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James Segan KC



"One of the most impressive barristers working in London. James provides flawless legal analysis and works collaboratively."

— CHAMBERS AND PARTNERS, 2025

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 UK advocate (King's Counsel) in a total of nine practice areas by Chambers and Partners UK, Chambers Global, Legal 500, JUVE Patent Rankings and Who's Who Legal. He was named one of the "Hot 100" lawyers in the UK in 2023 by The Lawyer magazine. Appointed to Queen's Counsel in March 2020 at the age of just 38, he has argued cases at all levels of the judicial hierarchy, including in the UK Supreme Court.

He is regularly instructed in some of the largest litigation in the UK, including numerous of The Lawyer's Top 20 cases of recent years (such as Moderna v Pfizer & BioNTech (damages claim about COVID-19 vaccines); Jane Street v London Metal Exchange (cancellation of nickel contracts in March 2022); ENRC v SFO (closely-followed 47-day and 8-day Commercial Court trials in 2021 and 2023); Canary Wharf v European Medicines Agency (whether Brexit had frustrated the EMA's lease); Unwired Planet & Conversant v Huawei (Supreme Court proceedings establishing the global FRAND jurisdiction); Breyer v DECC (damages claim under the HRA 1998); Tchenguiz v SFO (alleged misfeasance in public office); Autostore v Ocado (foreign law on confidentiality); Alcatel v Amazon (global FRAND case relating to streaming services); and SFO v ENRC (legal professional privilege in solicitors' investigations)). He won an award from Global Investigations Review for his advocacy in SFO v ENRC.

He practises in regulatory, commercial and public law, with sector expertise in competition, 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

Competition

James has extensive experience of Competition work and is recognised as a leading advocate in these fields by Chambers Global, Chambers and Partners, Legal 500 and Who's Who Legal. He was nominated for Legal 500's Competition Silk of 2023 and Competition Junior of 2018 and 2019.

"James has a huge depth of experience and encyclopaedic knowledge of the application of competition law."

— LEGAL 500, 2025

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He is a member of the Joint Working Party of the Bars and Law Societies of the UK on Competition Law. He is the Co-author of the Competition Law section of Bullen Leake & Jacob's Precedents of Pleadings (19th Ed'n, London 2019) and the Editor of the EU and Competition Law section of Laddie, Prescott and Vitoria: The Modern Law of Copyright (5th Ed'n, London 2018).

He has written widely on competition law matters, including 'Arbitration clauses and competition law' (Oxford Journal of European Competition Law, Volume 9, Issue 7, 1 September 2018). In February 2021, James was interviewed by Concurrences, the well-known European Competition Law publication, as part of a Special Issue on Arbitration and Antitrust.

Cases

A club v B governing body

2025

Acted in a confidential arbitration for a sport governing body in defending a competition law challenge to one of the governing body's rules.

Amazon v InterDigital

2025-6, High Court

Acting for Amazon in global RAND declaratory action relating to licensing terms for video streaming services. A RAND trial is listed for September-October 2026.

Alcatel Lucent SAS v Amazon Digital UK Ltd

[2025] EWCA Civ 193; [2024] EWHC 1921 and 2339 (Pat)

Acted for Amazon, before the High Court and Court of Appeal, in defending patent infringement proceedings relating to Amazon's Prime Video service and hardware. After a substantial hearing in July 2024 at which James led for Amazon, the High Court rejected Alcatel/Nokia's jurisdiction challenge; permitted Amazon to advance a counterclaim for a global RAND licence; and expedited the RAND trial to October 2025. James also led for Amazon before the Court of Appeal in early 2025, obtaining permission to advance a claim for an interim licence. The case settled shortly thereafter.

Panasonic v Xiaomi

[2024] EWHC 2445 (Pat); [2023] EWHC 2871 and 2872 (Pat)

Acted for Xiaomi in defending FRAND proceedings brought by Panasonic. At a hearing in November 2023, Xiaomi secured the expedition of a 15 day FRAND trial in England so as to minimise the risk of injunctions being enforced against Xiaomi in Germany and the UPC. James was instructed to lead for Xiaomi at the Autumn 2024 trial, which settled shortly before it began.

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Interdigital Technology Corporation v Lenovo Group Ltd

[2024] EWCA Civ 743; [2023] EWHC 1583 (Pat); [2023] EWHC 1577 (Pat); [2021] EWHC 3401 (Pat); [2021] EWHC 3192 (Pat); [2021] EWHC

Acted for Lenovo in only the second determination of global FRAND licensing terms ever undertaken by the UK Courts (the first being Unwired Planet, in which James also acted). A 17-day FRAND trial took place in January-February 2022 followed by a 5-day appeal in June 2024. The Court-determined FRAND rate of 22.5 cents per device was approximately 55% less than InterDigital's request for 49.8 cents.

