



## Christian Panayi

Year of call: 2009

*"Christian provided our company with sound legal advice which balanced commercial imperatives with key legal principles."*

Gee Yung Loong, Senior Director, EMEA Legal, McAfee, 2019

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## Practice Summary

Christian's practice spans commercial and chancery work with expertise in contractual disputes, property & housing, media & intellectual property, commercial debt recovery, insolvency, and consumer credit.

He regularly appears in the County Court and High Court in trials, appeals, injunctions, judicial review hearings, winding-up petitions and interlocutory applications. He has also appeared in 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 an extended secondment as in-house Counsel for cyber security software specialist, McAfee during 2018. Managing the UK and South Africa regions, Christian provided commercial contract drafting and negotiation on major client accounts across McAfee's enterprise, consumer and public sector channels.

Prior to joining Chambers, Christian worked at specialist commercial, media and IP firm Hansel Henson LLP. During this time, he developed experience in commercial litigation, media contract drafting (including merchandising agreements, licence agreements and data protection policies), trade mark searches and registrations, and drafting undertakings relating to IP infringement (including trade mark and copyright infringement, passing off and a Protected Designation of Origin).

Christian also brings substantial industry and commercial experience having come to the Bar following a career in the digital media industry. Over a ten-year period, Christian helped large and small 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 is able to combine legal knowledge and industry experience to deliver commercially practical legal advice to clients.

Christian's experience also includes commercial fraud work, having worked as review counsel for the Serious Fraud Office on major investigations.

Christian is accredited to accept instructions from clients directly.

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## Commercial & Chancery

Christian's commercial practice includes general contractual disputes, media-related disputes, IP/IT, commercial debt recovery, company law, insolvency and consumer credit.

Examples of work:

- 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 and appearing for the defendant in a successful application for a stay of a writ of control, the return of the defendant's seized vehicle and cash, and set aside of judgment granted 3 years previously.
- Advising and appearing for the claimant in a claim for unpaid referral fees due under contract, successfully determined by summary judgment application.
- Advising and appearing for the majority shareholders of a company in a dispute with the minority shareholder and company directors; this involved successfully resisting and then settling an injunction application brought by the directors on the company's behalf.
- Appearing for the claimant solicitors in a number of successful claims for the recovery of solicitors' fees.
- Appearing for petitioners, debtors and trustees in corporate and personal insolvency matters, including winding-up petitions, bankruptcy, annulments, set asides of statutory demands, and trustee applications.
- Dealing with claims based on regulated and non-regulated credit agreements, debt and asset recovery, and debt assignment, with particular knowledge of the Consumer Credit Act 1974.

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## Media / Intellectual Property

Drawing upon his industry knowledge and legal experience, Christian has developed expertise in media / IT / digital contracts, software & media licensing, merchandising, data protection, trade marks, design rights, copyright, passing off, and Protected Designation of Origin.

Examples of work:

- In-house counsel for security software specialist, McAfee (July to October 2018) providing commercial contract drafting and negotiation on major client accounts.
- 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 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 a Member of Parliament on copyright infringement relating to the use of election material.
  - Drafting the pleadings in a breach of contract and copyright dispute for a creative media agency.
  - Drafting the pleadings and witness statements in defence of a debt claim by a radio station against its programme partner.
  - Researching and drafting trade mark applications.
  - Advising a major fashion retailer on design rights infringement.
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## Property & Housing

Christian has considerable experience 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:

- Acting for the defendant in a TOLATA claim for an order for sale and claim for occupational rent (current).
  - Acting for the claimant tenant in a claim for wrongful forfeiture or alternatively relief from forfeiture of a commercial lease (current).
  - Advising a local authority on the interpretation and application of change of use and overage provisions in relation to a proposed assignment of a lease.
  - Advising the administrators of a company tenant on the exercise of an option to buy the tenanted property and the landlord's purported prior termination of the option agreement.
  - Advising, drafting and appearing for the applicants in an application to appoint a manager under s 24 Landlord and Tenant Act 1987.
  - Advising a local authority on liability for National Non-Domestic Rates in respect of a property subject to mortgage possession proceedings.
  - Advising on succession rights to a secure tenancy under the Housing Act 1985.
  - Advising a local authority on the exercise of a power of sale under s101 Law of Property Act 1925, pursuant to an overriding statutory charge.
  - Appearing for a major provider of registered social housing in applications for anti-social behaviour injunctions under the Housing Act 1996 and related committal proceedings.
  - 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.
  - Extensive experience of mortgage possession and landlord and tenant possession claims – particularly claims under s 8 and s 21 of the Housing Act 1988.
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## **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

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