E-mail: clerks@oeclaw.co.uk

Alaina Newnes

Call 2012



Scope of Practice

• Commercial Litigation and Arbitration • Competition/EU • Information Technology • Intellectual Property

Overview

Alaina is recognised as a leading senior junior regularly appearing as sole counsel or as part of a team in the High Court and Court of Appeal as well as UK tribunals (including the UKIPO) and in arbitration.

Regularly representing clients across a range of industries including fashion, media, pharmaceutical, retail, sports and tech, Alaina's practice focuses on intellectual property law as well as high profile and substantial commercial and competition related disputes on a range of issues including crypto, database rights, software licenses, data protection, breach of confidence / confidential information, distribution agreements and damages.

Before coming to the bar, Alaina practised as a litigation solicitor in Australia (Blake Dawson Waldron, now Ashurst LLP) and in the UK (Freshfields Bruckhaus Deringer and TSol). She qualified as a barrister and solicitor in Western Australia in 2006.

Some highlights of Alaina's practice include:

- **Dr Craig Wright v Payward Inc**
  Acted for the successful defendant Kraken, one of the leading cryptocurrency exchanges, in a claim valued by the claimants at "hundreds of billions of pounds". One of the Claimants was Dr Craig Wright, who unsuccessfully claimed that he was Satoshi Nakamoto (the 'inventor' of Bitcoin) and therefore owned the goodwill in the name Bitcoin.
- **Genius Sports Ltd v Soft Construct (Malta) Ltd**
  Acted for two separate sets of defendants in a long running and complex database rights infringement case concerning live sports data rights, with a counterclaim for breach of competition law.
- **Millen v Karen Millen Fashions Ltd**
  Acted for the claimant in a claim concerning the proper interpretation of various restrictive covenants in a contract by which the claimant divested her interests in the fashion retail business bearing her name.
- **Arbitration**
  Acted for the claimant in a copper mining dispute.
- **Commercial and Interregional Card Claims**
  Instructed on behalf of Merchants in the multi-billion collective proceedings lawsuits in the CAT.
- **Glaxo Wellcome UK Limited (T/A Allen & Hanbury's) & Anor v Sandoz Limited & Anor**

Acted for the appellants in two appeals concerning colour marks and the requirements for graphical representation; and on the refusal of permission to join two additional parties to a passing off claim.

Examples of Recent Cases

Commercial Dispute Resolution & Arbitration

- Acted for claimants in a dispute for breach of contract and infringement in relation to a software licence dispute.
- Advising a large multi-national parent company in relation to a claim for breaches of an exclusive distribution agreement.
- Advising in relation to an agency agreement relating to a collective licensing scheme for artistic works.
- Advised a company in respect of a potential claim for breach of confidence in connection with a competitor's business.
- Advising in relation to a claim for breach of contract in relation to designs supplied pursuant to two royalty agreements.
- **Talos Limited -v- Stackhouse Poland Limited & Anor**
  Acted for the Defendants in a dispute over payment of software licence and maintenance fees.
- **Arbitration**
  Acted for the claimant in a copper mining dispute.
- **MSG Sports & Entertainment LLC v Various**
  Sole counsel in two separate successful Norwich Pharmacal applications in the High Court.
- **Millen v Karen Millen Fashions Ltd**
  Acted for the claimant in a claim concerning the proper interpretation of various restrictive covenants in a contract by which the claimant divested her interests in the fashion retail business bearing her name.
- **Claridge Architects Limited -v- Fulstow Holdings & Ors**
  Advised and acted (including at mediation) for the claimant in multi-party litigation concerning copyright infringement and quantum meruit claims relating to work done on a large commercial project.

Competition and EU Law

- **Commercial and Interregional Card Claims**
  Instructed on behalf of Merchants in the multi-billion collective proceedings lawsuits in the CAT.
- **Genius Sports Ltd v Soft Construct (Malta) Ltd**
  Acted for two separate sets of defendants in a long running and complex database rights infringement case concerning live sports data rights, with a counterclaim for breach of competition law.