Competition Commission of Hong Kong v W. Hing Construction

[2022] HKCA 786

Acted for the Hong Kong Competition Commission in the first appeal to the Court of Appeal concerning penalties under the Competition Ordinance. The Competition Tribunal had reduced cartel fines on the basis that certain respondents formed only part of the undertaking liable in each case for the infringement. The Court of Appeal held that the Tribunal had erred in principle , because (i) such a reduction was wrong by reference to EU case law on joint and several liability (paras 33-60), (ii) it was contrary to public policy to permit the respondents to rely upon their own unlawful conduct in mitigation of a penalty (paras 61-71), and in any event (iii) it was irrelevant to have regard to matters internal to the undertaking (paras 72-76).

Poulter & Ors v PGA European Tour

I.S.L.R. 2022, 4, SLR135-SLR137; SR/165/2022

Acting for professional golf players who have signed to participate in the LIV Golf series in a challenge to disciplinary action taken against them by the PGA European Tour under the DP World Tour's "Conflicting Tournament" rules. By their appeals, the players challenged the enforceability of those rules under UK competition and restraint of trade law. In July 2022, a Sport Resolutions Panel suspended the imposition of sanctions until the players' de novo appeals could be heard. A hearing took place in February 2023 and a decision was delivered in April 2023.

Godo Kaisha IP Bridge v Huawei

(2021-22, High Court, e.g. [2022] EWHC 1766 (Pat))

Acted for Huawei in defence of FRAND global licensing proceedings relating to smartphones and telecommunications infrastructure.

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).

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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.

Gibfibre Ltd (t/a GibFibreSpeed) v Gibraltar Regulatory Authority

[2021] UKPC 31

Acted for Gibfibre Ltd in an appeal concerning the proper scope and ambit of the EU Common Regulatory Framework for Telecommunications, in the context of a dispute over access to data centres in Gibraltar.

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.

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.

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.

Packet Media Ltd v Telefonica UK Ltd

[2015] EWHC 2235 (Ch)

Acted 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.

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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).

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).

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).

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.

Commercial

James acts regularly in substantial commercial disputes and arbitrations. He acted between 2015 and 2024 for the SFO in the closely-followed ENRC v SFO proceedings, including at a 47-day Commercial Court trial. He 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

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Cases

Marples v Secretary of State for Education

[2025] EWHC 2794 (Ch)

Acted for the Secretary of State for Education in successfully defending claims for £37 million for alleged negligence and misfeasance, brought by the shareholders of the parent company of an entity in respect of which the Skills Funding Agency took a contractual decision in December 2016. After a trial in Summer 2025, the claims were dismissed in October 2025. The Judgment is particularly notable for guidance on practice in relation to expert evidence.

Performing Right Society v Live Nation

2024-6, High Court

Acting for PRS for Music and the PPL-PRS joint venture in a claim against Live Nation entities for declarations as to the proper application of "Tariff LP", the tariff for concerts and festivals in the UK, in the context of so-called "VIP packages", and associated claims for an account of royalties. The trial is listed for December 2026.

Bromcom Computers v Arbor Education Partners

2025-6, High Court

Acting for the defendants to a claim for alleged damages of £4.1m relating to alleged wrongs in a public procurement exercise.

Tesla v InterDigital & Avanci

[2025] EWCA 193; [2024] EWHC 1815 (Ch); [2024] RPC 29

Acting for Tesla in a claim asking the English Courts to determine the FRAND terms for launching 5G-enabled vehicles in the UK, Tesla's fourth largest market worldwide. A hearing on jurisdiction is listed in the Supreme Court for April 2026.

Moderna v Pfizer and BioNTech

[2024] EWHC 1648 (Pat); [2024] RPC 28

Acted for BioNTech in relation to the so-called "Pledge Issues" arising in the defence of patent infringement claims brought by Moderna relating to Covid vaccines. The issues arose from a pledge by Moderna in October 2020 that "...while the pandemic continues, Moderna will not enforce our COVID-19 related patents against those making vaccines intended to combat the pandemic". The High Court found that the pledge afforded a defence to putative patent infringement from October 2020 until its revocation in March 2022.

Boots Opticians v NHS England

CL-2022-000496

Acted for Boots Opticians in a High Court (TCC) claim for approximately £8.6 million in unpaid amounts for services provided by Boots during the Covid-19 pandemic.

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ENRC Ltd v Director of the Serious Fraud Office (2021 claim)

2021-24, High Court; see [2022] EWHC 3190 and 3191 (Comm)

Acted for the SFO in defending damages claim for alleged misfeasance in public office and other alleged torts in connection with alleged leaks. A 7-week Commercial Court trial was listed for October-November 2024: the case settled shortly before trial.

ENRC Ltd v Director of the Serious Fraud Office (2019 claim)

[2022] EWHC 1138 (Comm) and [2023] EWHC 3280 (Comm)

Acted for the SFO in defending a claim for inducing breach of contract and misfeasance in public office. The claim was heard at a 47-day trial in May-September 2021 and a further 8-day trial in March 2023.

