



# Mark Wilden

**Year of Call:** 2018

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## Overview

Mark Wilden is a commercial barrister specialising in Intellectual Property and Media and Entertainment.

Mark came to the Bar after a successful 15-year career as an audio producer, sound engineer and musician. He worked in house at Oxford University Press for eight years, played drums professionally, performed as a DJ and produced music podcasts through the 2000s. He worked at Carpmaels & Ransford LLP before completing pupillage at 8 New Square Chambers.

Mark acts in the High Court, IPEC, IPO and County Court and accepts instructions in all forms of intellectual property and related causes of action, including contract, technology, data protection, defamation and economic torts. He acts for clients across the creative and entertainment industries especially in music, journalism, film and TV, including for very high profile clients and in high value matters. He writes articles and presents seminars on intellectual property, entertainment and law, and civil litigation.

Mark was shortlisted for Bristol Law Society Pro Bono Lawyer of the Year in 2023 in recognition of his regular pro bono advice clinics for musicians and for SMEs in the creative industries. He also volunteers in the High Court as part of the Chancery Litigants in Person Support Scheme (CLiPS) and is a panel member of Advocate.

Mark is an authoritative and persuasive advocate with a practical approach to advice, pleading and litigation strategy, and has been described as "a diligent and talented lawyer and a pleasure to work with".

## Recommendations

Mark Wilden of 3PB Barristers boasts a burgeoning reputation for intellectual property work. He draws on prior experience in the music and publishing industries to guide clients through complex litigation.

Strengths: "He was able to deliver his advice in a way which was understood by the clients in terms of both the legality and also the commercial approach to take."

"Mark Wilden's calm reassurance and friendly manner are exactly what clients need to hear and gives them the confidence to fight their corner."

**Chambers UK 2025**/Intellectual Property/London Bar/Up and coming

"New session with IP barrister Mark Wilden. Very different perspective on a wide range of IP matters to previous session with IP attorneys, both very interesting, informative and helpful. Strongly recommended. Thanks to BIPC and Mark." - **BIPC Bristol IP advice clinic client**

"I'm so thankful for the support, kindness and professionalism I received from day one. I couldn't think of a better team to have by my side." - **Lay client in IPEC claim**

"We used Mark for some advice on grey goods for [High Street retailer]. He was very responsive, very knowledgeable and technically excellent. I particularly admired the pre-con call to discuss the format and what he was going to say. We have used him several times since on a range of IP and IT matters and are very impressed." - **Laura Trapnell, Head of IP and IT, Paris Smith Solicitors**

"Mark dealt with a breach of restrictive covenants and database issue in a clear concise manner enabling the client to grasp complex legal arguments very quickly and provided very thorough advice in conference. Mark's dealing with the client and follow-up with me were very impressive." - **Instructing Solicitor**

"Mark is one to watch and has a bright future ahead of him at the bar. He is very responsive, easy to work with and has a very high technical ability. I would not hesitate in either instructing or recommending Mark in the future." - **Alex Jeffery, Partner, Head of Litigation, Bright Solicitors**

## Academic qualifications

- LLB (Hons) (1st class), Open University with University of Law
- BPTC LLM (Distinction), University of Law
- Postgraduate Diploma in Intellectual Property Law and Practice residential school, University of Oxford

## Professional bodies

- Chancery Bar Association
- IP Bar Association
- Commercial Bar Association
- British Literary & Artistic Copyright Association
- Next Generation Media Lawyers
- Advocate
- PRS For Music: writer member
- PPL: performer and recording rights holder member

# Expertise

## Intellectual property

Mark accepts instructions in all areas of Intellectual Property. Examples of recent work include:

**Phoenix Music International v Cadiz Music and Digital (ChD):** For claimant in claim for infringement of copyright in compilation CDs, including by copying of track lists, artwork and remastered audio recordings (led by Nicholas Caddick KC).

**Makeality v City Doggo (IPEC / EWCA):** For defendant in TM infringement / passing off claim over the name 'Piddle Patch' for dog toilets.

**Husk Design and others v Cross Keys Homes and others (ChD):** For defendant in claim for infringement of copyright in architectural drawings.

