

Michael Bloch KC

"We have been blown away by Michael's advocacy skills and his ability to react with alacrity despite only having been instructed a short time before a hearing."

– CHAMBERS AND PARTNERS, 2023

Year of call: **1979**
Appointed to silk: **1998**
Degree: **MA (CANTAB), MPhil UEA**



Michael Bloch KC is a trial and appellate advocate who has advised and appeared in a wide range of high value and high profile domestic and international disputes; he is accomplished and at ease whether analysing esoteric points of law or cross-examining on dense or technically complex factual issues; and, whilst he is sensitive to what the court is thinking, he is also forceful and, where appropriate, fearless.

Michael is a registered Advocate before DIFC Courts (Dubai International Financial Centre) and called to the Bar in the BVI.

Michael is recognised as a leading silk in the latest editions of both the leading legal directories, Chambers and Partners and Legal 500, for his expertise in intellectual property and international arbitration. He was also highlighted as a Recommended Individual in JUVE Patent Rankings 2021 and 2022.

- "From an advocacy point of view, he is excellent – a more mellifluous and silver-tongued counsel solicitors cannot think of, and he is not afraid to take on the judge if required." - Legal 500, 2023
- "We have been blown away by Michael's advocacy skills and his ability to react with alacrity despite only having been instructed a short time before a hearing." - Chambers UK, 2023

Previous comments include:

- "An absolutely outstanding commercial lawyer, who is very user-friendly and a really, really good trial advocate. He is an amazing cross-examiner." - Chambers UK, 2022

In the field of commercial litigation, Michael is advising and representing several high net worth individuals in relation to offshore disputes, including Abdulhameed Dhia Jafar in proceedings in the Cayman Islands relating to the collapse of the Abraaj investment platform, he is advising several private equity funds in connection with claims relating to distressed debt against the Republic of Mozambique and the sale of debt by Credit Suisse, he has advised and represented Koza in a dispute with the Erdogan regime and he has acted for and is advising a global petrochemical refinery enterprise in connection with a series of ongoing disputes, as well as a private equity enterprise in connection with its control of a Scandinavian gold mine.

Michael's recent telecoms experience includes advising and representing ZTE in the Conversant case at first instance, in the Court of Appeal and the Supreme Court; he has advised and represented Lenovo, ZyXel and Xiami in connection with anti-suit and jurisdiction disputes, he is advising and representing Apple in its dispute with Unwired Planet and Pan Optis, and he is also acting for several other SEP owners and cellular telecommunication providers in relation to anti-suit, jurisdictional and FRAND issues.

Michael's specialist Intellectual Property work includes advising and representing two automobile manufacturers in connection with an ongoing registered design right cases concerning new and vintage vehicle designs (which may be seen as building on his work in relation to the Land Rover Defender); he is advising and representing garment manufacturers in the Oh Polly copyright dispute; he is acting for multi-national entertainment and media conglomerate in connection with a copyright and trade mark dispute (which may be seen as building on his work in relation to the StarWars case); he has advised and represented American Eagle in a global licensing and trade mark dispute with Lyle & Scott; and he has advised and represented a multinational US based technology enterprise in pursuing breach of confidence claims against ex-employees involved in the development of satellite communication systems, as well as a host of FRAND cases in which Michael has dealt with both IP and commercial aspects in dispute.

Michael is also advising and representing several major undertakings in the pharmaceutical space on licensing and other IP related commercial issues.

EXPERIENCE

Commercial

Michael is versed in the law and practice of commercial disputes generally. He has advised and appeared in many proceedings concerning pre-emptive, interim and ancillary relief, as well as jurisdictional, justiciability and forum challenges in addition to trials in the Commercial Court and Chancery Division and Antigua, BVI, Cayman Islands and appeals to the Court of Appeal, the Supreme Court and the Cayman Court of Appeals in relation to banking, company law, confidence, contract, fiduciary duty, oil and gas, partnership, proprietary, restitutionary, tort and trust claims.

The company law matters on which Michael has been recently and is currently working include disputes as regards the validity and interpretation of UK company articles, shareholder disputes relating to the control, dilution and management of UK and off-shore companies and the contested position of the directors of and professional advisers to UK and non-UK companies in the context of international undertakings and multi-jurisdictional disputes.

“He is a strategic thinker and has great court awareness.”

