

GARRY WILLIAMS

BARRISTER

Curriculum Vitae



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Garry Williams is a very experienced civil and commercial litigator.

His practice is focused on trial and appellate advocacy.

He started his career at Russell McVeagh in 1992.

In 1997, Garry 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, Garry joined Bell Gully and was a member of that firm's litigation department until he moved to the independent Bar at the beginning of 2014.

Garry accepts instructions in most areas of civil litigation. He has particular expertise in intellectual property and media law matters, and trusts and estates litigation.

Regarded as pragmatic and robust, Garry offers clients strong commercial judgement, excellent analytical skills and clear strategic guidance.

In 2017 the *World Trade Mark Review* named him in its list of leading trade mark practitioners saying he has an “*impeccable reputation on the IP scene*” and that “*clients flock to Richmond Chambers’ Williams for his crystal clear plans of attack*”.

In 2018, it said: “*Experienced advocate Garry Williams of Richmond Chambers has a broad civil litigation practice, but is best known as a media and IP ace*”.

In the 2020 edition of *Chambers Global* he was described as “*highly effective, responsive and technically excellent*”.

Doyle’s Guide recommends him for intellectual property, technology, media and telecommunications disputes in New Zealand.

Garry is on the faculty of the NZLS Litigation Skills Programme and is a member of the Training and Diversity and Inclusion Committees of the New Zealand Bar Association.

He is the current Chair of the New Zealand Committee of the Intellectual Property Society of Australia and New Zealand (IPSANZ) and is also a member of the Trans-Tasman Committee of that organisation.

Recent Experience

MAHARISHI FOUNDATION INC v BENNER (2020)

Acted for the incorporated society that promotes transcendental meditation in New Zealand in respect of a claim to recover a domain name alleged to have been wrongfully retained by one of its members in breach of trust.

INTECH INC v SEALEGS INTERNATIONAL LTD (2020)

Acted for a leading US supplier of amphibious seagoing craft and hovercraft in relation to a claim for breach of contract under the UN Convention on the International Sale of Goods.

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DARLOW v MOLETA (2020)

Acting for the Court appointed trustee and executor of an estate in proceedings for the recovery of 3 properties wrongfully transferred by the previous trustee and executrix to herself in her personal capacity in breach of fiduciary duty.

TECHNOPAK LTD v MONZEAL [2020] NZHC 1940

Acted for a leading manufacturer of automated machinery for the handling and conveying of powdered products in the dairy, infant nutrition and pharmaceutical industries. The claim is a copyright infringement claim relating to the alleged reproduction of unique bulk bag filling equipment by a competitor.

S C JOHNSON & SONS, INC v INTERNATIONAL CONSOLIDATED BUSINESS PTY LTD [2020] NZSC 110, [2019] NZSC 71, [2019] 3 NZLR 318, [2017] NZHC 3238

Substantive appeal to the Supreme Court on the question of the proper interpretation to be placed on s 68(2) of the Trade Marks Act 2002.

EIGHT MILE STYLE, LLC & MARTIN AFFILIATED, LLC v THE NATIONAL PARTY OF NEW ZEALAND [2019] NZSC 48, [2019] 2 NZLR 352, (2017) 127 IPR 318

This appeal to the Court of Appeal was significant as it identified the factors to be taken into account in assessing the quantum of damages payable by an infringer of copyright when the work in question is an iconic musical work (Eminem's *Lose Yourself*).

DOUGIAMAS v BENNER [2018] NZHC 1521

Invalidity action relating to the trade mark MOODLE®. The MOODLE® platform is the world's leading online learning management system. The proceeding also involved claims of misleading and deceptive conduct, passing off and bad faith.

R McDONALD CO NEW ZEALAND LTD v MAVERICKS GROUP LTD [2018] NZHC 2439

High Court proceeding relating to alleged misrepresentations made by the defendants in connection with parallel imported WEBER® gas barbeques.

SEALEGS INTERNATIONAL LTD v ZHANG & ORS [2016] NZHC 2274, [2016] NZHC 3143

Complicated proceedings relating to whether or not the defendants had infringed the copyright in drawings of the plaintiffs' amphibious boat system. Interim injunction sought and obtained by the plaintiffs. Design right and breach of confidence were also in issue.

Z v Y (2015-2017)

Acting for a UK-based manufacturer of industrial equipment in respect of an international arbitration. The causes of action included copyright infringement, breach of contract and breach of confidence.

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TOMTOM COMMUNICATIONS LTD v TOMTOM INTERNATIONAL BV (2015) 116 IPR 172

Acting for the leading international manufacturer and distributor of personal navigation devices in respect of an opposition to its application to register the trade mark TOMTOM in New Zealand.

THE COCA-COLA COMPANY v FRUCOR SOFT DRINKS LTD & PEPSICO INC (2014) 104 IPR 432

Successful defence of allegations that a unique bottle used by Frucor and PepsiCo infringed trade marks owned by the Coca-Cola Company.

CLAGUE v APN NEWS & MEDIA LTD [2013] NZAR 99

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.

W v S (2012)

Complex contractual dispute relating to whether or not the installation of a snack food manufacturing plant met specification. Successfully mediated.

INTELLECTUAL PROPERTY DEVELOPMENT CORPORATION PTY LTD v PRIMARY DISTRIBUTORS LTD [2010] NZLR 729, (2010) 89 IPR 599, (2012) 97 IPR 237, (2008) 77 IPR 215

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.

GRAHAM v COLENZO BBDO LTD (2012)

Defending allegations of copyright infringement arising from the alleged unlicensed synchronisation of a sound recording with an internet and television commercial.

A v B (2011-2012)

Multi-million dollar international arbitration between parties in the petrochemical drilling equipment industry.