctions).

### **Advocates Appointments & Memberships**

Committee Member, The Intellectual Property Lawyers Organisation (TIPLO)

### **Publications**

"Confidentiality: Counselling, Psychotherapy and the Law in Scotland", Tim Bond, Roisin A. Higgins and Alan Jamieson (2001)

"Confidentiality, Counselling and the Law in Scotland", Tim Bond and Alan Jamieson (2006) – contributor

### **Directories**

Chambers: recommended for Intellectual Property and Commercial Dispute Resolution - "A highly

regarded advocate...who brings to her practice recognised experience in a range of intellectual property matters including trade-marks, passing off and design rights." "Always willing to go the extra mile and is excellent in and out of court." "She has the ear of the court. She is able to convince judges in the Commercial Court that her points carry weight." "She is user-friendly and good at delivering what she promises. She's very switched on too."

Legal 500 - recommended for Intellectual Property, IT and Media: "She is very thorough and clients like her; her elevation to silk last year was well deserved."

World Trademark Review - one of only 5 Scottish counsel recommended

Who's Who Legal UK Bar 2016 - One of only 2 Scottish QC's recommended for Intellectual Property: "Roisin Higgins...has been involved in a significant number of IP cases throughout her career, giving her 'the deep understanding that clients are looking for.'"

### **Advocates Additional Information**

Roisin regularly gives seminars on the topic of intellectual property. She also organises and co-chairs the annual Faculty of Advocates World Intellectual Property Day Conference