– CHAMBERS AND PARTNERS, 2023

Michael is at home in the courts and before arbitrable panels in jurisdictions and territories throughout the Caribbean where he has/is currently working on a wide range of corporate and commercial disputes relating to financial services, private equity and other businesses; he also has hands-on experience of acting in proceedings in Canada, Hong-Kong, Russia and the United States; and is familiar with the procedural rules, as well as the substantive law, of the jurisdictions in which he practices, having advised and appeared in high value cases at all stages of the litigation from anti-suits, anti-anti-suits and jurisdiction challenges to final trials, appellate proceedings and settlement processes.

Michael is advising and representing several high net worth individuals in relation to offshore disputes, including Abdulhameed Dhia Jafar in proceedings in the Cayman Islands relating to the collapse of the Abraaj investment platform, he is advising several private equity funds in connection with claims relating to distressed debt against the Republic of Mozambique and the sale of debt by Credit Suisse, he has advised and represented Koza in a dispute with the Erdogan regime and he has acted for and is advising a global petrochemical refinery enterprise in connection with a series of ongoing disputes, as well as a private equity enterprise in connection with its control of a Scandinavian gold mine.

Cases

IPCom GmbH v Lenovo Technology UK Ltd

Chancery Division, 2019

Resisting an application for an anti-anti suit injunction in the English court following an application for an anti-suit injunction in the United States court in relation to a worldwide technology patent dispute.

Interdigital Technology Corporation v Lenovo Group Ltd

[2021] EWHC 3401 (Pat); [2021] EWHC 3192 (Pat); [2021] EWHC 89 (Pat); [2020] EWHC 1318 (Pat)

Acting for Lenovo in FRAND jurisdictional and anti-suit proceedings.

Philips v Xiaomi Technologies

Chancery Division, 2021

Jurisdiction challenge in relation to a claim for global FRAND damages for alleged breaches of patents.

Jafar v Abraaj Holding & Ors

[2022] (Grand Court of the Cayman Islands, Financial Services Division; FSD 203 of 2020)

This claim arises out of the notorious and widely-publicised collapse of the Abraaj Group, believed to be the largest ever collapse of a private equity platform (valued at over \$13.6 billion) as a result of years' worth of alleged financial mismanagement and fraud, whilst the Group purported to act as a world leader in ethical, impact investing. Acted for Mr Jafar, the Founder of Crescent Petroleum, who brings claims in deceit against certain Abraaj Group entities in respect of loans of over US\$300 million procured in a belated attempt to rescue the business.

Teva Pharma v Eli Lilly

Contractual construction and patent dispute.

Pan Optis & Ors v Apple

Patents Court, ongoing

Instructed by Apple in its FRAND dispute with Pan Optis.

Brunswick Gold v Otso Gold

Acting for a private equity enterprise in connection to its control of a Scandinavian gold mine.

Republic of Mozambique fraud dispute

Commercial Court, ongoing

Substantial fraud proceedings involving allegations of fraudulent wrongdoing against former officials of the Republic of Mozambique. Acting for two secondary market purchasers in multiple claims against Credit Suisse International and the Republic of Mozambique arising out of the US\$2 billion so called "tuna bonds" scandal.

Conversant Wireless Licensing v Huawei

A jurisdiction dispute over the forum for the determination of FRAND licences. Acted for ZTE at first instance, in the Court of Appeal and in the Supreme Court.

Iokovleva v Zakharov & Another

A case concerning the enforcement of a foreign judgment against assets in the possession of a non party.

Eaton Partners v Esso Cayman Partners

An LCIA arbitration arising out of the breakdown in the relationship between a Cayman based carried interest partner for certain special opportunity funds and a U.S. based placement agency.

Antiguan Power Company v the Attorney General & others

A case in the High Court of Antigua and Barbuda relating to the repudiation of a power purchase agreement by the public utilities authority.

Midtown v EGFL

A case concerning the enforcement of a foreign judgment and the operation of CPR 71, 83 & 85, the Tribunals, Courts and Enforcement Act 2007 and the Taking Control of Goods Regulations 2013.

Payment Platform

A case concerning an unlawful means conspiracy to manipulate the share price of a payment platform.

Process Components v Kason Kek-Gardner

A case in the Court of Appeal concerning the termination of a joint venture.

Takahata Precision v Sentec

A case concerning the development and cross-licensing of intellectual property.

Cattles v PwC

An auditor's negligence case in the Commercial Court concerning the collapse of a sub-prime lender.

Burlington Resources (Irish Sea) v Hydrocarbon Resources

A Commercial Court case concerning the termination of a suit of agreements relating to the supply of gas infrastructure and processing services.

