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Tom Cleaver



"An excellent junior and an incredibly good drafter. He's clear, persuasive and someone who has phenomenal recall."

— CHAMBERS AND PARTNERS, 2026

Year of call: **2009**
Degree: **BA Hons History (Cambridge): Starred First, top of year**

Tom takes instructions in all the main areas of chambers' practice. He has experience of all levels of the English court and tribunal system, as well as of domestic and international arbitration (including CAS), the European Court of Human Rights, the CJEU, and the courts of numerous British Overseas Territories and other jurisdictions such as the Dubai International Financial Centre. He acts regularly in cases of all types, from fast-paced injunctive proceedings to complex and multijurisdictional strategic litigation.

The main focus of Tom's practice is public and commercial law, with a particular emphasis on media and entertainment.

He has been recognised as a leading junior in Chambers UK and Legal 500 for several years for his expertise in information technology, intellectual property and media and entertainment. Recent comments include:

- "An excellent junior and an incredibly good drafter. He's clear, persuasive and someone who has phenomenal recall."- Chambers UK, 2026
- "Tom has real technical expertise. He can really crystallise complex cases and put his points across in a very user-friendly way."- Chambers UK, 2026
- "He is a junior that can go toe-to-toe with KCs."- Chambers UK, 2025
- "He is a rising star."- Chambers UK, 2023
- "Tom's brain works faster than everybody else's. He sees through complex problems to get to the heart of a point."- Legal 500, 2023
- "He gets to the heart of things quickly, is very thorough and thoughtful, and comes up with solutions."- Chambers UK, 2022

Tom is Junior Counsel to the Crown ('B' Panel) and is a member of the Treasury Solicitor's 'B' Panel. He also served as a member of the Council of the human rights group Liberty from 2010 until 2018.

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EXPERIENCE

Public & Regulatory

Tom has acted in a number of important and high-profile public law disputes, for claimants and defendants.

His clients have included campaign groups (such as Privacy International and the Good Law Project), industry groups (such as UK Music), and individuals. He also regularly advises government bodies and regulators, including in a non-litigation context. His clients have included Ofgem, the FCA, the Gambling Commission, the Environment Agency, and other UK public authorities.

He has conducted training in public law and financial services law for the Dubai Financial Services Authority, for whom he has acted on several occasions. He also spent several months on secondment to Ofgem (the gas and electricity regulator) advising on issues of public and European law.

Tom also has a particular interest in civil liberties and human rights: see the separate section below.

"He is lovely to work with, very clever and works extremely hard."

— LEGAL 500, 2022

Cases

R (Miller and Cherry) v The Prime Minister

[2019] UKSC 41

Acting for The Rt Hon Sir John Major KGCH in a challenge to the Prime Minister's decision to advise the monarch to prorogue Parliament in September 2019.

R (Privacy International) v Investigatory Powers Tribunal

[2019] UKSC 22

Acted for Privacy International in a major constitutional case concerning the effectiveness of a statutory "ouster" clause purporting to prevent judicial review of decisions of the Investigatory Powers Tribunal.

The case now continues in the Administrative Court on the question of the lawfulness of powers in the Intelligence Services Act 1994 as applied to computer network exploitation (i.e. hacking) by the intelligence services.

R (Good Law Project) v Electoral Commission

[2019] EWCA Civ 1567

Acting for the Good Law Project in a judicial review of the Electoral Commission's interpretation of the statutory rules governing expenditure in referendums: in particular, whether the Electoral Commission is correct that Vote Leave was not required to count towards its expenditure limit some £650,000 which it spent on advertising services provided to another 'Leave' campaigner.

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R (Good Law Project) v Electoral Commission - DUP Donations

(2019)

Acted for the Good Law Project in a judicial review concerning the Electoral Commission's failure to investigate a large donation made to the DUP shortly before the 2016 EU Referendum, which would would have been by far the largest political donation in Northern Irish history, but the majority of which appeared to have been spent on newspaper advertising in London without ever reaching the DUP at all.

