



## HEATHER NEWTON

### SENIOR ASSOCIATE

[London](#)

Heather is a senior associate at Herbert Smith Freehills in London with over 20 years experience.

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## BACKGROUND

Heather has a first class law degree from Oxford University and an IP diploma from Bristol University. She is described in *Legal 500 2019* as having “the ability to manage complex technology disputes with multiple streams seamlessly.” Heather has spent time on secondment at Legal & General, IBM and EDF Energy assisting with IP and IT disputes and advice.

## KEY SERVICES

[TMT Disputes](#)  
[Intellectual Property](#)

## KEY SECTORS

[Technology, Media and Telecommunications](#)

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## EXPERIENCE

Heather is a senior associate at Herbert Smith Freehills in London with over 20 years experience. She has wide ranging experience working on IP and IT matters, with a special interest in copyright and trade marks. She advises regularly on subsistence of rights, protection and infringement. She also assists clients with issues on contract, licensing and scope of rights issues across a range of sectors including technology, media, energy and banking. Heather has experience of litigating IP matters in the High Court, Court of Appeal and Supreme Court. She has experience of advising on both seeking and defending injunctions for clients. She has advised clients in both negotiated settlements and mediation in various formats.

Heather's experience includes advising:

- a leading bank on an allegation of infringement of copyright in software and use of pirated keys leading to a negotiated settlement.
- a large data and analytics company on a complex technology dispute concerning terms of licenses leading to a negotiated settlement and revised licensing regime.
- a leading aerospace company in relation to recovery of IP and confidential information taken by a third party, including co-ordinating activity with parallel criminal proceedings.
- a large financial services firm on a settlement agreement bringing a joint venture to an end, dealing with the ongoing use and transfer of various intellectual property rights, including non-circumvention provisions aimed at brand protection.
- Huawei on issues of trade mark infringement and passing off arising from advertisements run on the launch of a mobile phone.
- a television company and broadcaster in relation to the permitted use of existing material in relation to a television advert campaign.
- a bank in relation to trade mark infringement and a co-existence agreement.
- the defendant on the execution of an ex parte injunction against a financial trading business arising from allegations of breach of copyright and misuse of intellectual property of a competitor. This matter involved investigation into the actions of an employee and work with our employment team to ensure a tripartite settlement.
- IKOS (hedge fund) - in a former director's proceedings asserting ownership of the intellectual property (copyright and know how) used by IKOS in its algorithmic trading software and alleged infringement of those IP rights. Advice on the Appeal case in relation to costs. Advice on the costs proceedings arising out of the IP litigation. Also advising in relation to the protection of proprietary documents and materials including advice on use of documentation in other litigation worldwide.
- NNB (EDF) on the IP aspects of arrangements relating to the construction of the next generation of nuclear plants in the UK with the UK Government – Hinkley Point C Nuclear Power Plant, the Sizewell C Project and the Bradwell B project. Heather has been involved for over 2 years in negotiating and drafting the terms of key intellectual property licences and on the cross-project mechanics relating to the flow of know-how and intellectual property.
- a leading technical surveyor on the scope of data agreements to be entered into in relation to the production of an innovative 3D Model product.

- a leading insurer in relation to protection of the copyright in its wordings in its key products and on the use of data permitted under a contractual agreement.
- Heather worked on both the easyJet brand licence dispute with easyGroup and also the easyJet v Navitaire software copyright litigation.