Royalty Pharma Collection Trust v Boehringer Ingelheim International GmbH

[2021] EWHC 2692 (Pat)

Acted for intellectual property licensing company in a successful contractual claim against multinational pharmaceutical company for multi-million euros of outstanding royalties.

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.

(1) The Estate of Prince, (2) Universal Music Publishing, (3) Sony Music Entertainment & (4) Ors v Warner Chappell

2020-21, High Court

Acted for the Estate of the well-known American artist "Prince", together with Universal and Sony, in a claim challenging the registration in England of various judgments from proceedings ongoing in Italy since 1995 in which the Italian courts had held that the 1994 global hit song "Most Beautiful Girl in the World" had been plagiarised and therefore infringed Italian copyright law. The claim raised complex issues of domestic and EU copyright, international jurisdiction and human rights law. The proceedings settled shortly before trial in early 2021.

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.

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Otsuka Pharmaceutical Co Ltd v GW Pharmaceuticals Ltd

[2023] 3 All E.R. 890; [2023] I.L.Pr. 11; [2023] FSR 5

Acted for Claimant, Otsuka, in proceedings for unpaid royalties under a New York law pharmaceutical IPR licence. Otsuka successfully resisted a jurisdictional challenge by GW Pharma under (i) the Moçambique rule, (ii) foreign act of state, and (iii) forum non conveniens grounds. The Court of Appeal, having described the case as raising "important issues as to the jurisdiction of the court to determine the validity of foreign patents", heard the case in October 2022 and in November 2022 dismissed the appeal. The case was named by Managing IP as its "Impact Case of the Year" of 2022.

ASSIA Inc. v BT plc

[2023] EWCA Civ 451

Acted for the Claimant, ASSIA, in declaratory proceedings to determine the proper interpretation of a patent licence agreement with BT relating to broadband communications. Judgment was delivered by the High Court in July 2022, and by the Court of Appeal will hear the matter in April 2023.

Autostore v Ocado

[2023] EWHC 716 (Pat); [2023] RPC 17

Acted for Ocado in successful defence of the widely followed "robot wars" patent infringement case brought by Autostore (one of The Lawyer's Top 20 Cases of 2021). James acted as sole leading counsel on the ultimately dispositive foreign law and novelty issues. A High Court trial took place in March 2022 and judgment was delivered in March 2023. The High Court declared AutoStore's patents invalid and a settlement was reached in July 2023.

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.

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.

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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.

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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.

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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).

Public & Regulatory

James has extensive experience of public law and regulatory matters including regularly appearing before the appellate courts. Before taking silk, he was on the Attorney General's "A" Panel. He is recognised in the field by the Legal 500.

"James is charming, succinct and respected by the judiciary. His delivery is smooth and assured."

— LEGAL 500, 2024

Cases

Marples v Secretary of State for Education

[2025] EWHC 2794 (Ch)

Acted for the Secretary of State for Education in successfully defending claims for £37 million for alleged negligence and misfeasance, brought by the shareholders of the parent company of an entity in respect of which the Skills Funding Agency took a contractual decision in December 2016. After a trial in Summer 2025, the claims were dismissed in October 2025. The Judgment is particularly notable for guidance on practice in relation to expert evidence.

AFM and SAG-AFTRA v Secretary of State for Science, Innovation and Technology

[2025] EWHC 3262 (Ch)

Acting for the intervener, PPL, in what is said to be the last set of Francovich damages proceedings in the UK courts after Brexit. The claim relates to allegedly defective implementation by the UK of certain requirements of EU law relating to copyright.

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R (Jane Street) v London Metal Exchange

[2023] EWHC 2969 (Admin)

Acted for a market maker and liquidity provider in a closely-followed judicial review claim challenging an unprecedented decision of the London Metal Exchange to cancel $12 billion of nickel trades on 8 March 2022. The case was one of The Lawyer's Top 20 Cases of 2023.

R (VIP Communications) v Home Secretary

[2024] AC 389 (SC); [2021] 1 WLR 2839 (CA); [2019] EWHC 994 (Admin) (HC)

Acted for the claimant, a telecoms company, in judicial review proceedings concerning the lawfulness of a direction by the Home Secretary to Ofcom, requiring it to refrain from liberalising the regulatory regime for GSM gateways on national security grounds. James acted as sole counsel for the claimant in the High Court, Court of Appeal and Supreme Court.

Marples v Secretary of State for Education

[2025] EWHC 2794 (Ch)

Acted for the Secretary of State for Education in successfully defending claims for £37 million for alleged negligence and misfeasance, brought by the shareholders of the parent company of an entity in respect of which the Skills Funding Agency took a contractual decision in December 2016. After a trial in Summer 2025, the claims were dismissed in October 2025. The Judgment is particularly notable for guidance on practice in relation to expert evidence.