Crown Bidco v Vertu

A commercial court case concerning breach of warranty claims under an SPA relating to a global handset business.

Nedgroup v Renova

A derivative action in the Grand Court of the Cayman Islands concerning the alleged diversion of a partnership opportunity in breach of fiduciary duty.

Cavendish v Madkessi

[2013] EWHC 421 (Comm)

A commercial court case concerning the sale and purchase of an international advertising business, the enforceability of the restrictive covenants imposed on the sellers and the application of the penalties doctrine to adjustments to the Consideration and Call and Put Options.

Cavendish v Madkessi

[2012] EWHC 4305 (Comm)

An application for leave to apply to commit a party for contempt of court in connection with the signing of a Statement of Truth.

HTC v Nokia

Ch D (Patents Ct) 12/09/2013

An application in the Chancery Division concerning the recognition of the terms of the protective orders granted by US courts in relation to evidence obtained for use in English proceedings.

Renova v Gilbertson

Grand Court, Cayman Islands 21/08/2012

A Cayman Islands case concerning alleged breaches of fiduciary duties allegedly owed to a company within a structure created to operate a hedge fund or joint venture in connection with the intended acquisition of metals and mining assets and the actual acquisition from Unilever of world-wide rights in FABERGE. The decision of the Appeals Court in Cayman is pending.

Coward v Phaestos Ltd and Ors

[2013] EWHC 1292 (Ch)

A case in the Chancery Division concerning the ownership of the rights in quantitative trading software used by a hedge fund operated through a series of partnerships and international corporate structures.

Coward v MFB

A case in the BVI concerning the impression of trusts on distributed profits of a family business and the status of a "Letter of Wishes".

Civil Fraud, Asset Recovery & Injunctive Relief

Michael has advised and appeared in a series of cases in which it was necessary to master, debate and cross-examine on substantial quantities of accounting, corporate and transactional documentation, as well as expert testimony relating to BVI, Cayman, Cypriot, French, German, Greek, Russian, US and other systems of foreign law. He is widely recognized as a formidable and effective cross-examiner, as well as for his deep interest and understanding of the proprietary and trust aspects of fraud disputes.

Cases

Private equity dispute

ICC Arbitration

A private equity dispute worth \$1billion involving telecommunication assets in the United States. Related proceedings in Hong Kong and the Cayman Islands seeking worldwide injunctive and Norwich Pharmacal relief.

Jafar v Abraaj Holding & Ors

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Republic of Mozambique fraud dispute

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Niru Battery v CAI

[2002] EWHC 1425 (Comm)

A case at first instance and on appeal to the Court of Appeal concerning a letter of credit fraud raising issues of contribution, recoupment and subrogation.

The Jyske Bank case

A case concerning a rogue bank manager making fraudulent investments in Spanish property.

Bankers Trust v City of Moscow

A case concerning the diversion of a syndicated loan.

ICB v Akingbola

A fraud case in the commercial court raising Nigerian law issues and Carl Zeiss issues.

Kaiser v Silverbrook

A commercial court case concerning an anti-suit injunction and other related relief founded on alleged breaches of a joint venture agreement between a US foundation and an Australian inventor.

Protank Orinoco

A commercial court case concerning the falsification of survey records in connection with the sale of an oil tanker.

Arbitration

Michael has appeared and acted in several substantial UNCITRAL, ICC, LCIA, ad hoc and other arbitrations over the last couple of years seated in the Isle of Man, London, Paris, Russia and the US.

“Lateral thinking, very bright, great with clients, good fun.”

– LEGAL 500, 2023

Cases

Private equity dispute

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Axis Bank v Republic of the Maldives

Axis Bank v Republic of the Maldives.

InterDigital v Intel

An UNCITRAL arbitration for one of the world’s largest computer and telecommunication CHIP and software businesses in relation to the cross licences granted in connection with a joint venture.

GSK v Novartis

An ICC arbitration for one of the world’s largest pharmaceutical groups in relation to the rights arising in connection with the development, manufacture and supply of vaccines.

GMR v Republic of the Maldives

An arbitration under the Singapore Arbitration Act concerning the termination of a concession agreement governing the development and operation of the Maldives principal international airport.

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An arbitration under the Singapore Arbitration Act concerning the termination of a concession agreement governing the development and operation of the Maldives principal international airport.