The case raised important issues concerning the potential abuse of laws permitting donors to Northern Irish political parties to keep their identities secret.

Royal Borough of Kingston v Moss

(2018-2019)

Acting for the Defendant in a dispute about the lawfulness of the local housing authority's recovery of water charges in excess of the amount paid to the water undertaker (raising issues as to compliance with the Water Resale Order 2006).

Omega Flex v British Standards Institution

[2019] RPC 10

Acting for Omega Flex Ltd in trademark invalidation proceedings concerning the 'Kitemark', raising an important issue about the statutory framework governing different types of trade mark. The BSI had re-registered the Kitemark (a well-known certification mark) as an ordinary trade mark, meaning it was subject to far fewer rules governing its use. Omega Flex contended that its reputation as a certification mark made it incapable of serving as a badge of origin. The application resulted in the invalidation of the Kitemark in respect of all goods and almost all services in respect of which it had been registered.

Ecotricity Ltd v Department for Business, Energy and Industrial Strategy

(2019)

Acted for BEIS in a dispute about the alleged infringement of a green Union Flag trademark belonging to Ecotricity.

R (Pharmaceutical Services Negotiating Committee) v Secretary of State for Health

[2018] EWCA Civ 1925

Acting for the Secretary of State for Health in resisting a challenge to a major decision concerning community pharmacy funding. Now the leading case on the Secretary of State's statutory duties in relation to the NHS.

Breyer v Department for Business, Energy & Industrial Strategy

(2016-2018)

Acted for BEIS in a nine-figure damages claim arising from a decision to consult on a proposal to reduce solar subsidies, which decision was alleged to have infringed the Claimants' rights under Article 1 of the First Protocol to the ECHR and to have caused enormous consequential losses.

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R (British Academy of Songwriters, Composers and Authors) v Secretary of State for Business, Innovation and Skills

[2015] EWHC 1723 (Admin) and [2015] EWHC 2014 (Admin)

A challenge to the decision to introduce a private copying exception without making any provision for compensation to rightholders. Resulted in the quashing of regulations on grounds of illegality.

Calland v FCA

[2015] EWCA Civ 192

AA harassment claim brought by a former IFA against the Financial Conduct Authority in respect of regulatory activity carried out in relation to him.

O'Sullivan v FCA

(2015)

A judicial review claim brought by an individual against the Financial Conduct Authority in respect of its alleged failure to regulate a currency exchange firm.

Dr Knight v GMC

(2015)

A statutory appeal against a decision to impose conditions on a doctor's registration, raising issues about the proper application of the power to impose conditions where those conditions would arguably be tantamount to outright suspension.

Dr Kakuk v GDC

(2015)

A judicial review claim brought by a dentist in respect of a finding that her fitness to practise was impaired, raising issues about the circumstances in which a decision can be quashed for irrationality on the grounds of alleged errors of internal logic.

British Psychoanalytic Council cases

(2015)

Two challenges to decisions of the British Psychoanalytic Council on behalf of psychotherapists subject to disciplinary action, raising issues about the susceptibility of the BPC's decisions to judicial review.

R (Gibraltar Betting and Gaming Association Ltd) v Secretary of State for Culture, Media and Sport

[2014] EWHC 3236 (Admin)

A challenge to the Gambling (Licensing and Advertising) Act 2014 on grounds of noncompliance with EU free movement law.

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Badger Cull Litigation

Acted for Natural England in various judicial review claims concerning its decisions to permit badger culls in Gloucestershire, Somerset, and Dorset in 2013-2015.

R (Plantagenet Alliance Ltd) v Secretary of State for Justice, University of Leicester

[2014] EWHC 1662 (QB)

A challenge to the proposed reinterment of King Richard III in Leicester Cathedral.