R (Good Law Project) v Secretary of State for Health and Social Care

CO/1243/2021

Acted for the Interested Party, Bunzl, in a judicial review claim brought by the Good Law Project seeking to challenge the award of a contract for personal protective equipment during the pandemic.

R (Deripaska) v Director of Public Prosecutions

[2020] EWHC 2918 (Admin)

Acted for the Interested Party, Vladimir Chernukhin, in a judicial review claim brought by Oleg Deripaska attempting unsuccessfully to challenge the DPP's decision to take over and discontinue a private prosecution brought by Mr Deripaska.

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.

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R (Machkevitch) v Director of the Serious Fraud Office

(2019, High Court)

Acted 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)

Acted 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 was listed to be heard in early 2020, but the case settled.

R (ENRC) v Director of the Serious Fraud Office

(2019, High Court)

Acted 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.

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 (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.

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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]).

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.

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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).

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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.

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Sport

James appears and advises in sports law matters both commercial and regulatory, including many of the largest disputes of recent years. James is recognised as a leading practitioner in the field by Chambers and Partners, Legal 500 and Who's Who Legal. He is a co-editor of "Challenging Sports Governing Bodies", a contributor to "Sport: Law and Practice" and to "Football and the Law" and has written regularly on sports matters for journals. He was shortlisted for Legal 500's silk of the year 2025 in the field of sport.

"Phenomenal intellect, excellent on his feet, fantastic with clients – good clear advice without flannel. A delight to work with."

— LEGAL 500, 2025

Cases

Nottingham Forest Football Club v The FA

2025, FA Rule K arbitration

Acted for The FA in relation to a challenge by Nottingham Forest to the appointment of a Chair of an FA Appeal Board on grounds of apparent bias.

A club v B governing body

2025

Acted in a confidential arbitration for a sport governing body in defending a competition law challenge to one of the governing body's rules.

A club v B club

2023-6, Football Disciplinary Commission

Acting for a football club in defending a claim for damages allegedly suffered by another football club in relation to disciplinary breach.

Premier League v Everton FC

I.S.L.R. 2024, 1, SLR1-SLR17 and 2, SLR35-SLR70 (various Premier League Commissions and Appeal Boards, 2023-5)

Acted for Everton throughout two sets of disciplinary proceedings brought by the Premier League under its Profit and Sustainability Rules, including the first such complaint to go before a Commission. The cases have yielded numerous decisions of Premier League Commissions and Appeal Panels. After a successful appeal, the Club was deducted six league points for the breach in FY22, with a further two points deducted for FY23. James continues to act in relation to remaining elements of this matter.

Poulter & Ors v PGA European Tour

I.S.L.R. 2022, 4, SLR135-SLR137; SR/165/2022

Acting for professional golf players who have signed to participate in the LIV Golf series in a challenge to disciplinary action taken against them by the PGA European Tour under the DP World Tour's "Conflicting Tournament" rules. By their appeals, the players challenged the enforceability of those rules under UK competition and restraint of trade law. In July 2022, a Sport Resolutions Panel suspended the imposition of sanctions until the players' de novo appeals could be heard. A hearing took place in February 2023 and a decision was delivered in April 2023.

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UK Athletics v Alan Rain

(2022, UKA Disciplinary Panel)

Acted for UK Athletics in prosecution of a licensed coach for numerous breaches of the UKA Coach Licence Scheme and Codes of Conduct arising from the Respondent's behaviour towards two female athletes. The Respondent was permanently suspended from UK and English athletics, with an ability to apply to have the suspension lifted after ten years.

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 Derby County FC

League Arbitation 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. In late 2021, Derby accepted a deduction of nine league points in the 2021/22 season.

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 (No 2)

I.S.L.R. 2020, 4, SLR136-SLR147

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.

South Shields Football Club 1888 Limited v The Football Association Limited

I.S.L.R. 2021, 1, SLR1-SLR12

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.

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EFL v Birmingham City (No 1)

(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 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.

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.

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 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

I.S.L.R. 2018, 4, SLR161-SLR166

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.

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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.

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.

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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.

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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 Faurlin (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 is 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).

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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

Telecommunications

James has very substantial experience and expertise in telecommunications disputes both commercial and regulatory, including in competition matters. He has appeared in telecoms cases at all levels of the court system. He is recognised as a leading practitioner in the field by Chambers and Partners, Legal 500 and Who's Who Legal.

"He is a pleasure to work with, first class and super smart. He's a real giant in the sector, on top of case law, creative in his thinking and an excellent advocate."

— CHAMBERS AND PARTNERS, 2025

Cases

Acer v Nokia

2025-6, High Court

Acting for Acer in global RAND declaratory action relating to licensing terms for video streaming services. A RAND trial will take place in June-July 2026.

