

James Segan QC

“A canny, persuasive and charming barrister, who pays attention to detail.”

– CHAMBERS AND PARTNERS, 2021

Year of call: 2004
Appointed to silk: 2020
Degree: BA (Hons) First Class (Brasenose College, University of Oxford), Diploma in Law with Distinction (University of Law), Bar Vocational Course, graded Outstanding (City, University of London)
Languages: German (some knowledge), French (some knowledge)



James is recognised as a leading advocate in a total of nine practice areas by Chambers and Partners UK, Chambers Global, Legal 500, JUVÉ Patent Rankings and Who's Who Legal. He was appointed Queen's Counsel in March 2020 at the age of just 38. He is regularly instructed in some of the largest litigation in the UK, including several of The Lawyer's Top 20 cases of recent years (such as SFO v ENRC; Canary Wharf v European Medicines Agency; Unwired Planet & Conversant v Huawei; Breyer v DECC; Tchenguiz v SFO and Autostore v Ocado). He won an award from Global Investigations Review for his advocacy in SFO v ENRC. James practises in regulatory, commercial and public law, with sector expertise in telecoms, sport, media and entertainment, procurement and intellectual property. Prior to taking silk, he was on the Attorney General's "A" Panel and was featured in Legal Week's "Stars at the Bar" and The Lawyer's "Rising Stars".

EXPERIENCE

EU & Competition

James has extensive experience of EU and Competition work and is recognised as a leading junior in these fields by Chambers Global, Chambers and Partners, Legal 500 and Who's Who Legal. He was shortlisted for Legal 500's junior of the year in 2018 and 2019.

“James has outstanding clarity of thought, his preparation is faultless and his advocacy style and judgement under pressure in court are amongst the best.”

– CHAMBERS AND PARTNERS, 2021

Cases

R (Kafish BV) v Marine Management Organisation

(2019, High Court)

Acting for the Marine Management Organisation in defending judicial review proceedings brought by a vessel owner relating to the UK's "points system" for illegal, unregulated and unreported fishing. At a hearing in November 2019, the High Court held that the Claimant had no real prospect of establishing that a particular feature of the UK system was ultra vires. A legitimate expectation challenge will be heard in early 2020.

European Commission v United Kingdom

2018-2019

Acting for the UK in defending potential infraction proceedings from the European Commission in a fisheries matter.

Interdigital Technology Corporation v Lenovo Group Ltd

[2021] EWHC 89 (Pat); [2020] EWHC 1318 (Pat)

Acting for Lenovo in defending global FRAND royalty claim. A jurisdiction challenge is to be heard by the High Court in February 2020.

Fujitsu Services Limited v Foreign and Commonwealth Office

(2018-19, High Court)

Acted for Fujitsu in a successful challenge to the Foreign Office's decision to award a £350 million contract for its "global connectivity" services to another tenderer. Shortly before a hearing in March 2019 at which the High Court was to decide whether to lift the automatic suspension, the Foreign Office conceded errors and withdrew its decision.

R (Bus and Coach Association Limited) v Secretary of State for Transport

[2019] EWHC 3319 (Admin)

Acted for trade association in a judicial review claim concerning the DVSA's enforcement policy in respect of Community Transport Organisations, and in particular whether the DVSA had correctly interpreted an exemption from operator licensing under EU law where an operator delivers services for "exclusively non-commercial" purposes.

Oro Agri International Ltd v Vivagro SARRL

(Commercial Court, 2016-9)

Acted for the Defendant in Commercial Court proceedings seeking multi-millions of euros for alleged breach of contract and misuse of confidential information in relation to the development and sale of plant protection products within the EU. The case settled in February 2019 shortly before a 7-day trial.

Vestel Elektronik Sanayi Ve Ticaret AS v HEVC Advance LLC

[2021] 4 WLR 60 (CA); [2020] FSR 13 (HC)

Acted for a Delaware-incorporated patent pool which licenses technology essential to the HEVC video compression standard in successfully contending that the English Courts had no jurisdiction over a claim by Vestel (one of the largest TV manufacturers in the world) for alleged abuses of dominance by HEVC and Philips. An appeal by Vestel was dismissed by the Court of Appeal in March 2021.

Canary Wharf v European Medicines Agency

[2019] EWHC 335 (Ch); 183 Con. L.R. 167; [2019] L. & T.R. 14

Acted for European Medicines Agency in defending a claim brought by Canary Wharf relating to the effect of Brexit upon the Agency's €500 million lease for its UK office building. The claim succeeded in the High Court, but the EMA obtained permission to appeal to the Court of Appeal, and a settlement was reached in July 2019 under which the building will be sublet to WeWork.

Sherlock Systems C.V. v Apple Inc

(EUIPO DECISION 0013568)

James acted for Apple in successfully defending a revocation action which was part of an attack on 120 of Apple's European trade marks, on the ground of an abuse of right by the applicant.

Conversant Wireless Licensing S.à r.l. v Huawei Technologies Co. Ltd

[2021] 1 All ER 1141

Acted for Huawei on FRAND and competition law issues in one of The Lawyer's Top 20 Cases of 2019: a claim brought by Conversant, a licensing entity associated with Nokia patents. The Supreme Court heard a jurisdiction appeal in October 2019 and in August 2020 upheld the decisions of the Court of Appeal and High Court. A FRAND trial listed for February 2021 was subsequently vacated when the claim settled.

Queen's Park Rangers v English Football League

(Arbitration, 2015-8)

Acted for the Football League in successfully defending the League's Financial Fair Play rules against a competition law challenge under Article 101 TFEU by QPR, the subject of a £42 million fine. The League's success in October 2017 was widely reported in the press. QPR's appeal was settled in July 2018 when the club agreed to pay a total of nearly £42 million in fine, costs and written off amounts.

Unwired Planet v Huawei

[2021] 1 All ER 1141 and many other decisions

Acted for Huawei from March 2014 until the end of the case in August 2020, on FRAND and competition law issues, in the first ever "FRAND" trial in the UK. The Supreme Court's decision of August 2020, and the decisions of the Court of Appeal of November 2018 and High Court of April 2017, attracted international attention. James argued a substantial part of the case before the Court of Appeal and High Court, and regularly appeared in High Court hearings in this matter (see e.g. [2015] EWHC 2097 (Pat), [2015] EWHC 2097 (Pat); [2015] EWHC 2901 (Pat); [2015] EWHC 3137 (Pat); [2016] Bus. L.R. 796; [2016] E.C.C. 21).

R (Greenpeace) v Secretary of State

[2016] PTSR 851; [2016] 2 CMLR 19 (High Court)

Acted as sole counsel for Defra in successfully defending a challenge by Greenpeace to the UK's allocation method for fishing quota and effort, on ground of alleged incompatibility with EU law (against a QC).

Confidential arbitration concerning competition law

(2015, Arbitral Panel)

Acted in a confidential arbitration concerning the lawfulness under European competition law of rules limiting the economic freedom of sports clubs.

R (Vitra Collections AG & Ors) v Secretary of State

(2015-6, High Court)

Acted as sole counsel for a consortium of owners of classic furniture designs in a successful challenge to the UK's failure to implement the correct period of copyright protection for such designs in accordance with EU law. The claim was conceded by the Government and a fresh consultation announced.

Packet Media Ltd v Telefonica UK Ltd

[2015] EWHC 2235 (Ch)

Acted as sole counsel for a telecommunications company in obtaining a mandatory injunction against mobile network operator O2 to continue service pending the resolution of a claim for breach of the Chapter II prohibition on abuse of dominance.