Dubai Financial Services Authority v Deutsche Bank

(2014)

A case before the DIFC Court concerning the DFSA's powers to compel the production of information (raising issues of Swiss banking law).

Avoncliff Weir

(2014-2015)

Acted for the Environment Agency in a series of disputes (including judicial review proceedings and a statutory appeal) concerning its decisions in relation to two applications to build a hydroelectric power facility at Avoncliff.

Retrospective taxation of foreign investments

(2014)

A dispute about whether a retrospective tax imposed by a foreign government is consistent with the terms of a bilateral investment treaty.

Martin Coward v Elena Ambrosiadou, IKOS AM, and Kroll

(2014)

A claim by a hedge-fund billionaire against his former business partner (and estranged wife) concerning allegedly illegal surveillance commissioned by her, raising issues of privacy under Article 8, and of litigation privilege and privilege against self-incrimination in relation to the products of the surveillance.

John Hewitt v Tara Rivers

(2013)

A challenge to the validity of the election of Tara Rivers, the Cayman Islands Minister of Education, Employment and Gender Affairs. The leading case on electoral challenges in British Overseas Territories.

Bob Hodge and others v Governor of the Virgin Islands

(2013)

A challenge in the Eastern Caribbean Supreme Court to the BVI Governor's proposed extradition of four alleged drug smugglers to the United States.

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Minister of Finance v Bunge Ltd

(2013)

A case before the Court of Appeal of Bermuda concerning an attempt by the Minister of Finance to compel Bunge Ltd to provide information to the Argentinian Government pursuant to a request made under an international treaty.

Banks v Director of Land Valuation

(2013)

A case before the Court of Appeal of Bermuda concerning the interpretation of the Land Valuation and Tax Act 1967 to a property owned by the husband of the former Premier of Bermuda.

Wimbledon Village Surgery v Sutton and Merton PCT

(2013)

A dispute about whether the cost of an increase in pension contributions was to be borne by the PCT or by practitioners.

Dubai Financial Services Authority v Arqaam Capital Ltd, Ernst & Young

(2012)

The first ever case before the Dubai Financial Markets Tribunal, and the first ever appeal from that Tribunal to the DIFC Court.

R (BBC and Dominic Casciani) v Secretary of State for Justice

[2012] EWHC 13 (Admin)

A challenge to the Justice Secretary's refusal to allow the BBC to film an interview with the prisoner Babar Ahmad for broadcast.

ITV v TVCatchup

[2011] EWHC 1874 (Pat)

Part of a team involved for the Secretary of State in resisting a collateral challenge to the lawfulness of amendments made to the Copyright, Designs and Patents Act 1988 using powers under the European Communities Act 1972.

R (British Telecommunications plc & another) v Secretary of State for Business, Innovation and Skills

[2011] EWHC 1021 (Admin)

Part of a team involved in a judicial review of the anti-filesharing provisions of the Digital Economy Act 2010.

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Civil Liberties & Human Rights

As well as dealing with human rights law regularly in his other work (in particular his public law and media law work), Tom regularly acts in cases revolving around civil liberties, and has a strong academic and personal interest in the subject.

Before starting pupillage Tom volunteered in the Advice and Information department of human rights group Liberty, advising members of the public on questions of human rights law. He also served four terms as a member of Liberty's Council from 2010 until 2018.

Cases

R (Privacy International) v Investigatory Powers Tribunal

[2019] UKSC 22

Acted for Privacy International in a major constitutional case concerning the effectiveness of a statutory "ouster" clause purporting to prevent judicial review of decisions of the Investigatory Powers Tribunal.

The case now continues in the Administrative Court on the question of the lawfulness of powers in the Intelligence Services Act 1994 as applied to computer network exploitation (i.e. hacking) by the intelligence services.

Hassan v United Kingdom

App No 29750/09, decision of 16 September 2014

A challenge before the Grand Chamber of the European Court of Human Rights concerning a civilian interned in Iraq in April 2003 and later found dead. The leading international case on the application of international human rights law during armed conflict.