Samsung v ZTE

[2025] EWHC 705 (Pat); [2025] EWHC 3049 (Pat)

Acting for Samsung in UK proceedings concerning a global FRAND licensing dispute with ZTE. In March 2025, James successfully applied to the Patents Court for an expedited FRAND trial, which is now listed to be heard in January-February 2026.

Tesla v InterDigital & Avanci

[2025] EWCA 193; [2024] EWHC 1815 (Ch); [2024] RPC 29

Acting for Tesla in a claim asking the English Courts to determine the FRAND terms for launching 5G-enabled vehicles in the UK, Tesla's fourth largest market worldwide. A hearing on jurisdiction is listed in the Supreme Court for April 2026.

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Alcatel Lucent SAS v Amazon Digital UK Ltd

[2025] EWCA Civ 193; [2024] EWHC 1921 and 2339 (Pat)

Acted for Amazon, before the High Court and Court of Appeal, in defending patent infringement proceedings relating to Amazon's Prime Video service and hardware. After a substantial hearing in July 2024 at which James led for Amazon, the High Court rejected Alcatel/Nokia's jurisdiction challenge; permitted Amazon to advance a counterclaim for a global RAND licence; and expedited the RAND trial to October 2025. James also led for Amazon before the Court of Appeal in early 2025, obtaining permission to advance a claim for an interim licence. The case settled shortly thereafter.

Lenovo v Ericsson

[2025] EWCA Civ 182; [2024] EWHC 846 (Ch); [2024] EWHC 1734 (Pat)

Acted for Lenovo in FRAND proceedings, seeking relief for patent infringement and a determination by the English court of global licensing terms between the parties. In an April 2024 judgment, the High Court rejected Ericsson's jurisdiction challenge and concluded that there was good reason to expedite the FRAND trial. In February 2025, the Court of Appeal declared Ericsson in breach of its FRAND commitment and declared the terms of an interim licence between the parties. The case partially settled shortly thereafter.

Lenovo v InterDigital

[2024] EWHC 596 (Ch); [2024] RPC 18

Acted for Lenovo in a FRAND declaratory action against InterDigital, seeking a determination by the English courts of global FRAND licensing terms between the parties for the period 1 January 2024 onwards. The action was a successor to the high profile litigation between InterDigital and Lenovo which resulted in the March 2023 judgment of Mellor J.

Panasonic v Xiaomi

[2024] EWHC 2445 (Pat); [2023] EWHC 2871 and 2872 (Pat)

Acted for Xiaomi in defending FRAND proceedings brought by Panasonic. At a hearing in November 2023, Xiaomi secured the expedition of a 15 day FRAND trial in England so as to minimise the risk of injunctions being enforced against Xiaomi in Germany and the UPC. James was instructed to lead for Xiaomi at the Autumn 2024 trial, which settled shortly before it began.

Interdigital Technology Corporation v Lenovo Group Ltd

[2024] EWCA Civ 743; [2023] EWHC 1583 (Pat); [2023] EWHC 1577 (Pat); [2021] EWHC 3401 (Pat); [2021] EWHC 3192 (Pat); [2021] EWHC

Acted for Lenovo in only the second determination of global FRAND licensing terms ever undertaken by the UK Courts (the first being Unwired Planet, in which James also acted). A 17-day FRAND trial took place in January-February 2022 followed by a 5-day appeal in June 2024. The Court-determined FRAND rate of 22.5 cents per device was approximately 55% less than InterDigital's request for 49.8 cents.

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R (VIP Communications) v Home Secretary

[2024] AC 389 (SC); [2021] 1 WLR 2839 (CA); [2019] EWHC 994 (Admin) (HC)

Acted for the claimant, a telecoms company, in judicial review proceedings concerning the lawfulness of a direction by the Home Secretary to Ofcom, requiring it to refrain from liberalising the regulatory regime for GSM gateways on national security grounds. James acted as sole counsel for the claimant in the High Court, Court of Appeal and Supreme Court.

ASSIA Inc. v BT plc

[2023] EWCA Civ 451

Acted for the Claimant, ASSIA, in declaratory proceedings to determine the proper interpretation of a patent licence agreement with BT relating to broadband communications. Judgment was delivered by the High Court in July 2022, and by the Court of Appeal will hear the matter in April 2023.

Gibfibre Ltd (t/a GibFibreSpeed) v Gibraltar Regulatory Authority

[2021] UKPC 31

Acted for Gibfibre Ltd in an appeal concerning the proper scope and ambit of the EU Common Regulatory Framework for Telecommunications, in the context of a dispute over access to data centres in Gibraltar.

Gibfibre Ltd v Gibtelecom Ltd & Anor

2021/ORD/094

Acted for Gibraltar-based electronic communications provider in a claim against Gibraltar Telecom for alleged abuse of dominance in refusing access to data centres in Gibraltar.

