Christian Panayi

Year of Call: 2009



Practice Summary

Christian is a commercial, IP/IT and property barrister, whose practice spans commercial-chancery work with particular expertise in contractual disputes, commercial debt recovery, intellectual property, media, internet & digital law, property disputes, company law, and insolvency.

He has appeared in the Courts of England & Wales in trials, appeals, injunctions, judicial review hearings, winding-up petitions, and interlocutory proceedings. He has also appeared in the Trade Mark Registry, the First Tier Tribunal (Property Chamber), and the First Tier Tribunal (Immigration and Asylum Chamber).

Christian's expertise comprises contentious and non-contentious commercial work, with particular application to the digital media / IT sector.

His experience includes extended instruction as in-house Counsel for cyber security software specialists McAfee in 2018 (4 months), and for McAfee's divested enterprise business, Musarubra, in 2021-22 (13 months). During this time, Christian provided commercial contract drafting and negotiation on major client accounts across channels and regions, dealing with a variety of contract-types – including software licensing agreements, professional services, cloud services, OEM agreements, SLAs, support terms, partner contracts, and data processing agreements. He also provided ad hoc advice on potentially contentious matters.

Prior to joining Chambers, Christian spent 6 months working at specialist commercial, media and IP firm Hansel Henson LLP, developing experience in commercial litigation, media contract drafting, trade mark searches and registrations, and drafting undertakings relating to trade mark and copyright infringement, passing off and Protected Designation of Origin.

Christian also brings substantial industry and commercial experience to the Bar, becoming a barrister following a successful career in the digital media industry. Over a ten-year period, Christian helped brands to realise their business and communications objectives through creative branding, media-marketing and technology solutions. He developed his role from project

management to consultancy and divisional management, working for some of the leading players in the digital space, including the WPP Group.

Throughout his industry career, Christian regularly addressed legally-related issues in a commercial context, including negotiating terms of business, developing supplier/partnership agreements and service level agreements, software and media licensing, online data protection, and brand/trade mark protection in the digital space. He combines legal knowledge and industry experience to deliver commercially practical legal advice to clients.

Christian's experience also includes commercial fraud work, having worked as Disclosure Counsel for the Serious Fraud Office on major investigations, including the high-profile case of *R v GPT & others* (2020) (continuing as *R v Cook and Mason* (2023)).

Christian is accredited to accept instructions from clients on a direct access basis.

Find out more on Christian's practice by accessing the links below.

Commercial

As a commercial barrister, Christian has extensive experience dealing with breach of contract disputes, debt and damages claims, and related proceedings for commercial debt and asset recovery. Drawing upon his industry background, Christian has developed particular knowledge and expertise in IP/IT and media contract disputes, particularly within the digital sector; (see also "Intellectual Property" below). He has also acquired significant experience in company law, personal and corporate insolvency, and regulated and non-regulated consumer credit agreements.

Examples of work:

> Advising a company and its director on a defective off-market shares buyback transaction carried out five years previously and the corresponding consequences for the company's subsequent actions and resolutions. The advice considered the applicability of the Duomatic principle and options for rectifying the company's position after assessing that the defect was incapable of being waived.
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> Drafting the claim form and particulars of claim for a provider of website optimisation services, and advising on settlement in a prospective debt claim for unpaid invoices against a customer.
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> In-house counsel for security software specialists McAfee (July to October 2018) and Musarubra (November 2021 to November 2022), providing commercial contract drafting and negotiation on major client accounts, and advising on potential disputes.
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> Acting for a firm of solicitors to secure a High Court injunction compelling the defendant consultant solicitor to deliver-up client files and restraining them from taking on any more client matters on behalf of the firm.
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> Drafting the pleadings in a claim for damages for breach of contract and/or restitution for unjust enrichment, relating to the Defendants' failure to transfer company shares under a business sale agreement.

Advising the second beneficiary under a trust settled in Cyprus on the appropriate jurisdiction for bringing various claims, including actions against the Cypriot company directors for failing to file annual accounts and returns, and against the Cypriot trustee for breach of trust.

Advising and appearing for the applicant affiliate marketing company in a successful application in the High Court for an injunction to restrain the respondent supplier from presenting a winding-up petition.

Advising the original designers and developers of an innovative golf ball product on the options for recovering a share of the royalties following their exclusion from the business and subsequent sale of the product.

Advising, drafting the pleadings, and appearing for the claimant at trial in a claim for recovery of monies loaned to the defendant by the claimant and his wife, the defendant's sister. The key question before the Court was whether the monies were advanced by way of a loan or gift.