Recall Support Services Ltd v Secretary of State

[2014] 2 CMLR 2 (High Court); [2015] 1 CMLR 38 (Court of Appeal)

Acted for the Claimants in Francovich damages proceedings against the UK in relation to incorrect implementation of the Authorisation Directive (with Monica Carss-Frisk QC).

Lafarge Tarmac Holdings Limited v Competition and Markets Authority

(2014, Competition Appeal Tribunal)

Acted for the applicant in the Competition Appeal Tribunal in a judicial review challenge to a decision of the Competition Commission ordering the applicant to sell one of its four cement plants and other assets (with Lord Pannick QC).

Chemistree Homecare Ltd v Abbvie Limited

[2014] UKCLR 1 (Court of Appeal)

Acted for the appellant in an appeal against a decision of Roth J ([2013] UKCLR 135) in a case concerning the ambit of "existing customer" refusal to supply cases under Article 102 TFEU (with Tom de la Mare QC).

JA Travel & Ors v United Kingdom

(2012-4, European Commission)

Acted for representatives of UK passenger transport industry in a state aid complaint to the European Commission concerning public subsidies to "Community Transport Companies" (with Lord Lester QC).

R (UKAFPO) v Secretary of State

[2013] EWHC 1959 Admin

Acted for a trade organisation in a judicial review challenge to a decision to take fishing quotas under the EU's Common Fisheries Policy away from fishermen without compensation: the decision established that "fixed quota allocation" units are possessions protected by A1P1 (with Tom de la Mare QC).

HTC Corporation v Gemalto Systemes NV

(2012-3, High Court)

Acted for HTC Corporation in a High Court competition law case concerning patent licensing (with Nicholas Green QC).

Seaside Shipping v Isle of Man DoT

(2007-13, Isle of Man High Court and Court of Appeal)

Acted for the Claimant in long-running free movement challenge to the freight carriage monopoly between the Isle of Man and the UK (with Michael Beloff QC).

R (Tottenham Hotspur) v Borough of Newham and others

(2011, High Court)

Acted for Tottenham Hotspur in a state aid challenge concerning a £40 million loan by Newham Council from public money to a joint bid with West Ham for the 2012 London Olympic Stadium (with Dinah Rose QC).

Philips and others v ALBA plc

[2009] EWHC 1600 (Pat)

Acted for holders of patents in the MPEG-2 patent pool in a substantial High Court matter concerning the application of the "FRAND defence" to IP infringement proceedings (as junior to Nicholas Green QC, Ian Mill QC and Tom de la Mare QC).

Qualcomm v Nokia

(2007, Court of Chancery of the State of Delaware)

Jointly authored, with Sir David Edward QC, the UK's former judge at the ECJ, an expert opinion on standardisation agreements and Article 81 EC, in one of the first major pieces of worldwide FRAND litigation between Qualcomm and Nokia.

Public & Regulatory

James has extensive experience of public law and regulatory matters. He is on the Attorney General's "A" Panel and is recognised as a leading junior in the field by the Legal 500.

"A delight to work with."

— LEGAL 500, 2021

Cases

R (Machkevitch) v Director of the Serious Fraud Office

(2019, High Court)

Acting for the SFO in defending a judicial review claim of a decision to prosecute an individual for non-compliance with a notice under section 2 of the Criminal Justice Act 1987.

R (Kafish BV) v Marine Management Organisation

(2019, High Court)

Acting for the Marine Management Organisation in defending judicial review proceedings brought by a vessel owner relating to the UK's "points system" for illegal, unregulated and unreported fishing. At a hearing in November 2019, the High Court held that the Claimant had no real prospect of establishing that a particular feature of the UK system was ultra vires. A legitimate expectation challenge will be heard in early 2020.

R (ENRC) v Director of the Serious Fraud Office

(2019, High Court)

Acting for the SFO in defending judicial review proceedings brought by ENRC challenging the SFO's decision to halt an internal review being conducted by Sir David Calvert Smith, in view of ENRC's decision to commence \$93 million damages proceedings in respect of the same subject matter.

R (Bus and Coach Association Limited) v Secretary of State for Transport

[2019] EWHC 3319 (Admin)

Acted for trade association in a judicial review claim concerning the DVSA's enforcement policy in respect of Community Transport Organisations, and in particular whether the DVSA had correctly interpreted an exemption from operator licensing under EU law where an operator delivers services for "exclusively non-commercial" purposes.

RXG v Ministry of Justice

[2020] QB 703

Acted as amicus curiae before the Divisional Court (PQBD and Nicklin J) in a case about whether the UK's youngest ever terrorist should have lifelong anonymity. The decision delivered in July 2019, granting such anonymity, summarises the law in this difficult area.

R (VIP Communications) v Home Secretary

[2021] 1 WLR 2839 (CA); [2019] EWHC 994 (Admin) (HC)

Acted for the successful claimant, a telecoms company, in judicial review challenge which successfully established that a direction by the Home Secretary to Ofcom, requiring it to refrain from liberalising the regulatory regime for GSM gateways on national security grounds, had been ultra vires and unlawful. The Court of Appeal confirmed the findings.

R (Avaaz Foundation) v Ofcom

[2018] EWHC 1973 (Admin)

Acted for 21st Century Fox (led by Lord Pannick QC) in a judicial review brought by a pressure group seeking to establish that Ofcom had been wrong to find that Sky would remain fit and proper after full acquisition by Fox.

R (Glencore Energy UK Ltd) v Revenue and Customs Commissioners

[2017] 4 WLR 213

Acted for Glencore in a judicial review challenge to HMRC's service of a Charging Notice for "Diverted Profits Tax". The case raised important issues concerning alternative remedy in judicial review claims.

R (Lutfur Rahman) v Local Government Election Court

[2017] EWHC 1413 (Admin)

Acted as sole counsel for the Metropolitan Police in successfully defending an application by the former Mayor of Tower Hamlets, Lutfur Rahman, for judicial review of his disqualification from elected office on ground of an alleged incompatibility with Article 6 of the ECHR. Lloyd Jones LJ referred in his Judgment to James's "exemplary submissions on behalf of the MPS" (see [44]).

Director of the Serious Fraud Office v Eurasian Natural Resources Corp Ltd

[2019] 1 WLR 791

Acted for the SFO in a landmark case concerning ENRC's assertion of legal professional privilege ("LPP") over the results of a multi-million pound "self-reporting" investigation conducted for ENRC by Dechert LLP. The case was one of The Lawyer's Top 20 Cases of 2017 and 2018. James argued a significant part of the case, and was awarded Global Investigations Review's Most Important Case of 2017.

R (Woolcock) v Secretary of State for Justice

[2018] EWHC 17 (Admin); [2018] 4 W.L.R. 49

Acted for Secretary of State for Justice in successfully defending judicial review proceedings alleging systemic unfairness in the decisions of Magistrates Courts in connection with committals to prison for non-payment of Council Tax.

Breyer Group Plc v DECC

2016-8 (High Court)

Acted for the UK Government in defending claims by solar energy companies for more than £300 million in damages, under the Human Rights Act 1998, in relation to changes to the system for Feed-In Tariffs. The trial was listed as one of The Lawyer's Top 20 Cases of 2018. It settled shortly before a ten-week trial.