**Re. MONSTER (IPO):** For Ducati Motor Holding opposing a trade mark application for the word 'MONSTER' for virtual goods.

**Re. WINDRUSH (IPO):** For the Department of Levelling Up, Housing and Communities opposing five trade mark registrations for 'Windrush' and related terms: [decision O-0051-24](#).

**Basilotta v Jack Hill Culture Company (IPEC):** For defendant in successful strike-out of copyright infringement claim.

**Re. EONX (IPO):** For trade mark applicant in opposition by E.ON based on three prior marks: [decision O-1155-23](#)

**Zone 8 Media v Rodriguez (IPEC):** For defendant in copyright claim for alleged piracy of internet pornography.

**McBean v Clapton Football Club (IPEC):** For claimant football club in a passing off claim against a rival club.

**James v Mitchell & Borabeads (IPEC):** Win at trial for claimant for passing off re. jewellery brand.

### Advisory work including:

- Threats of infringement proceedings by use of Amazon IPR take-down procedures.
- Performers' rights of choristers in church services broadcast online.
- Alleged infringement of IP rights by sale of signed books with purportedly faked signatures.
- Design right infringement by copying of fashion designs.
- Copyright infringement issues including unlicensed use of photographs and music online.
- Trade mark infringement by unlicensed resale of own-brand products.

## Commercial

Mark Wilden accepts instructions on commercial disputes, especially in cases involving the entertainment industries, intellectual property rights and technology-related issues. Examples of recent work include:

**Future Sound Asia v The 1975 (ChD):** For defendants in £2M claim for negligence and procuring breach of contract in music festival performance (led by Edmund Cullen KC).

**Phoenix Music International v Cadiz Music and Digital (ChD):** For claimant in claim for infringement of copyright in compilation CDs, including by copying of track lists, artwork and remastered audio recordings (led by Nicholas Caddick KC).

**Aslanyan v FremantleMedia (KBD):** For defendant TV producer in successful strike-out of £43M claim brought by unsuccessful contestant of the show Britain's Got Talent.

**SS1 Productions v Star Concerts (County Court):** For defendant concert promoter in successful summary judgment and strike-out application regarding alleged breach of joint venture agreement.

**Discovery Park Management v MRI Software EMEA (County Court):** For claimant in contractual claim over non-delivery of software services.

#### **Advisory work including:**

- Termination of long-standing arrangement for publication of political cartoons by broadsheet newspaper.
- Unauthorised marketing use of photographs of social media creator by make-up brand.
- Renegotiation of contractual relationship for production of reality television show on major online platforms.
- Liability for interception of data by 'data sniffing'.
- Domain name disputes and use of the Nominet Domain Dispute Resolution Service.
- Music-related issues including licensing, sampling, royalties and the nature and scope of related rights
- Defamation claims, considering defences including truth, honest opinion and lack of serious harm.

## **Articles**

Read Mark Wilden's article about navigating copyright in the world of ever evolving technology for Counsel magazine.

[View Article](#)

3PB's specialist intellectual property barrister [Mark Wilden](#) has written for The Barrister on fighting against unjustified intellectual property takedown complaints in online platforms such as Amazon, eBay and YouTube.

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Mark Wilden discusses the case of *Pasternak v Prescott* [2022] EWHC 2695 (Ch) and explores how the case illustrates the intricacies of copyright protection of historical research.

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Mark Wilden on "Massive overdisclosure" ordered in departure from business & property courts disclosure regime in *Genius Sports Technologies Ltd v Soft Construct* (Malta).

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*Hebden v Domino Recording Company Ltd* [2022] EWHC 74 (IPEC)

Specialist intellectual barrister Mark Wilden has recently critiqued the key new case of *Hebden v Domino Recording Company Ltd* [2022] EWHC 74 (IPEC), which concerns royalties for music streaming and downloads and could have a significant effect on the UK music industry.

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3PB's specialist intellectual property Third Six pupil barrister Mark Wilden analyses the decision of the High Court in *Easygroup v Beauty Perfectionists* [2021] EWHC 3385 (Ch).

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