Eaton Partners v Esso Cayman Partners

An LCIA arbitration arising out of the breakdown in the relationship between a Cayman based carried interest partner for certain special opportunity funds and a U.S. based placement agency.

GMIAL v MACL

An UNCITRAL arbitration raising issues concerning the operation of the doctrine of abuse of process in arbitration proceedings.

Concession Agreement Arbitration

An arbitration under the Singapore Arbitration Act concerning the termination of a concession agreement relating to development and operation of the main international airport of the state at issue.

Cross Border Energy

An UNCITRAL arbitration relating to cross border energy supplies.

Payment of Agency Fees

An LCIA arbitration relating to the payment of placement agency fees.

Preclusive Defences

An UNCITRAL raising issues as to the availability in arbitration of preclusive defences.

Loan Repayment

An arbitration under the Singapore Arbitration Act concerning the liability of a sovereign state and state owned company to repay loans under a quasi guarantee.

Border & Customs Control System

An ICSID arbitration relating to a border and customs control system.

Cross Licence

An UNCITRAL arbitration for one of the world's largest computer and telecommunication CHIP and software businesses in relation to the cross licences granted in connection with a joint venture.

Development, Manufacture and Supply of Vaccines

An ICC arbitration for one of the world's largest pharmaceutical groups in relation to the rights arising in connection with the development, manufacture and supply of vaccines.

Breach of Lock Out Provisions

An ICC arbitration for a major Asian supplier of electric power in relation to the breach of the lock out provisions in an agreement concerning the acquisition of an interest in a power station from one the world's largest engineering groups.

Leveraged Acquisition

An LCIA arbitration brought under the SPA for the leveraged acquisition of a Greek chemicals conglomerate.

Co-operation and Distribution Agreement

An LCIA arbitration brought under a co-operation and distribution agreement raising intellectual property rights in a pharmaceutical MAB platform.

Intellectual Property

Michael has advised and appeared in a host of substantial breach of confidence, copyright, design right, IP licensing, passing off, patent and trademark cases in the Chancery Division, the Court of Appeal, the Supreme Court and the CJEU.

The independent legal directories credit Michael as one of a handful of leading silks in this field, noting his expertise in copyright and trade mark cases, as well as IP-related commercial contracts disputes.

“Michael is extremely bright, and very user-friendly. He's also very commercially minded: he comes up with practical solutions and gives the advice that the client looks for.”

– CHAMBERS AND PARTNERS, 2023

Cases

Philips v Xiaomi Technologies

Chancery Division, 2021

Jurisdiction challenge in relation to a claim for global FRAND damages for alleged breaches of patents.

Original Beauty v G4K

Advising and representing garment manufacturers in the Oh Polly copyright dispute.

Ineos v Jaguar Land Rover

Advising and representing two automobile manufacturers in connection with an ongoing registered design right dispute concerning new and vintage vehicle designs.

Interdigital Technology Corporation v Lenovo Group Ltd

[2021] EWHC 3401 (Pat); [2021] EWHC 3192 (Pat); [2021] EWHC 89 (Pat); [2020] EWHC 1318 (Pat)

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GSK v Novartis

An ICC arbitration for one of the world's largest pharmaceutical groups in relation to the rights arising in connection with the development, manufacture and supply of vaccines.

UPL v ACA

A case concerning trade mark infringement in connection with the licensing and marketing of pesticides.

Lush v Amazon

A trade mark infringement case relating to the use of Google AdWords and the results of organic searches on the Amazon.co.uk website. The case was settled in the course of the Court of Appeal hearing.

GMR v Republic of the Maldives

An arbitration under the Singapore Arbitration Act concerning the termination of a concession agreement governing the development and operation of the Maldives principal international airport.

Warner-Lambert v Generics UK

An appeal case relating to whether the pursuit of a proposed patent amendment would be an abuse of process.

Merck Sharp & Dohne Ltd & Another v ONO Pharmaceutical Co Ltd & Others

A case concerning, amongst other things, the determination of royalties in respect of the use in or in relation to the U.K. of a patented invention practised directly or indirectly by joint venture partners globally.

Saatchi v Saatchi Online

A Chancery case concerning rights in the Saatchi name.

GNIC v NBTY-EU

A Chancery case concerning the alleged breach of a trademark licence and the infringement of the licensed marks by allegedly unlicensed use.

Jack Wills v House of Fraser

A passing off and trade mark infringement case relating to a logo or sign appearing on articles of clothing.

Nestle v Cadbury

[2013] EWCA Civ 1174

A Court of Appeal case concerned with the registration of colour marks and, in particular, a shade of the colour purple.