R (Greenpeace) v Secretary of State

[2016] PTSR 851; [2016] 2 CMLR 19 (High Court)

Acted as sole counsel for Defra in successfully defending a challenge by Greenpeace to the UK's allocation method for fishing quota and effort, on ground of alleged incompatibility with EU law (against a QC).

R (McKenzie) v Director of the Serious Fraud Office

[2016] 1 WLR 1308 (Divisional Court)

Acted for the SFO in successfully defending a judicial review claim concerning the SFO's procedure for handling of documentary evidence potentially attracting legal professional privilege.

Ferguson & Ors v Attorney General of Trinidad and Tobago

[2016] 2 LRC 621; [2016] UKPC 2 (Privy Council)

Appeared for the appellants in an important constitutional appeal from Trinidad and Tobago concerning the retrospective repeal of a limitation period for certain criminal offences (with Michael Beloff QC).

Chatwani & Ors v National Crime Agency

(2015-6, High Court)

Acted for the National Crime Agency in defending a High Court claim for over £8 million in damages relating to the execution of search warrants upon a large business (with Jeremy Johnson QC). The proceedings settled in November 2017.

R (Vitra Collections AG & Ors) v Secretary of State

(2015-6, High Court)

Acted as sole counsel for a consortium of owners of classic furniture designs in a successful challenge to the UK's failure to implement the correct period of copyright protection for such designs in accordance with EU law. The claim was conceded by the Government and a fresh consultation announced.

R (Lord & Ors) v Director of the Serious Fraud Office

[2015] 2 Cr. App. R. 24 (2015, Divisional Court)

Acted for the SFO in successful defence of a judicial review claim by senior managers of GlaxoSmithKline Plc concerning whether persons interviewed by the SFO have an unfettered right to choose the identity of their accompanying legal representatives (with Pushpinder Saini QC).

R (United Company Rusal Plc) v London Metal Exchange

[2015] 1 WLR 1375 (Court of Appeal)

Acted for the global aluminium producer United Company Rusal in the High Court and Court of Appeal in a judicial review of a warehousing rule change by the London Metal Exchange (with Monica Carss-Frisk QC).

R (UKAFPO) v Secretary of State

[2013] EWHC 1959 Admin

Acted for a trade organisation in a judicial review challenge to a decision to take fishing quotas under the EU's Common Fisheries Policy away from fishermen without compensation: the decision established that "fixed quota allocation" units are possessions protected by A1P1 (with Tom de la Mare QC).

Austin and others v the United Kingdom

(2012) 55 EHRR 14 (Grand Chamber)

Appeared for the UK in the first Strasbourg case to apply Article 5 of the ECHR to public order measures, the Grand Chamber deciding that so-called “kettling” was in principle compatible with the ECHR (with Lord Pannick QC).

R v Chaytor and others

[2011] 1 AC 684 (Supreme Court)

Acted for the Crown in the landmark Supreme Court decision which established that Parliamentary privilege does not prevent the criminal prosecution of MPs and Peers for alleged expenses fraud (with Lord Pannick QC in the Crown Court, Court of Appeal and Supreme Court).

R (Tottenham Hotspur) v Borough of Newham and others

(2011, High Court)

Acted for Tottenham Hotspur in a state aid challenge concerning a £40 million loan by Newham Council from public money to a joint bid with West Ham for the 2012 London Olympic Stadium (with Dinah Rose QC).

Risk Management Partners Ltd v Brent LBC

[2011] 2 AC 34 (Supreme Court)

Acted in the first public procurement case ever to be heard in the Supreme Court or House of Lords, and the first domestic case on the “Teckal exemption” (with John Howell QC and Javan Herberg QC).

R (Data Broadcasting International) v Office of Communications

(2010) 107(24) L.S.G. 23 (High Court)

Acted for the Claimants in leading case on the legal classification of a broadcasting licence, arising from a damages claim concerning digital switchover (with Pushpinder Saini QC).

Isle of Anglesey County Council and another v Welsh Ministers and others

[2010] QB 163 (Court of Appeal)

Acted for the Defendants in public law declaratory proceedings concerning the vires of a fishery order preventing the construction of a marina in Beaumaris.

Commercial

James acts in substantial commercial disputes and arbitrations both as sole counsel and a junior. He has achieved significant attention for his advocacy work on the landmark SFO v ENRC case regarding privilege.

“...recognised for his leading commercial and regulatory practice.”

– WHO'S WHO LEGAL, 2018

Cases

Re Force India Formula One Team Ltd (In Liquidation)

[2021] EWHC 1314 (Ch) and [2020] EWHC 3187 (Ch)

Acted for the liquidator of the Force India Formula One Team in successfully defending a claim by the Austrian water company BWT AG for an alleged €4.25 million debt relating to sponsorship monies paid in the period before the team went into administration.

Force India Formula One Team v Diageo

2019, High Court

Acted for liquidator of the Force India F1 team in a damages claim against former sponsor Diageo for alleged wrongful termination of an agreement. The claim settled in November 2019.

Royalty Pharma Collection Trust v Boehringer Ingelheim International GmbH

(2019-21, High Court)

Acting for intellectual property licensing company in a contractual claim for multi-million euros of outstanding royalties.

Fujitsu Services Limited v Foreign and Commonwealth Office

(2018-19, High Court)

Acted for Fujitsu in a successful challenge to the Foreign Office's decision to award a £350 million contract for its "global connectivity" services to another tenderer. Shortly before a hearing in March 2019 at which the High Court was to decide whether to lift the automatic suspension, the Foreign Office conceded errors and withdrew its decision.

Vestel Elektronik Sanayi Ve Ticaret AS v HEVC Advance LLC

[2021] 4 WLR 60 (CA); [2020] FSR 13 (HC)

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Eurasian Natural Resources Corp Ltd v Director of the Serious Fraud Office

2019-21, Commercial Court

Acting for the SFO in defending a claim for over \$93 million for alleged misfeasance in public office. The claim is going to a 12-week trial commencing in late May 2021.

Director of the Serious Fraud Office v Eurasian Natural Resources Corp Ltd

[2019] 1 WLR 791

Acted for the SFO in a landmark case concerning ENRC's assertion of legal professional privilege ("LPP") over the results of a multi-million pound "self-reporting" investigation conducted for ENRC by Dechert LLP. The case was one of The Lawyer's Top 20 Cases of 2017 and 2018. James argued a significant part of the case, and was awarded Global Investigations Review's Most Important Case of 2017.

Napp Pharmaceutical Holdings Ltd v Sandoz Ltd

2017-2019, High Court (including [2017] 4 Costs L.R. 647)

Acted for pharmaceutical company Napp in defence of a claim for £113 million under a cross-undertaking in damages given in support of an interim injunction in support of a patent infringement claim. The claim was heard over 18 days in May 2019 and settled prior to Judgment being delivered.

AMP Advisory and Management Partners A.G. v Force India

[2019] EWHC 2426 (Comm) and [2019] EWHC 2971 (Comm)

Acted as lead counsel for the Force India Formula 1 team in a 7 day Commercial Court trial concerning non-payment of allegedly agreed multi-million euro commission in connection with a sponsorship deal. The breach of contract claim was dismissed in its entirety and the bulk of the quantum meruit claim also dismissed.

Welsh Rugby Union v Phillips

(2017-8, High Court)

Acted for the WRU in a High Court claim for injunctions and damages against an individual responsible for buying and selling a very large quantity of tickets for two Wales international rugby matches on the "black market". The case settled before a trial due in 2018.

