

Practice Leader Insights From Morgan Lewis' Nick Bolter

By **Nick Bolter** (May 12, 2025, 3:14 PM BST)

In this Law360 U.K. Expert Analysis series, practice group leaders share thoughts on keeping the pulse on legal trends, tackling difficult cases and what it takes to make a mark in their area.

In this installment, Nick Bolter, leader of the London intellectual property practice at Morgan Lewis, discusses the challenges of acting in disputes where the other party is a lay person representing themselves, the need to refocus trademark law on consumer protection, and why IP is a challenging area of law.

The Most Challenging Matter I've Worked On

A number of years ago we worked on a significant product launch where the target name was leaked to a competitor who applied to register the name as a trademark.

This was very stressful for a time, as the client was concerned that the name had been leaked during the very in-depth trademark clearance that we had undertaken. It then transpired that the client's CEO had made a direct approach to the other party seeking consent to the use and registration of the name. In the end, the client proceeded with another name.



Nick Bolter

We also deal with many disputes where the other party is a lay person representing themselves. We always seek to ensure we approach these matters fairly and take time to explain the issues as carefully and calmly as possible.

Our interactions with these people form part of our clients' reputations, and their brand, and we are therefore always conscious of trying to remain polite and helpful even when — as can sometimes be the case — the other party is angry or frustrated. This can be challenging for newer lawyers who have not before experienced, for example, being shouted at on the telephone.

Laws and Regulations in Need of Reform

I would like to see trademark law refocused on consumer protection. The European Union decision in *Medion AG v. Thomson Multimedia Sales Germany & Austria GmbH* in 2005, by way of example, moves the law away from this concept toward protecting the investment of trademark owners.

Trademark owners are already protected once they have invested in building brand recognition — concepts such as dilution, tarnishment and free riding are all developed to protect the investment made by the owner in building its brand recognition. Absent this reputation, the law should focus on protecting consumers: If the consumer is not confused, then there should be no infringement.

Important Developments and Trends I'm Tracking

As with many areas of law, artificial intelligence will completely transform many aspects of how we assist clients in navigating the issues they face in intellectual property over the next few years — certainly within five years.

Many countries' IP offices are already using AI to examine trademark applications, and I have no doubt more straightforward disputes will soon be determined at first instance with the help of AI. I am excited to see how our practice develops over the coming years as we adapt to these new and improving technologies.

A Lawyer I Admire

David Stone, who recently joined White & Case LLP, and wrote the main textbook on European Designs, is one of the brightest lawyers I have worked with. I learned a good deal from him when I was a junior associate. David is also a part-time judge, and I recommend his decisions for their clarity and structure — if only all decisions were written in this way.

My Advice to Junior Lawyers

This is an interesting and challenging area of law. Trademark law remains a discipline where you apply the actual law, which is constantly changing with new case law. You need a good grasp of this law to help navigate clients through the issues they face.

We also work on matters that are interesting and newsworthy. We work with brands that all of us experience in our daily lives, and friends and family will see the results of our work on the supermarket shelves, TV screens and almost all other aspects of their lives.

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