Information Technology

- **Technomed Limited -v- Bluecrest Health Screening Ltd**
  Represented the claimant in a dispute concerning database rights and software rights.
- **Talos Limited -v- Stackhouse Poland Limited & Anor**
  Acted for the Defendants in a claim concerning a dispute over payment of software licence and maintenance fees.
- Advised a client involved in the research and development of geo-engineering technology in relation to a potential breach of confidence claim.
- Acted and advised a technology company developing mobile phone apps.
- Advised the registered proprietor in a claim concerning an application made to the Technology Strategy Board.
- Advised on issues in relation to electronic marketing law and data protection in respect of a proposed marketing campaign.
- For the claimants in a dispute for breach of contract and infringement of copyright in relation to software

licence dispute.

Intellectual Property

With extensive experience appearing before the UKIPO, IPEC, High Court and Court of Appeal, with a particular focus on trade mark, breach of confidence, copyright and passing off cases, Alaina is also experienced in matters concerning data protection, database rights, design right (registered and unregistered) and malicious falsehood / trade libel / comparative advertising, some of her experience includes:

UKIPO

- "FALCONWORKS" (O/0062/26)
  Acted for Dassault Aviation in an application for a declaration of invalidity.
- "RAGE OVER" (O/1203/25)
  Acted for Jaguar Land Rover Limited in opposition proceedings.
- "iPhone" BL/0781/24
  Acted for Apple Inc. applying to strike out two cancellation actions as an abuse of process.
- "PetTrak" O/0793/24
  Acted for Kynetec UK Limited in opposition proceedings.
- "The Crown Estate" (2023)
  Acted for The Crown Estate at a hearing concerning objections raised by the Examiner to registration.
- "CERAD" Case O/0922/23
  Acted for Qualsafe Limited in opposition proceedings.
- "AFTV" O/0877/23
  Acted for Total Fan TV in opposition proceedings involving cross-examination in the Registry.
- "TRIFOX" O/0524/23
  Acted for Fox Factory, Inc. in opposition and invalidation proceedings.
- "ARIA" O/0455/23
  Acted for Juno Healthcare Partners Limited in opposition proceedings.
- "TINTO PESQUERA" O/185/21
  Acted for the winemaker Alejandro Fernandez Tinto Pesquera, S.L in revocation proceedings.
- "JACK'S" (O/288/19)
  Acted for Tesco Stores Limited in opposition proceedings.
- "ROOM SEVEN" (O/055/18)
  Acted for Room Seven B.V. in opposition proceedings.
- "TIGERCAT" (O/621/17)
  Acted for Caterpillar Inc in an application for revocation.
- "CATFUEL" (O/156/17)
  Acted for Caterpillar Inc. in opposition proceedings.
- "SOVEREIGN" (O/108/16)
  Acted for The Commonwealth Mint and Philatelic Bureau Limited in opposition proceedings.
- "BULLDOG CIDER" (O/003/14)
  Acted for Bulldog Gin in opposition proceedings.
- "SUPACAT" (O/338/14)
  Acted for Caterpillar Inc. in opposition proceedings.
- "ZUBROWKA"
  Acted for Underberg AG in opposition proceedings.
- "CAT Clean Air Technology" (O/074/16)
  Acted for Caterpillar Inc. in opposition proceedings.
- "A DOG IS FOR LIFE NOT JUST FOR CHRISTMAS" (O/106/16)
  Acted for the applicant, Dog's Trust, in a hearing concerning the Registry's refusal to accept the applicant's

trade mark application on absolute grounds under s 3(1)(b).

Appeals to the Appointed Person

- "CERAD" (O/0328/25)
  Acted for the appellant, Qualsafe Limited, in relation to an appeal from a decision in an opposition.
- "MARQUEE" (BLO/241/22)
  Acted for the appellant, Roof Deck Entertainment LLC., in relation to an appeal from a decision in an opposition.
- "TRAVEL FOX" (O/018/17)
  Acted for the appellant, Travel Fox International Inc.
- "HOME MADE" (O/167/14)
  Acted for the Appellant, 151 Products Limited.