Breyer Group Plc v DECC

2016-8 (High Court)

Acted for the UK Government in defending claims by solar energy companies for more than £300 million in damages, under the Human Rights Act 1998, in relation to changes to the system for Feed-In Tariffs. The trial was listed as one of The Lawyer's Top 20 Cases of 2018. It settled shortly before a ten-week trial.

Oro Agri International Ltd v Vivagro SARL

(Commercial Court, 2016-9)

Acted for the Defendant in Commercial Court proceedings seeking multi-millions of euros for alleged breach of contract and misuse of confidential information in relation to the development and sale of plant protection products within the EU. The case settled in February 2019 shortly before a 7-day trial.

Tchenguiz & Ors v Serious Fraud Office (Main Proceedings)

(2013-4, High Court and Court of Appeal)

Acted for the Serious Fraud Office, instructed by Slaughter & May, defending Commercial Court damages proceedings brought by the Tchenguiz brothers in respect of SFO raids on their premises in March 2011. The proceedings settled in July 2014 ahead of a 12-week trial due to commence in October 2014. Whilst on foot, there were a number of important interlocutory judgments of the Commercial Court and Court of Appeal including in relation to (a) res judicata and the distinction between public and private law unlawfulness (see [2013] Lloyd's Rep F.C. 535 and [2014] Lloyd's Rep. F.C. 519); and (b) the correct approach to inadvertent disclosure of documents attracting public interest immunity ([2015] 1 WLR 797).

Tchenguiz & Ors v Serious Fraud Office (Disclosure)

(2014-8, High Court and Court of Appeal)

Since the settlement of the main damages proceedings, James has acted for the Serious Fraud Office, instructed by the Government Legal Department, in a series of disputes concerning CPR 31.22 and the proposed collateral use of the SFO's 45,000 disclosure documents. There have so far been six judgments of the Commercial Court ([2014] EWHC 1315 (Comm), [2014] EWHC 2379 (Comm); [2014] EWHC 2597 (Comm); [2015] EWHC 266 (Comm); [2015] EWHC 937 (Comm); [2017] EWHC 3324 (Comm)) and five judgments of the Court of Appeal ([2015] 1 WLR 838; [2014] EWCA Civ 1409; [2015] C.P. Rep. 9; [2015] EWCA Civ 50). In the applications heard from February 2015 onwards, James has appeared as sole counsel against leading QCs, most recently in November 2017.

Chatwani & Ors v National Crime Agency

(2015-6, High Court)

Acted for the National Crime Agency in defending a High Court claim for over £8 million in damages relating to the execution of search warrants upon a large business (with Jeremy Johnson QC). The proceedings settled in November 2017.

Lupofresh Limited v Sapporo Breweries Limited

[2014] 1 All ER (Comm) 484; [2013] 2 Lloyd's Rep 444 (Court of Appeal)

Acted for the Claimant, Sapporo, in a debt claim involving defences of alleged economic duress, intimidation and misrepresentation under Japanese and English law. Sapporo succeeded in the High Court and Court of Appeal; and the case settled before the Supreme Court was due to hear a further appeal in early 2015 (with Andrew Green QC).

A company v B company

(2013-4, ICC Arbitration)

Acted as sole counsel for a multinational telecommunications manufacturer in defence of a commercial contractual claim, in ICC arbitration proceedings, for over €8 million.

Resourceful Media Limited v 111pix.com Limited

[2012] EWHC 3452 (QBD)

Acted as sole counsel for online media company at the trial of High Court damages claim concerning multi-platform advertising campaign.

SSL International Plc v TTL LIG Ltd

[2012] 1 WLR 1842 (Court of Appeal)

A leading authority on service of proceedings on foreign companies, both in and out of the jurisdiction (with Tom de la Mare QC).

London Borough of Southwark v Connor & others

[2012] Env LR 1 (High Court)

Acted for Southwark in the 25-day trial of fraud, trespass and nuisance claims which resulted in a judgment for over £1 million (with Robert Howe QC).

Telecommunications

James has substantial experience of telecommunications disputes both commercial and regulatory, including in competition matters in the CAT. He is recognised as a leading junior in the field by Chambers and Partners, Legal 500 and Who's Who Legal.

“He is technically excellent, always well prepared, great on his feet, and very pragmatic; he's a pleasure to work with.”

– CHAMBERS AND PARTNERS, 2021

Cases

Interdigital Technology Corporation v Lenovo Group Ltd

[2021] EWHC 89 (Pat); [2020] EWHC 1318 (Pat)

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Acted for the successful claimant, a telecoms company, in judicial review challenge which successfully established that a direction by the Home Secretary to Ofcom, requiring it to refrain from liberalising the regulatory regime for GSM gateways on national security grounds, had been ultra vires and unlawful. The Court of Appeal confirmed the findings.

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Acted for Huawei on FRAND and competition law issues in one of The Lawyer's Top 20 Cases of 2019: a claim brought by Conversant, a licensing entity associated with Nokia patents. The Supreme Court heard a jurisdiction appeal in October 2019 and in August 2020 upheld the decisions of the Court of Appeal and High Court. A FRAND trial listed for February 2021 was subsequently vacated when the claim settled.

Unwired Planet v Huawei

[2021] 1 All ER 1141 and many other decisions

Acted for Huawei from March 2014 until the end of the case in August 2020, on FRAND and competition law issues, in the first ever "FRAND" trial in the UK. The Supreme Court's decision of August 2020, and the decisions of the Court of Appeal of November 2018 and High Court of April 2017, attracted international attention. James argued a substantial part of the case before the Court of Appeal and High Court, and regularly appeared in High Court hearings in this matter (see e.g. [2015] EWHC 2097 (Pat), [2015] EWHC 2097 (Pat); [2015] EWHC 2901 (Pat); [2015] EWHC 3137 (Pat); [2016] Bus. L.R. 796; [2016] E.C.C. 21).

Lebara Mobile Limited & Ors v Lycamobile UK Limited & Ors

(2015, High Court)

Acting for mobile virtual network operator Lebara in proceedings against its main competitor, Lyca, concerning a block implemented by Lyca upon its customers accessing websites and services offered by Lebara (with Tom de la Mare QC and Ben Jaffey).

Packet Media Ltd v Telefonica UK Ltd

[2015] EWHC 2235 (Ch)

Acted as sole counsel for a telecommunications company in obtaining a mandatory injunction against mobile network operator O2 to continue service pending the resolution of a claim for breach of the Chapter II prohibition on abuse of dominance.

BT v Office of Communications (PPC)

[2012] EWCA Civ 1051, [2011] CAT 5 and [2010] CAT 15

Acted for Ofcom in its successful defence of appeals by BT concerning breach of cost-orientation obligations in relation to Partial Private Circuits (with Pushpinder Saini QC).

BT v Office of Communications (Wholesale Broadband Access)

(Competition Commission, 2011-12)

Acted as sole counsel for Ofcom in a Competition Commission reference upholding Ofcom's decision not to allow BT to recover its £4.1 billion pension fund deficit through regulated charges.

BT v Office of Communications (Ethernet)

[2011] CAT 15

Acted as sole counsel for Virgin Media, successfully intervening in support of Ofcom in CAT appeals by BT concerning the dispute resolution mechanism.

T-Mobile (UK) Ltd v Office of Communications (DCC)

(2010, CAT)

Acted for Hutchison 3G Limited, intervening in CAT appeals relating to cost-orientation obligations concerning Donor Conveyance Charges.