Godo Kaisha IP Bridge v Huawei

(2021-22, High Court, e.g. [2022] EWHC 1766 (Pat))

Acted for Huawei in defence of FRAND global licensing proceedings relating to smartphones and telecommunications infrastructure.

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.

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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] EWHC 3318 (Ch)

Acted 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).

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).

Sherlock Systems C.V. v Apple Inc

(EUIPO DECISION 0013568)

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.

Packet Media Ltd v Telefonica UK Ltd

[2015] EWHC 2235 (Ch)

Acted 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).

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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).

Intellectual Property

James has extensive experience of IP matters. He has appeared on numerous occasions in the Copyright Tribunal, Patents Court, IPEC, the High Court and the European Patent Office. He is the Editor of the EU and Competition Law section of Laddie, Prescott and Vitoria: The Modern Law of Copyright (5th Ed'n, London 2018). He is recognised as a leading practitioner in the field by Legal 500, Chambers and Partners and was recommended in the JUVE Patent UK Rankings 2022, 2023, 2024 and 2025.

"James is a star. He is thoughtful and strategic with his advice and one of the truly outstanding advocates at the Bar."

— LEGAL 500, 2025

Cases

Performing Right Society v Live Nation

2024-6, High Court

Acting for PRS for Music and the PPL-PRS joint venture in a claim against Live Nation entities for declarations as to the proper application of "Tariff LP", the tariff for concerts and festivals in the UK, in the context of so-called "VIP packages", and associated claims for an account of royalties. The trial is listed for December 2026.

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AFM and SAG-AFTRA v Secretary of State for Science, Innovation and Technology

[2025] EWHC 3262 (Ch)

Acting for the intervener, PPL, in what is said to be the last set of Francovich damages proceedings in the UK courts after Brexit. The claim relates to allegedly defective implementation by the UK of certain requirements of EU law relating to copyright.

Warner Bros v Nokia

2025-6, High Court

Acting for Warner Bros in global RAND declaratory action relating to licensing terms for video streaming services.

Amazon v InterDigital

2025-6, High Court

Acting for Amazon in global RAND declaratory action relating to licensing terms for video streaming services. A RAND trial is listed for September-October 2026.

Acer v Nokia

2025-6, High Court

Acting for Acer in global RAND declaratory action relating to licensing terms for video streaming services. A RAND trial will take place in June-July 2026.

Samsung v ZTE

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MCPS and PRS v Made Television

[2024] EWHC 405 (IPEC)

Acted for the collecting societies MCPS and PRS in a licensing fee dispute with a local television channel in the IPEC.

Lenovo v Ericsson

[2025] EWCA Civ 182; [2024] EWHC 846 (Ch); [2024] EWHC 1734 (Pat)

Acted for Lenovo in FRAND proceedings, seeking relief for patent infringement and a determination by the English court of global licensing terms between the parties. In an April 2024 judgment, the High Court rejected Ericsson's jurisdiction challenge and concluded that there was good reason to expedite the FRAND trial. In February 2025, the Court of Appeal declared Ericsson in breach of its FRAND commitment and declared the terms of an interim licence between the parties. The case partially settled shortly thereafter.

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Studiocanal Ltd v Wild Bunch SA

(2022-3, High Court)

Acted for a French film distributor in defending a damages claim relating to the conclusion by Netflix of a deal to carry the well-known Japanese animated films of Studio Ghibli for the first time online.

Panasonic v Xiaomi

[2024] EWHC 2445 (Pat); [2023] EWHC 2871 and 2872 (Pat)

Acted for Xiaomi in defending FRAND proceedings brought by Panasonic. At a hearing in November 2023, Xiaomi secured the expedition of a 15 day FRAND trial in England so as to minimise the risk of injunctions being enforced against Xiaomi in Germany and the UPC. James was instructed to lead for Xiaomi at the Autumn 2024 trial, which settled shortly before it began.

Moderna v Pfizer and BioNTech

[2024] EWHC 1648 (Pat); [2024] RPC 28

Acted for BioNTech in relation to the so-called "Pledge Issues" arising in the defence of patent infringement claims brought by Moderna relating to Covid vaccines. The issues arose from a pledge by Moderna in October 2020 that "...while the pandemic continues, Moderna will not enforce our COVID-19 related patents against those making vaccines intended to combat the pandemic". The High Court found that the pledge afforded a defence to putative patent infringement from October 2020 until its revocation in March 2022.

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Autostore v Ocado

[2023] EWHC 716 (Pat); [2023] RPC 17

Acted for Ocado in successful defence of the widely followed "robot wars" patent infringement case brought by Autostore (one of The Lawyer's Top 20 Cases of 2021). James acted as sole leading counsel on the ultimately dispositive foreign law and novelty issues. A High Court trial took place in March 2022 and judgment was delivered in March 2023. The High Court declared AutoStore's patents invalid and a settlement was reached in July 2023.