IPEC

- Trustpilot A/S v Trustindex Limited
  Acted for the Defendant in a copyright and trade mark infringement case concerning online reviews.
- Battat Inc v Addo Play Limited & Anor
  Acted for the Defendants in a trade mark infringement and passing off claim.
- Christie, Flooring Yorkshire Limited & Lifestyle Flooring UK Leeds Limited v Headlam Group PLC
  Acted for the defendant in a claim for declarations of no trade mark infringement / passing off and a counterclaim for trade mark infringement / passing off.
- British Sky Broadcasting Group Plc & Ors -v- Elizabeth Mary Polding (trading as Eccleston Arms)
  Represented BskyB in hearings and applications (including assessment of costs and damages) concerning the unauthorised reception and display of Sky TV broadcasts in commercial premises.
- Amazon Europe Holding Technologies SCS -v- Kindle Entertainment Ltd & Ors
  Acted for the defendants, the producers of children's television programmes, in a claim for trade mark infringement.
- Technomed Limited -v- Bluecrest Health Screening Ltd
  Acted for the claimant in claims concerning IP rights in a database, software and various other materials.
- Skechers USA Inc II -v- Tesco Stores Limited
  Acted for the defendants in a claim for design right infringement.
- Talos Limited -v- Stackhouse Poland Limited & Anor
  Acted for the defendants in a claim concerning a dispute over payment of software licence and maintenance fees and involving claims of copyright infringement.

High Court

- Lifestyle Equities C.V. v Sportsdirect.com Retail Ltd and Ors
  Acted for the applicants in a damages inquiry concerning the capacity of unregistered sub-licensees to recover losses under the Trade Marks Act 1994 Pt I s. 30(6).
- Wright & Wright International Investments Limited v Payward, Inc; Payward, Ltd; and Payward Ventures, Inc
  Acted for the defendants on various applications in a claim for passing off in relation to the digital asset "Bitcoin".
- B&Q Limited v Wren Kitchens Limited
  Acted for the claimants in a claim concerning comparative advertising.
- Ladbrokes Betting and Gaming Limited & LC International Limited v Blockchain Game Partners, Inc & Gala Labs Limited

Acted for the claimants in a claim concerning trade mark infringement.

- **Easygroup Ltd v Premier Inn Hotels Limited**
  Acted for the defendants in a trade mark infringement claim.
- **Faun Trackway Limited v Grassform Plant Hire Limited**
  Acted for the Claimant in a trade mark infringement and passing off claim.
- **Glaxo Wellcome UK Limited (T/A Allen & Hanburys) v Sandoz Limited**
  Acted for the claimants in relation to various applications including in relation to survey evidence and expert evidence.
- **The Royal Mint Limited v The Commonwealth Mint and Philatelic Bureau Limited**
  Acted for the respondent (Opponent) in an appeal to the High Court against a successful opposition to the registration of the mark "SOVEREIGN".
- **Enterprise Holdings, Inc -v- Europcar Group UK Limited & Europcar International SASU**
  Acted for the defendants in a claim for trade mark infringement and passing off.
- **Syniverse Technologies, LLC -v- Synverse Ltd**
  Acted for the claimant in respect of a claim for infringement of Community Trade Marks.

Court of Appeal

- **Glaxo Wellcome UK Limited (T/A Allen & Hanbury's) & Anor v Sandoz Limited & Anor**
  Acted for the appellants in an appeal concerning colour marks and the requirements for graphical representation.
- **Glaxo Wellcome UK Limited (T/A Allen & Hanbury's) & Anor v Sandoz Limited & Anor**
  Acted for the appellants in an appeal against the refusal of permission to join two additional parties to this passing off claim.

CJEU

- **Case C-461/19P All Star v EUIPO**
  Acted for All Star CV in an appeal to the CJEU. The point of law concerned the extent to which the EUIPO can engage in evidence-gathering of its own motion in contested trade mark proceedings.