Carphone Warehouse v Office of Communications

[2010] CAT 26, 27

Acted for Ofcom in defence of non-price control CAT appeals brought by Carphone Warehouse against local loop unbundling decision (as junior to Dinah Rose QC).

Sport

James appears and advises in sports law matters both commercial and regulatory. He is often instructed in disciplinary hearings and has appeared for a number of different governing bodies. James is recognised as a leading junior in the field by Chambers and Partners, Legal 500 and Who's Who Legal. He is a co-editor of "Challenging Sports Governing Bodies".

"He is really bright but also incredibly good with people."

— CHAMBERS AND PARTNERS, 2021

Cases

Re Force India Formula One Team Ltd (In Liquidation)

[2021] EWHC 1314 (Ch) and [2020] EWHC 3187 (Ch)

Acted for the liquidator of the Force India Formula One Team in successfully defending a claim by the Austrian water company BWT AG for an alleged €4.25 million debt relating to sponsorship monies paid in the period before the team went into administration.

EFL v Birmingham City (No 2)

League Arbitration Panel, June 2020

Acted for the EFL in disciplinary proceedings against Birmingham City relating to the Club's non-compliance with a business plan agreed with the EFL to address its position under the P&S Rules. The Club was found to have failed to follow the business plan, and received a reprimand. The case is of note for its consideration of the law on implied terms as applied to the relationship between a sports club and governing body.

EFL v Derby County FC

League Arbitration Panel, 7 May 2021

Acted for the EFL in disciplinary proceedings relating to the Championship Profit & Sustainability Rules. Charge One involved the Club's valuation of Pride Park Stadium upon its sale in June 2018 and Charge Two its amortisation policy associated with intangible fixed assets (player registrations). Charge One was dismissed; but two of the five elements of Charge Two were upheld, with the Club's amortisation policy being found to be contrary to UK Financial Reporting Standard 102.

EFL v Sheffield Wednesday FC

Disciplinary Commission, July 2020; League Arbitration Panel, November 2020

Acted for the EFL in arbitral and disciplinary proceedings between the EFL and the Club relating to its sale of the Hillsborough stadium and the Championship Profit and Sustainability Rules. The Club was found to have accounted for the sale of the stadium in the wrong financial year and to have breached the P&S rules as a result. The Club received a deduction of six league points in the 2020/21 season.

EFL v Birmingham City FC

March and June 2020

Acted for the EFL in disciplinary proceedings against Birmingham City FC in connection with the club's non-compliance with the terms of a business plan for season 2018/19 which was agreed with the EFL following a breach by the club of the Championship Profitability and Sustainability Rules in season 2017/18. In March 2020, an Independent Disciplinary Commission dismissed the misconduct charge, finding that it was an implied term of the business plan that the club would use only best endeavours to comply with its terms, and that the club had used best endeavours. The EFL subsequently appealed the decision and an Independent League Arbitration Panel upheld the appeal, finding that the business plan did not contain the term implied by the Disciplinary Commission and that the club had not, in any event, used best endeavours to comply with its terms.

South Shields Football Club 1888 Limited v The Football Association Limited

(FA Rule K Tribunal, 5 June 2020)

Acted for The FA in successfully defending a challenge to The FA's decision to end the 2019/20 football season in Steps 3-7 of the English football National League System without promotion or relegation on account of the COVID-19 pandemic.

Chelsea Football Club v UEFA

(2018, UEFA Appeals Body)

Acted for Chelsea FC in a successful appeal against a fine imposed by UEFA for the alleged behaviour of Chelsea's supporters at a Champions League match at the Camp Nou in Barcelona in March 2018. The UEFA Appeals Body overturned an official report's finding of disruptive behaviour by Chelsea fans, holding instead that there was no inappropriate behaviour.

RFU v Stephen Hihetah

SR/NADP/182/2019

Acted for the RFU in a successful disciplinary prosecution of a player for the presence of three banned steroids in a sample.

English Football League v Birmingham City Football Club

(2019, EFL Disciplinary Commission)

Acted for the EFL in the first ever prosecution under the Championship's "Profitability and Sustainability Rules", designed to give effect to UEFA's Financial Fair Play regime. Birmingham City were found to have spent over £9 million more than was permitted, and had 9 league points deducted in the 2018/19 season.

RFU v Joseph Stokes

(2017, NADP)

Acted for RFU in successful prosecution of a player for presence of cocaine metabolites in a sample.

RFU v Ashley Johnson

SR/NADP/65/2018

Acted for the RFU in a successful prosecution of Wasps player Ashley Johnson for the presence of hydrochlorothiazide in his sample.

RFU v Brandon Staples

National Anti Doping Panel (2017) and Appeal Panel (2018)

Acted as sole counsel for the RFU, both at first instance and on appeal, in a successful disciplinary prosecution for the presence of steroids in the sample of a player in the RFU Championship. The player was suspended for four years.

IAAF Ethics Board v Harald Edletzberger

(2 March 2017, Decision 09/2017)

Acted as a prosecutor appointed by the IAAF Ethics Board to bring charges in connection with allegations of unethical behaviour during the IAAF Congress in Beijing in August 2015.

Queen's Park Rangers v English Football League

(Arbitration, 2015-8)

Acted for the Football League in successfully defending the League's Financial Fair Play rules against a competition law challenge under Article 101 TFEU by QPR, the subject of a £42 million fine. The League's success in October 2017 was widely reported in the press. QPR's appeal was settled in July 2018 when the club agreed to pay a total of nearly £42 million in fine, costs and written off amounts.

Welsh Rugby Union v Phillips

(2017-8, High Court)

Acted for the WRU in a High Court claim for injunctions and damages against an individual responsible for buying and selling a very large quantity of tickets for two Wales international rugby matches on the "black market". The case settled before a trial due in 2018.

AMP Advisory and Management Partners A.G. v Force India

[2019] EWHC 2426 (Comm) and [2019] EWHC 2971 (Comm)

Acted as lead counsel for the Force India Formula 1 team in a 7 day Commercial Court trial concerning non-payment of allegedly agreed multi-million euro commission in connection with a sponsorship deal. The breach of contract claim was dismissed in its entirety and the bulk of the quantum meruit claim also dismissed.

Confidential arbitration concerning football agents' fees

(2016, FA Rule K Arbitration)

Acted as sole counsel for a major football agent in a claim against a former Premier League club for unpaid fees in relation to transfers.

RFU v Coulter, Earle & Lindfield

(2016, RFU Disciplinary Panel)

Acted as sole counsel for the RFU in a successful disciplinary prosecution in connection with the consumption and supply of cocaine during a Kent County RFU tour of Argentina.

RFU v Luke Willmott

(2015-6, RFU Anti-Doping and Appeal Panels and Court of Arbitration for Sport)

Acted as sole counsel for the RFU in a successful disciplinary prosecution for attempted trafficking of a human growth hormone. The Appeal Panel's reduction of the initial 5-year sanction is being appealed by World Rugby and WADA to CAS, at which James will represent the RFU.

RFU v Philip Blake

(2015, RFU Disciplinary and Appeal Panels)

Acted as sole counsel for the RFU in the first ever disciplinary prosecution under World Rugby's new anti-corruption rules, against Leicester Tigers defence coach Philip Blake who had wagered on two matches involving his own team.

Confidential arbitration concerning competition law

(2015, Arbitral Panel)

Acted in a confidential arbitration concerning the lawfulness under European competition law of rules limiting the economic freedom of sports clubs.