ASSIA Inc. v BT plc

[2023] EWCA Civ 451

Acted for the Claimant, ASSIA, in declaratory proceedings to determine the proper interpretation of a patent licence agreement with BT relating to broadband communications. Judgment was delivered by the High Court in July 2022, and by the Court of Appeal will hear the matter in April 2023.

Otsuka Pharmaceutical Co Ltd v GW Pharmaceuticals Ltd

[2023] 3 All E.R. 890; [2023] I.L.Pr. 11; [2023] FSR 5

Acted for Claimant, Otsuka, in proceedings for unpaid royalties under a New York law pharmaceutical IPR licence. Otsuka successfully resisted a jurisdictional challenge by GW Pharma under (i) the Moçambique rule, (ii) foreign act of state, and (iii) forum non conveniens grounds. The Court of Appeal, having described the case as raising "important issues as to the jurisdiction of the court to determine the validity of foreign patents", heard the case in October 2022 and in November 2022 dismissed the appeal. The case was named by Managing IP as its "Impact Case of the Year" of 2022.

Royalty Pharma Collection Trust v Boehringer Ingelheim International GmbH

[2021] EWHC 2692 (Pat)

Acted for intellectual property licensing company in a successful contractual claim against multinational pharmaceutical company for multi-million euros of outstanding royalties.

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.

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Interdigital Technology Corporation v Lenovo Group Ltd

[2024] EWCA Civ 743; [2023] EWHC 1583 (Pat); [2023] EWHC 1577 (Pat); [2021] EWHC 3401 (Pat); [2021] EWHC 3192 (Pat); [2021] EWHC

Acted for Lenovo in only the second determination of global FRAND licensing terms ever undertaken by the UK Courts (the first being Unwired Planet, in which James also acted). A 17-day FRAND trial took place in January-February 2022 followed by a 5-day appeal in June 2024. The Court-determined FRAND rate of 22.5 cents per device was approximately 55% less than InterDigital's request for 49.8 cents.

Godo Kaisha IP Bridge v Huawei

(2021-22, High Court, e.g. [2022] EWHC 1766 (Pat))

Acted for Huawei in defence of FRAND global licensing proceedings relating to smartphones and telecommunications infrastructure.

UK Hospitality Industries & Anor v Phonographic Performance Limited

(2019-21, Copyright Tribunal)

Acted 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. The case settled in 2021.

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).

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.

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.

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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.

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.

Sherlock Systems C.V. v Apple Inc

(EUIPO DECISION 0013568)

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.

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).

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).

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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).

Media & Entertainment

James has very substantial experience of media and entertainment matters in both the commercial and regulatory fields, both in the ordinary courts and the Copyright Tribunal. He is the Editor of the EU and Competition Law section of Laddie, Prescott and Vitoria: The Modern Law of Copyright (5th Ed'n, London 2018). He is recognised as a leading practitioner in the field by Chambers and Partners, Legal 500 and Who's Who Legal.

"James is very clear, thorough and practical with his advice and his advocacy."

— LEGAL 500, 2025

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Cases

AFM and SAG-AFTRA v Secretary of State for Science, Innovation and Technology

[2025] EWHC 3262 (Ch)

Acting for the intervener, PPL, in what is said to be the last set of Francovich damages proceedings in the UK courts after Brexit. The claim relates to allegedly defective implementation by the UK of certain requirements of EU law relating to copyright.

Performing Right Society v Live Nation

2024-6, High Court

Acting for PRS for Music and the PPL-PRS joint venture in a claim against Live Nation entities for declarations as to the proper application of "Tariff LP", the tariff for concerts and festivals in the UK, in the context of so-called "VIP packages", and associated claims for an account of royalties. The trial is listed for December 2026.

Amazon v InterDigital

2025-6, High Court

Acting for Amazon in global RAND declaratory action relating to licensing terms for video streaming services. A RAND trial is listed for September-October 2026.

Warner Bros v Nokia

2025-6, High Court

Acting for Warner Bros in global RAND declaratory action relating to licensing terms for video streaming services.

MCPS and PRS v Made Television

[2024] EWHC 405 (IPEC)

Acted for the collecting societies MCPS and PRS in a licensing fee dispute with a local television channel in the IPEC.

Studiocanal Ltd v Wild Bunch SA

(2022-3, High Court)

Acted for a French film distributor in defending a damages claim relating to the conclusion by Netflix of a deal to carry the well-known Japanese animated films of Studio Ghibli for the first time online.