Other

- For the claimants in a dispute for breach of contract and infringement of copyright in relation to software licence dispute.
- Advised a premiership football club in relation to trade mark infringement and passing off.
- Advising in relation to a claim for breach of contract and/or IP infringement in relation to designs supplied pursuant two royalty agreements.
- Advised in relation to the tax consequences of assignments of unregistered trade marks.
- Advised in relation to proposed changes to s 52 Copyright, Designs and Patents Act 1988 (industrially exploited artistic designs).

What the Directories Say

"She is really impressive; she's very clever." "She is very on the ball, very bright and charming to deal with." (Chambers and Partners 2027)

“Alaina comes with high recommendation from our team. She absolutely ripped the other side apart. She is an iron fist in a silk glove; she is no-nonsense and gets to the heart of matter quickly.” “She is very easy to work with, very responsive and will just pick up the phone and run through something with you. Her drafting is really good.” “I really like Alaina Newnes. She is quite determined and she brings a good sense of energy to a case.” **(Chambers and Partners 2026)**

“Alaina is practical, down to earth and very easy to deal with.” “She is an expert at getting on top of complex facts quickly and is very responsive, easy to work with and great on strategy.” “Alaina is approachable and very detail-oriented.” **(Chambers and Partners 2025)**

“Alaina is an expert at getting on top of complex facts quickly and is very responsive, easy to work with and great on strategy. She writes well and produces very helpful, concise notes for those who lead her, identifying the most important points from a legal, procedural and commercial perspective.” **(Legal 500 2025)**

“Alaina Newnes has solid knowledge of IP and commercial issues. She comes up with better arguments and better outcomes.” **(Chambers and Partners 2024)**

“Alaina is an excellent and very effective junior. I am leading her in some matters and she has been very impressive.” **(Chambers and Partners 2024)**

“Her style is very responsive, approachable, collaborative and commercial. She is excellent, and good at working through complicated documentations and coming up with summaries and points to note.” **(Chambers and Partners 2024)**

“She is very thorough and meticulous.” **(Chambers and Partners 2024)**

“Alaina Newnes is excellent. She takes time to get to grips with huge issues. She is overall really helpful and impressive.” **(Chambers and Partners 2023)**

“A tenacious advocate with a formidable work ethic.” **(Legal 500)**

Professional Qualifications & Experience

Tutor in contract law, King's College London [2010 - 2012]
The Treasury Solicitor's Department, Associate [2008-2011]
Admitted as a Solicitor in England & Wales [2010]
Freshfields Bruckhaus Deringer LLP, Associate [2007-2008]
Called to the Bar of Western Australia and Admitted as a Solicitor in Western Australia [2006]
Judicial Assistant to the Honourable Justice Steytler, President of the Court of Appeal of the Supreme Court of Western Australia [2004-2006]
Blake Dawson Waldron, Articled Clerk [2004]

Higher Education

University of Oxford: Master's Degree Bachelor of Civil Laws (Distinction) [2006-2007]
University of Western Australia: LLB Law, Politics & History (First) [1999-2004]

Academic Achievements

Merit-based scholarship for post-graduate study, University of Oxford [2006]
Top-ranked graduating student in law, University of Western Australia [2004]
Valedictorian (the student invited by the university to give the valedictory address at the schools of law, business and

education graduation ceremony), University of Western Australia [2004]
Representative of the University of Western Australia in the Philip C. Jessup International Moot Court Competition [2003]
Jean Rogerson Studentship for being one of the top-ranking honours entrants, University of Western Australia [2003]
Butterworths Prize for being one of the top-ten students in the penultimate year of law, University of Western Australia [2002]
Allens Robinson Prize for the student who achieves the highest overall average mark in general commercial law units, University of Western Australia [2002]
Deacons Prize for the best student in Corporations Law, University of Western Australia [2002]

Awards

2027 Chambers Top Ranked UK Bar
One Essex Court

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Contact Clerks



Adam Wheeler
Clerk Team Leader
+44 (0)20 7520 4616
awheeler@oeclaw.co.uk



Jordan Foley
Deputy Team Leader
+44 (0) 20 7520 4613
jfoley@oeclaw.co.uk



Max Tonkinson
Clerk
+44 (0)20 7520 4695
mtonkinson@oeclaw.co.uk