FAPL Limited v British Sky Broadcasting and Ors

[2013] ECDR 14 (High Court)

Acted for the Premier League in successfully obtaining the first ever blocking order against the ISPs in respect of unlawfully streamed sports coverage over the internet (with Ian Mill QC).

RFU v London Welsh RFC

(2013, RFU Disciplinary and Appeal Tribunals)

Acted as sole counsel for the RFU in its successful prosecution of London Welsh for playing an unregistered scrum half, Tyson Keats, resulting in a 5-point deduction.

RFU v Viagogo Ltd

[2012] 1 WLR 3333 (Supreme Court)

Acted for the RFU in a ground breaking Norwich Pharmacal application against the online ticket agency Viagogo in relation to the unlawful re-selling of tickets for rugby union internationals (with Lord Pannick QC in the Supreme Court, and Ian Mill QC in the Court of Appeal).

Lapikov v International Weightlifting Federation

(CAS 2012/A/2677)

Acted for Russian weightlifter Dmitry Lapikov in appeal to CAS against a four-year anti-doping ban imposed by the IWF. The ban was halved to two years (with Ian Mill QC).

London 2012 Olympic Selection disputes

Acted for the British Olympic Association in successfully defending Olympic selection decisions in Taekwondo, Judo and Wrestling, including in the high-profile dispute with Taekwondo athlete Aaron Cook.

RFU v Delon Armitage

(2011, RFU Disciplinary and Appeal Tribunals)

Acted as sole counsel for the RFU in the successful prosecution of the England and London Irish player Delon Armitage for pushing and abusing a UK Anti-Doping official, against a QC.

FA v QPR

(2011, FA Disciplinary Tribunal)

Acted for the FA in the successful prosecution of QPR for failing to make disclosure of "third party" arrangements concerning Alejandro Faurin (as junior to Adam Lewis QC).

RFU v Brendan Venter

(2010, RFU Appeal Tribunal)

Acted for the Saracens coach Brendan Venter in his appeal against a 14-week match day ban for provoking a Leicester Tigers crowd at an away match (as junior to Adam Lewis QC).

RFU v Harrison, Lipman, Crockett and Higgins

(2009, RFU Disciplinary and Appeal Tribunals)

Acted for the RFU in a successful prosecution of four Bath Rugby Club players in relation to their refusal to take drugs tests following allegations of cocaine abuse in mid-2009 (with Andrew Green QC).

RFU v Haskell

(2008, RFU Disciplinary Tribunal)

Acted for England and Wasps player James Haskell in citing for alleged head-butt during a Guinness Premiership match (reduced to dangerous play – 1 week ban).

Ohuruogu v British Olympic Association

(2008) I.S.L.R., 2/3, SLR 113

Acted for the BOA in an appeal by the 400m sprinter Christine Ohuruogu against the life ban imposed in respect of Olympic competition (with Adam Lewis QC).

Neo Sports Broadcast v Star India

(2008, SIAC Arbitration)

Acted for Indian sports broadcaster in a commercial arbitration concerning the \$612m broadcasting rights for Test and One-Day International cricket in India (with Ian Mill QC).

ERC v Casey, Danaher and Murphy

(2008, ERC Disciplinary Tribunal)

Acted as sole counsel for three London Irish players cited for alleged foul play during a Heineken Cup match.

Rabeni v RFU

(2008, RFU Appeal Panel)

Acted for the RFU in successfully defending an appeal by Leicester Tigers player Seru Rabeni against a 14-week ban for foul play

Media & Entertainment

James undertakes media and entertainment matters in both the commercial and regulatory fields. He is recognised as a leading junior in the field by Chambers and Partners, Legal 500 and Who's Who Legal.

“He's very user-friendly, responsive and produces excellent written work.”

– CHAMBERS AND PARTNERS, 2021

Cases

UK Hospitality Industries & Anor v Phonographic Performance Limited

(2019, Copyright Tribunal)

Acting for the collecting society PPL in defending a Copyright Tribunal reference about PPL's revised tariff for "Specially Featured Entertainment" in nightclubs, pubs, hotels and restaurants in the UK.

RXG v Ministry of Justice

[2020] QB 703

Acted as amicus curiae before the Divisional Court (PQBD and Nicklin J) in a case about whether the UK's youngest ever terrorist should have lifelong anonymity. The decision delivered in July 2019, granting such anonymity, summarises the law in this difficult area.

R (Avaaz Foundation) v Ofcom

[2018] EWHC 1973 (Admin)

Acted for 21st Century Fox (led by Lord Pannick QC) in a judicial review brought by a pressure group seeking to establish that Ofcom had been wrong to find that Sky would remain fit and proper after full acquisition by Fox.

Re Tariff LP (Concerts and Festivals)

(2017-8, Copyright Tribunal)

Acted for PRS in a successful reference to the Copyright Tribunal obtaining amendments to Tariff LP, under which most live music events pay royalties, to give effect to an agreement with the Live Sector.

BBC v PRS for Music

(2016-8, Copyright Tribunal and High Court)

Acted for PRS and MCPS in defending a Copyright Tribunal reference by the BBC concerning its licences to broadcast music on television and radio (with Robert Howe QC). An important decision on the scope of the territorial jurisdiction of the Copyright Tribunal was delivered by the High Court in November 2018 ([2018] EWHC 2931 (Ch); [2019] Bus LR 662).

ITV plc and ors v Performing Rights Society

(2014-17, Copyright Tribunal and High Court)

Represented PRS for Music in successfully defending Copyright Tribunal proceedings challenging ITV's broadcast licence fee, which were heard over two weeks in November 2015 and resulted in a decision in June 2016 (with Robert Howe QC). In February 2017, the High Court dismissed an appeal by ITV on a point of law as to the effect of "non-precedential" licences (see [2017] L.L.R. 341).

Re Listed Events

(2014)

Advised and acted for a multi-national broadcasting group in connection with a proposed change to the UK's legislative regime for mutual recognition of listed events through the EU.

Re MIFiD, financial benchmarks and journalism

(2014)

Advised the European Publishers Council and the Professional Publishers Association as to whether the European Commission's proposal to regulate indices used as benchmarks in financial instruments and contracts was compatible with the fundamental freedoms of the press under EU law (with Michael Beloff QC, Brian Kennelly and Jason Pobjoy).

FAPL Limited v British Sky Broadcasting and Ors

[2013] ECDR 14 (High Court)

Acted for the Premier League in successfully obtaining the first ever blocking order against the ISPs in respect of unlawfully streamed sports coverage over the internet (with Ian Mill QC).

Healey and ors ("The Saturdays") v Maximum Artist

(2010-12, High Court)

Acted for the members of the pop group "The Saturdays" in an accounting claim against their former manager.

Performing Rights Society v NSM Music Limited

(2010-12, High Court)

Acted for PRS for Music in High Court proceedings against online-enabled jukebox operator NSM.

Modest Management v Stacey Solomon

(2011, High Court)

Acted in a damages claim against the X Factor star Stacey Solomon in relation to alleged breach of an exclusive management agreement.

Phonographic Performance Limited v British Hospitality Association

[2010] EWHC 209 (Ch)

Acted for trade associations for the hospitality and retail industries in successfully defending PPL's appeal against a Copyright Tribunal decision overturning PPL's new background music tariffs (with Robert Howe QC).