Sky & Microsoft

[2013] EWHC 1826 (Ch)

A trademark infringement case concern with the use of the name "SKYDRIVE" on the Microsoft Windows Platform.

Generics & Actavis v Warner-Lambert

A patent case at first instance and on appeal to the Court of Appeal concerning post trial amendments and abuse of process.

Generics (UK) v Yeda

[2012] EWCA Civ 726

A Court of Appeal case concerning the duties of in-house patent attorneys to former and current employers and the potential conflicts of interest that may arise.

Powerchord v Peeks

A case concerning the application of trade mark law and the law of passing off to start ups in the music and social media spheres.

The Racing Partnership v SIS & Others

A case concerning database right, confidence and conspiracy in relation to betting data.

Ineos v Jaguar

A trade mark case concerning the registration of vehicle shapes.

Generics v Actavis

[2015] EWHC 3370 (Pat)

A Court of Appeal case concerning, among other things, the legal principles applicable to the test of abuse of process in relation to post trial applications to amend patent claims.

Gloucester Place Music LTD v Simon Le Bon & 11 ORS (Duran v Duran)

[2016] EWHC 3091 (Ch)

A case concerning the interplay between English and foreign law in the assignment of musical copyrights governed by English law.

GSK v Wyeth

A case concerning, among other things, the principles applicable to the taking of an account of profits and assessing user based damages.

Societe Des Produits Nestle SA v Cadbury UK LTD (2017)

[2017] EWCA Civ 358

A trade mark case in the Court of Appeal concerning the registration of the KITKAT shape.

Media & Entertainment

Michael has advised and appeared in many media and entertainment cases calling for both commercial and IP experience and expertise. He has also advised and/or appeared in defamation and confidence cases for most of the major media groups, including the BBC, The Times, The Guardian, Time Out and The Express, as well as for many politicians, journalists and celebrities. Cases include Lion Laboratories v Evans [1985] QB 526 and Hyde Park Residence v Yelland [2001] Ch. 143

ACHIEVEMENTS

Selected earlier reported cases

Commercial

- Lehman Brothers US bankruptcy
- Yukos v Rosneft [2010] EWHC 784 (Comm), [2011] 1 All ER (Comm) 172
- easyGroup v easyJet [2009] EWHC 895 (Pat)
- I-CD Publishing v Popkov / The Odnoklassniki case (2009)
- GSK v Abbott
- Welcome Break Group Acquisition
- Celltech v Medimmune
- Virgin Atlantic Airways v British Airways
- Co-Operative Wholesale Society v Green
- Advising one of the principal utility providers in the UK in relation to contractual disputes relating to the provision of an integrated IT system.
- Acting on behalf of Deutsche Bank in Commercial Court proceedings against the Norwegian export guarantee department in relation to a dispute relating to ISDA form derivatives.
- A dispute concerned with the winding-up of an offshore hedge fund.
- Bayer Cropscience v DEFRA and Friends of the Earth
- Bugging Cases
- A series of disputes raising acquiescence, estoppel, laches and waiver issues in connection with agreements governing commercial partnerships and joint ventures.

Civil Fraud, Asset Recovery & Injunctive Relief

- Niru Battery v CAI [2002] EWHC 1425 (Comm)
- The Jyske Bank case
- The Canada Trust case
- Bankers Trust v The City Of Moscow

Arbitration

- An arbitration arising out of a military procurement partnership dispute.
- An arbitration concerning the introduction of new technologies in the coatings and cosmetics industries.
- An arbitration between one of the former CIS countries and a U.S. power supplier in respect of the use of the national grid to export power to other countries.
- Bankers Trust v City of Moscow
- Pilkington v PPG Industries

Intellectual Property

- Numatic v Qualtex [2010] EWHC 1237 (Ch)
- Specsavers v ASDA [2010] EWHC 2035 (Ch)

- BUD and Budweiser cases [2002] EWCA Civ 1534
- Lucasfilm Ltd v Ainsworth, The Star Wars case [2011] UKSC 39, [2012] 1 A.C. 208
- Inter Digital Technology Corp v Nokia
- United Biscuits v ASDA [1997] RPC 513
- Chocosuisse v Cadbury [1999] ETMR 1020
- Aspinal v Kiki James
- Philip Morris v BAT
- The European v The Economist [1998] ETMR 307
- Royal Mail
- Mars v Nestle [2005] 3 CMLR 12

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