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(1) The Estate of Prince, (2) Universal Music Publishing, (3) Sony Music Entertainment & (4) Ors v Warner Chappell

2020-21, High Court

Acted for the Estate of the well-known American artist "Prince", together with Universal and Sony, in a claim challenging the registration in England of various judgments from proceedings ongoing in Italy since 1995 in which the Italian courts had held that the 1994 global hit song "Most Beautiful Girl in the World" had been plagiarised and therefore infringed Italian copyright law. The claim raised complex issues of domestic and EU copyright, international jurisdiction and human rights law. The proceedings settled shortly before trial in early 2021.

UK Hospitality Industries & Anor v Phonographic Performance Limited

(2019-21, Copyright Tribunal)

Acted 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. The case settled in 2021.

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).

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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.

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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.

EU Law

James has a wide-ranging practice in EU law work, having been a Committee member of the Bar European Group for the last nine years. His practice is focussed on the regulatory context and he has particular experience of dealing with retained EU law, having written and spoken widely on the topic.

"James is an absolute pro and one of (if not the) best barrister to work with in London. He is an exceptionally strong advocate, incredibly intelligent, very skilled on strategic choices and a real pleasure to work with. You definitely want James on your s"

— LEGAL 500, 2025

Cases

AFM and SAG-AFTRA v Secretary of State for Science, Innovation and Technology

[2025] EWHC 3262 (Ch)

Acting for the intervener, PPL, in what is said to be the last set of Francovich damages proceedings in the UK courts after Brexit. The claim relates to allegedly defective implementation by the UK of certain requirements of EU law relating to copyright.

Gibfibre Ltd (t/a GibFibreSpeed) v Gibraltar Regulatory Authority

[2021] UKPC 31

Acted for Gibfibre Ltd in an appeal concerning the proper scope and ambit of the EU Common Regulatory Framework for Telecommunications, in the context of a dispute over access to data centres in Gibraltar.

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Gibfibre Ltd v Gibtelecom Ltd & Anor

2021/ORD/094

Acted for Gibraltar-based electronic communications provider in a claim against Gibraltar Telecom for alleged abuse of dominance in refusing access to data centres in Gibraltar.

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.

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.

R (Kafish BV) v Marine Management Organisation

(2019, High Court)

Acted 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 was listed to be heard in early 2020, but the case settled.

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.

European Commission v United Kingdom

2018-2019

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

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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.

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 (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.

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).

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).

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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).

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).

Sherlock Systems C.V. v Apple Inc

(EUIPO DECISION 0013568)

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.

Procurement

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

"A fantastically hard-working barrister, who provides brilliant legal advice leavened with commercial nous. He is empathetic to the client and provides first-rate client service."

— CHAMBERS & PARTNERS, 2024

Cases

Bromcom Computers v Arbor Education Partners

2025-6, High Court

Acting for the defendants to a claim for alleged damages of £4.1m relating to alleged wrongs in a public procurement exercise.

R (Good Law Project) v Secretary of State for Health and Social Care

CO/1243/2021

Acted for the Interested Party, Bunzl, in a judicial review claim brought by the Good Law Project seeking to challenge the award of a contract for personal protective equipment during the pandemic.

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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.

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 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).

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.

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Cases

Marples v Secretary of State for Education

[2025] EWHC 2794 (Ch)

Acted for the Secretary of State for Education in successfully defending claims for £37 million for alleged negligence and misfeasance, brought by the shareholders of the parent company of an entity in respect of which the Skills Funding Agency took a contractual decision in December 2016. After a trial in Summer 2025, the claims were dismissed in October 2025. The Judgment is particularly notable for guidance on practice in relation to expert evidence.

ENRC Ltd v Director of the Serious Fraud Office (2021 claim)

2021-24, High Court; see [2022] EWHC 3190 and 3191 (Comm)

Acted for the SFO in defending damages claim for alleged misfeasance in public office and other alleged torts in connection with alleged leaks. A 7-week Commercial Court trial was listed for October-November 2024: the case settled shortly before trial.

ENRC Ltd v Director of the Serious Fraud Office (2019 claim)

[2022] EWHC 1138 (Comm) and [2023] EWHC 3280 (Comm)

Acted for the SFO in defending a claim for inducing breach of contract and misfeasance in public office. The claim was heard at a 47-day trial in May-September 2021 and a further 8-day trial in March 2023.

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.

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).

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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).

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).

Financial Services & Banking

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

Cases

R (Jane Street) v London Metal Exchange

[2023] EWHC 2969 (Admin)

Acted for a market maker and liquidity provider in a closely-followed judicial review claim challenging an unprecedented decision of the London Metal Exchange to cancel $12 billion of nickel trades on 8 March 2022. The case was one of The Lawyer's Top 20 Cases of 2023.

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).

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.

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Financial Conduct Authority advisory work

(2015-6)

Acted 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).

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" (London 2022).

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- Co-Editor of Challenging Sports Governing Bodies, Lewis, Taylor, De Marco and Segan (London, 2016).
- Co-author of the Competition section in Bullen & Leake's Precedents of Pleadings (19th Ed'n, London, 2019).

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.

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