

Michael Bloch QC

“He has a first-rate mind, a compelling advocacy style and tremendous charm at all times.”

– LEGAL 500, 2015

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



Michael Bloch QC 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 UK 2018 and Legal 500 2017, for his expertise in intellectual property and international arbitration.

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, confidence, contract, fiduciary duty, oil and gas, partnership, proprietary, restitutionary, tort and trust claims.

Cases

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.

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 suite 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".

Process Components v Kason Kek-Gardner

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

Payment Platform

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

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.

Takahata Precision v Sentec

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

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

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.

“His ability to bury down into the issues and then put very complex ideas into prose is exceptional.”

– CHAMBERS UK, 2016

Cases

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.

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.

Cross Border Energy

An UNCITRAL arbitration relating to cross border energy supplies.

Preclusive Defences

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

Payment of Agency Fees

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

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.

“He cuts through to the key issues and makes sure they fit the commercial objective in a way that is surprisingly uncommon among even very good barristers.”

– CHAMBERS UK, 2016

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.

Cases

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.

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.

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.

The Racing Partnership v SIS & Others

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

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.

Ineos v Jaguar

A trade mark case concerning the registration of vehicle shapes.

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.

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.

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

- 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.

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

- 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

- 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