Marbelow Limited v Chrysalis Limited

(2009, High Court)

Acted for Chrysalis and EMI records in defence of a royalty claim by the former members of "Spandau Ballet" (with Ian Mill QC and Pushpinder Saini QC).

CMO Management Limited v Downey & Ors

(2008, Patents County Court)

Acted for former manager of "Thin Lizzy" in commission dispute.

Procurement

James has extensive experience of procurement matters. He is recognised as a leading junior in the field by Chambers and Partners, Legal 500 and Who's Who Legal.

"His advice is always clear and succinct, and he instils confidence with his knowledge and demeanour."

— CHAMBERS AND PARTNERS, 2021

Cases

Supreme Foodservice UK Ltd v Ministry of Defence

(2015-6, High Court)

Acted as sole counsel for claimant in a challenge to the termination of the award process for the supply of food to the British Armed Forces.

Fujitsu Services Limited v Foreign and Commonwealth Office

(2018-19, High Court)

Acted for Fujitsu in a successful challenge to the Foreign Office's decision to award a £350 million contract for its "global connectivity" services to another tenderer. Shortly before a hearing in March 2019 at which the High Court was to decide whether to lift the automatic suspension, the Foreign Office conceded errors and withdrew its decision.

Fujitsu Services Ltd v (1) Department for Transport, (2) IBM UK Ltd

(2013-4, High Court)

Acted as lead counsel for the Claimant in a claim against the DfT relating to the contract for the IT system for the DVLA, which is one of the largest Government contracts in the UK (leading Emily Neill).

Risk Management Partners Ltd v Brent LBC

[2011] 2 AC 34 (Supreme Court)

Acted in the first public procurement case ever to be heard in the Supreme Court or House of Lords, and the first domestic case on the "Teckal exemption" (with John Howell QC and Javan Herberg QC).

J Varney & Sons Waste Management Ltd v Hertfordshire CC

[2010] Eu LR 669 (High Court) and [2011] 3 CMLR 35 (Court of Appeal)

Acted in this leading case on the duty of transparency, “abnormally low” offers and the “implied contract”, arising out of the successful defence of a multi-million pound damages claim (with John Howell QC).

Electronic Data Systems v Transport Trading Limited

[2008] EWHC 2105

Acted for a successful applicant for an interim injunction preventing TfL from re-awarding the contract for the operation of the Oyster Card scheme (with John Howell QC).

Intellectual Property

James has extensive experience of IP matters in the antitrust, media and entertainment, sport and public law fields. He has appeared in the Copyright Tribunal, IPEC, the High Court and the European Patent Office. He is recognised as a leading junior in the field by Chambers and Partners and the Legal 500.

“He is extremely collaborative, very bright, and a really good team player.”

– CHAMBERS AND PARTNERS, 2021

Cases

Re Tariff LP (Concerts and Festivals)

(2017-8, Copyright Tribunal)

Acted for PRS in a successful reference to the Copyright Tribunal obtaining amendments to Tariff LP, under which most live music events pay royalties, to give effect to an agreement with the Live Sector.

Royalty Pharma Collection Trust v Boehringer Ingelheim International GmbH

(2019-21, High Court)

Acting for intellectual property licensing company in a contractual claim for multi-million euros of outstanding royalties.

Interdigital Technology Corporation v Lenovo Group Ltd

[2021] EWHC 89 (Pat); [2020] EWHC 1318 (Pat)

Acting for Lenovo in defending global FRAND royalty claim. A jurisdiction challenge is to be heard by the High Court in February 2020.

Napp Pharmaceutical Holdings Ltd v Sandoz Ltd

2017-2019, High Court (including [2017] 4 Costs L.R. 647)

Acted for pharmaceutical company Napp in defence of a claim for £113 million under a cross-undertaking in damages given in support of an interim injunction in support of a patent infringement claim. The claim was heard over 18 days in May 2019 and settled prior to Judgment being delivered.

UK Hospitality Industries & Anor v Phonographic Performance Limited

(2019, Copyright Tribunal)

Acting for the collecting society PPL in defending a Copyright Tribunal reference about PPL's revised tariff for "Specially Featured Entertainment" in nightclubs, pubs, hotels and restaurants in the UK.

Vestel Elektronik Sanayi Ve Ticaret AS v HEVC Advance LLC

[2021] 4 WLR 60 (CA); [2020] FSR 13 (HC)

Acted for a Delaware-incorporated patent pool which licenses technology essential to the HEVC video compression standard in successfully contending that the English Courts had no jurisdiction over a claim by Vestel (one of the largest TV manufacturers in the world) for alleged abuses of dominance by HEVC and Philips. An appeal by Vestel was dismissed by the Court of Appeal in March 2021.

Oro Agri International Ltd v Vivagro SARL

(Commercial Court, 2016-9)

Acted for the Defendant in Commercial Court proceedings seeking multi-millions of euros for alleged breach of contract and misuse of confidential information in relation to the development and sale of plant protection products within the EU. The case settled in February 2019 shortly before a 7-day trial.

Sherlock Systems C.V. v Apple Inc

(EUIPO DECISION 0013568)

James acted for Apple in successfully defending a revocation action which was part of an attack on 120 of Apple's European trade marks, on the ground of an abuse of right by the applicant.

Conversant Wireless Licensing S.à r.l. v Huawei Technologies Co. Ltd

[2021] 1 All ER 1141

Acted for Huawei on FRAND and competition law issues in one of The Lawyer's Top 20 Cases of 2019: a claim brought by Conversant, a licensing entity associated with Nokia patents. The Supreme Court heard a jurisdiction appeal in October 2019 and in August 2020 upheld the decisions of the Court of Appeal and High Court. A FRAND trial listed for February 2021 was subsequently vacated when the claim settled.

BBC v PRS for Music

(2016-8, Copyright Tribunal and High Court)

Acted for PRS and MCPS in defending a Copyright Tribunal reference by the BBC concerning its licences to broadcast music on television and radio (with Robert Howe QC). An important decision on the scope of the territorial jurisdiction of the Copyright Tribunal was delivered by the High Court in November 2018 ([2018] EWHC 2931 (Ch); [2019] Bus LR 662).

Unwired Planet v Huawei

[2021] 1 All ER 1141 and many other decisions

Acted for Huawei from March 2014 until the end of the case in August 2020, on FRAND and competition law issues, in the first ever "FRAND" trial in the UK. The Supreme Court's decision of August 2020, and the decisions of the Court of Appeal of November 2018 and High Court of April 2017, attracted international attention. James argued a substantial part of the case before the Court of Appeal and High Court, and regularly appeared in High Court hearings in this matter (see e.g. [2015] EWHC 2097 (Pat), [2015] EWHC 2097 (Pat); [2015] EWHC 2901 (Pat); [2015] EWHC 3137 (Pat); [2016] Bus. L.R. 796; [2016] E.C.C. 21).

R (Vitra Collections AG & Ors) v Secretary of State

(2015-6, High Court)

Acted as sole counsel for a consortium of owners of classic furniture designs in a successful challenge to the UK's failure to implement the correct period of copyright protection for such designs in accordance with EU law. The claim was conceded by the Government and a fresh consultation announced.

ITV plc and ors v Performing Rights Society

(2014-17, Copyright Tribunal and High Court)

Represented PRS for Music in successfully defending Copyright Tribunal proceedings challenging ITV's broadcast licence fee, which were heard over two weeks in November 2015 and resulted in a decision in June 2016 (with Robert Howe QC). In February 2017, the High Court dismissed an appeal by ITV on a point of law as to the effect of "non-precedential" licences (see [2017] L.L.R. 341).