Acting for the claimant to defeat an application by the defendant to enforce the terms of a Tomlin Order, and to successfully appeal an adverse costs order made upon that application (Initiative International (UK) Ltd v Azad [2017] EWHC 2105 (Ch); [2017] 5 WLUK 133).

Drafting the pleadings and witness statements in the defence of a debt claim by a radio station against its programme partner.

Drafting the pleadings in a breach of contract and copyright dispute for a creative media agency.

Intellectual Property

Christian's experience as an IP barrister spans trade marks, copyright, passing off, patents, design rights, and Protected Designation of Origin. He has appeared in proceedings in the High Court, the IPEC and the Trade Mark Registry of the Intellectual Property Office (IPO).

Examples of work:

Advising on and drafting the defence and counterclaim for a card payment solutions provider in a High Court claim for trade mark infringement and passing off. The instruction involved consideration of parallel opposition proceedings in the Trade Mark Registry, compliance with the Disclosure Pilot under CPR Practice Direction 51U, and drafting an application for transfer of the case from the Business and Property Courts to the IPEC. The claim was settled on favourable terms.

Advising the proprietor of a patent for a fan apparatus ventilation and extraction system on potential infringement of the patent.

Acting for the defendants in the IPEC, securing summary dismissal of the claimant's claim for infringement of a trade mark registered in relation to a competence registry.

Acting for the Respondent music promoter in applications brought by a pop group in consolidated trade mark registration and cancellation proceedings in the Trade Mark Registry.

Acting for the Third Defendant on a direct access basis in a High Court claim for breach of copyright arising out of unlicensed playing of sound recordings at a nightclub. Damages and costs were substantially reduced from that sought (Phonographic Performance Limited / Performing Rights Society Limited v CGK Trading Limited, Clive Kang, Kerry Ormes Trading as Miya Nightclub [2016] EWHC 2642 (Ch), [2016] 10 WLUK 550, [2017] L.L.R. 161).

Advising a Member of Parliament on copyright infringement relating to the use of election material.

Advising a major fashion retailer on design rights infringement.

Property

Christian has considerable experience as a property law barrister, particularly in dealing with mortgage disputes, landlord & tenant (commercial and residential), TOLATA claims, LPA Receiver claims, claims against trespassers, forfeiture proceedings, charging orders, orders for sale, and anti-social behaviour proceedings relating to social housing.

Examples of work:

Advising on and drafting the defence to a complex claim for wrongful forfeiture or otherwise relief from forfeiture of the lease on commercial premises. The claim was one of several brought by the widow, executor and sole beneficiary of her husband's estate, against the brothers of her deceased husband, in an acrimonious dispute involving multiple company entities. The other claims included a derivative claim and a claim for rectification of the register under the Companies Act 2006.

Advising a commercial landlord in relation to a request by its tenant for consent to a change of use. The request was initially refused on the grounds of noise concerns and the key issue was whether, in its refusal, the landlord had acted unreasonably and was seeking to obtain an uncovenanted advantage.

Acting for a Community Interest Company following strike-out of its claim for rent and service charges amounting to £1.2m, owed under leases of its properties granted to the Defendant Registered Social Housing provider. The instruction involved securing permission to amend the particulars of claim, dismissal of the defendant’s application for summary judgment, and negotiating a favourable settlement.

Advising the Claimant company on questions of ownership and registration of a floating restaurant vessel, in the context of the Defendant mortgagee’s application to strike-out the particulars of claim.

Advising, drafting and appearing for a parent company and its subsidiary in the defence of a complex claim for arrears under purported licence agreements for occupation of office premises. Default judgment was successfully set aside and the claim was ultimately settled.

Advising the administrators of a company tenant in a series of advices on the exercise of an option to buy the tenanted property and the landlord’s purported prior termination of the option agreement.

Advising on, drafting, and appearing for the defendant in a successful application to appeal out-of-time a possession order and money judgment granted 6 years previously, post execution of the warrant of possession.

Direct Access

- Yes

Qualifications

- 2009 Bar Vocational Course (Very Competent), College of Law
- 2008 Graduate Diploma in Law (Distinction), College of Law
- 1997 MA Media Studies & Multimedia, University of Sussex
- 1996 BA (Hons) History, University College London

Memberships

- Commmercial Bar Association (COMBAR)
- Intellectual Property Bar Association (IPBAR)

Areas of Expertise

- Commercial
- Housing
- Sport Media And Entertainment