Qualcomm v Nokia

(2007, Court of Chancery of the State of Delaware)

Jointly authored, with Sir David Edward QC, the UK's former judge at the ECJ, an expert opinion on standardisation agreements and Article 81 EC, in one of the first major pieces of worldwide FRAND litigation between Qualcomm and Nokia.

Phonographic Performance Limited v British Hospitality Association

[2010] EWHC 209 (Ch)

Acted for trade associations for the hospitality and retail industries in successfully defending PPL's appeal against a Copyright Tribunal decision overturning PPL's new background music tariffs (with Robert Howe QC).

Philips and others v ALBA plc

[2009] EWHC 1600 (Pat)

Acted for holders of patents in the MPEG-2 patent pool in a substantial High Court matter concerning the application of the "FRAND defence" to IP infringement proceedings (as junior to Nicholas Green QC, Ian Mill QC and Tom de la Mare QC).

HTC Corporation v Gemalto Systemes NV

(2012-3, High Court)

Acted for HTC Corporation in a High Court competition law case concerning patent licensing (with Nicholas Green QC).

FAPL Limited v British Sky Broadcasting and Ors

[2013] ECDR 14 (High Court)

Acted for the Premier League in successfully obtaining the first ever blocking order against the ISPs in respect of unlawfully streamed sports coverage over the internet (with Ian Mill QC).

Financial Services

James' expertise in the crossover between EU, public and commercial law regularly leads to instructions in the Financial Services field.

Cases

Financial Conduct Authority Review into the Failure of HBOS plc

(2014-5)

Acted as independent counsel instructed by the FCA (with Andrew Green QC and Simon Pritchard) to produce a public report reviewing the reasonableness of the FSA's enforcement investigations in relation to the failure of HBOS plc.

Financial Conduct Authority advisory work

(2015-6)

Acting on an extended advisory brief in connection with a major ongoing consultation process.

Financial Services Authority v Prudential plc

(2011-13, FSA Regulatory Decisions Committee)

Acted for Prudential in defending disciplinary proceedings before the FSA's Regulatory Decisions Committee (with Javan Herberg QC and Andrew George).

Landsbanki v Financial Services Authority

(2008, advisory)

Acted for Landsbanki in advising the Icelandic bank at the height of the financial crisis (with Thomas Beazley QC).

Split Capital Investment Trusts

(2007)

Acted for the FSA in a high-profile enforcement investigation relating to Split Capital Investment Trusts (with Javan Herberg QC).

Damages Claims Against the State

James's substantial experience of both commercial, public and regulatory litigation has made him a regular choice for both claimants and defendants in damages claims against the state.

Cases

Recall Support Services Ltd v Secretary of State

[2014] 2 CMLR 2 (High Court); [2015] 1 CMLR 38 (Court of Appeal)

Acted for the Claimants in Francovich damages proceedings against the UK in relation to incorrect implementation of the Authorisation Directive (with Monica Carss-Frisk QC).

Breyer Group Plc v DECC

2016-8 (High Court)

Acted for the UK Government in defending claims by solar energy companies for more than £300 million in damages, under the Human Rights Act 1998, in relation to changes to the system for Feed-In Tariffs. The trial was listed as one of The Lawyer's Top 20 Cases of 2018. It settled shortly before a ten-week trial.

Chatwani & Ors v National Crime Agency

(2015-6, High Court)

Acted for the National Crime Agency in defending a High Court claim for over £8 million in damages relating to the execution of search warrants upon a large business (with Jeremy Johnson QC). The proceedings settled in November 2017.

Eurasian Natural Resources Corp Ltd v Director of the Serious Fraud Office

2019-21, Commercial Court

Acting for the SFO in defending a claim for over \$93 million for alleged misfeasance in public office. The claim is going to a 12-week trial commencing in late May 2021.

R (Data Broadcasting International) v Office of Communications

(2010) 107(24) L.S.G. 23 (High Court)

Acted for the Claimants in leading case on the legal classification of a broadcasting licence, arising from a damages claim concerning digital switchover (with Pushpinder Saini QC).

Tchenguiz & Ors v Serious Fraud Office (Main Proceedings)

(2013-4, High Court and Court of Appeal)

Acted for the Serious Fraud Office, instructed by Slaughter & May, defending Commercial Court damages proceedings brought by the Tchenguiz brothers in respect of SFO raids on their premises in March 2011. The proceedings settled in July 2014 ahead of a 12-week trial due to commence in October 2014. Whilst on foot, there were a number of important interlocutory judgments of the Commercial Court and Court of Appeal including in relation to (a) res judicata and the distinction between public and private law unlawfulness (see [2013] Lloyd's Rep F.C. 535 and [2014] Lloyd's Rep. F.C. 519); and (b) the correct approach to inadvertent disclosure of documents attracting public interest immunity ([2015] 1 WLR 797).

ACHIEVEMENTS

Education

BA (Hons) First Class (Brasenose College, University of Oxford)

Diploma in Law with Distinction (University of Law)

Bar Vocational Course, Outstanding (Inns of Court School of Law)

Publications

Books

- Editor of "Anti-competitive practices, EU law and free movement of goods", and Co-Editor of Brexit in Laddie, Prescott and Vitoria: The Modern Law of Copyright (5th Ed'n, London 2018).
- Co-author of "Doping" in "Football and the Law" (1st Ed'n, London 2018).
- Co-Editor of Challenging Sports Governing Bodies, Lewis, Taylor, De Marco and Segan (1st Ed'n, London, 2016).
- Co-author of the Competition section in Bullen & Leake's Precedents of Pleadings (18th Ed'n, London, 2015).

Articles

- 'Arbitration clauses and competition law', Oxford Journal of European Competition Law, Volume 9, Issue 7, 1 September 2018, Pages 423–430.
- 'The European Union (Withdrawal) Act 2018: Ten Key Implications for UK Law and Lawyers', U.K. Const. L. Blog (26th Jul. 2018).
- 'Parliamentary privilege, article 9 of the Bill of Rights and admissibility: what use can be made of Parliamentary materials in litigation?', [2018] Judicial Review, vol. 23(1), 11-24.
- 'The European Union (Withdrawal) Bill: Constructive ambiguity or a political choice not yet made?', European Advocate, Winter 2017-18 pp6-9.
- 'Anti-Doping Prosecutions: Are We Striking the Right Balance?', [2017] I.S.L.R. Vol 17, Issue 4 pp71-75.
- 'Exploring the "best value" duty', J.R. 2013, 18(1), 93-98.

- "Applicable Law 'Shopping'? Rome II and Private Antitrust Enforcement in the EU', Comp. L.J. 2008 7 (3), 251-260.
- Co-author, with Sir David Edward QC, of "Questions and Problems of Applying the Acquired Rights Directive in the United Kingdom", published in Germany.

Blogs

- Regular contributor to Blackstone Chambers Competition and Sport Law Bulletin blogs.

Selected earlier reported cases

Public & Regulatory

- R (Channel Television Limited) v Office of Communications (2011, High Court)
- Isle of Anglesey County Council and another v Welsh Ministers and others [2010] QB 163 (Court of Appeal)
- R (Data Broadcasting International) v Office of Communications (2010) 107(24) L.S.G. 23 (High Court)
- R (Risk Management Partners) v Brent LBC [2010] PTSR 349 (Court of Appeal)

VAT registration number: 447008068

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