Tan Eng Hong v Attorney General of Singapore

[2014] SGCA 53

A challenge under the Constitution of Singapore to the lawfulness of the criminalisation of male homosexual acts under s 377A of the Singapore Penal Code.

R (BBC and Dominic Casciani) v Secretary of State for Justice

[2012] EWHC 13 (Admin)

A challenge to the Justice Secretary's refusal to allow the BBC to film an interview with the prisoner Babar Ahmad for broadcast.

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Commercial

Tom has experience of a range of large and complex commercial cases, often with a substantial international element. As well as working as part of large teams on multi-billion-dollar litigation, he regularly acts as sole counsel.

He has particular experience of ex parte relief such as search orders and freezing orders.

"He is a junior that can go toe-to-toe with KCs."
— CHAMBERS AND PARTNERS, 2025

Cases

Ocado Group plc v Faiman

Acting for Ocado in a high-profile claim against one of its original founders, raising allegations of misuse of confidential information and of deletion of relevant documents in breach of a Search Order.

Also defending a counterclaim (said to be worth hundreds of millions) by the defendants, raising allegations of conspiracy between Ocado and Marks & Spencer to damage the defendants' business by obtaining the Search Orders.

Revoker LLP and others v Irakli Rukhadze and others

[2018] EWHC 2918 (Comm)

Acting for the Claimants in a large dispute (encompassing a Commercial Court claim and an LCIA arbitration) concerning the management of the estate of the deceased Georgian billionaire Arkadi Patarkatsishvili.

The Racing Partnership v Sports Information Services Ltd and Others

[2019] EWHC 1156 (Ch)

Acting for TRP in a claim concerning the sale of information about horseracing to bookmakers, raising important issues of law about breach of confidence, database rights, and unlawful means conspiracy.

Trailfinders Ltd v Travel Counsellors Ltd

(2018-ongoing)

Acting for Travel Counsellors Ltd in a dispute concerning the alleged misuse of confidential information.

Rowe and others v Ingenious Media Holdings Ltd and others

(2016-ongoing)

A number of claims brought by investors in various 'Ingenious Group' film and video game investment schemes, following decisions by HMRC as to the correct tax treatment of those schemes.

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Spilt Milk Management Ltd v Amy Wadge

(2017-2019)

Acting for the songwriter Amy Wadge in a dispute concerning management commission, in particular arising from the Grammy-Award-winning song "Thinking Out Loud", co-written with and released by Ed Sheeran.

Football Transfer Resale Fee Dispute

(2019)

Acting for a prominent football club in an arbitration against another prominent club in a dispute concerning a fee due on the resale of a player.

Royal Borough of Kingston v Moss

(2018-2019)

Acting for the Defendant in a dispute about the lawfulness of the local housing authority's recovery of water charges in excess of the amount paid to the water undertaker (raising issues as to compliance with the Water Resale Order 2006).

Connies-Laing v Dashwood

(2018-ongoing)

Acting for a company and a shareholder in a dispute concerning the true ownership of 48.5% of the company's shares.

Richards & Appleby v Utilitywise

(2018-2019)

Acting for Richards & Appleby in a claim concerning the apparently fraudulent misselling of a utilities contract.

Government of the Republic of the Maldives v GMR-MAHB Consortium

(2012-2018)

Acted for the Government of the Maldives in a series of disputes, including a $1.4bn UNCITRAL arbitration, concerning the development and operation of the main international airport of the Maldives.

Berwin v Esson

(2017)

Acted for Kofi Esson, one of the founders of Sabre Oil and Gas, in a dispute about the profits arising from an oil concession in Ghana.

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Opengenius Ltd v Tony Buzan

(2017-2018)

Acted as sole counsel for Opengenius in proceedings against Tony Buzan, media personality and populariser of "mind mapping", concerning breaches of contract. The case has involved an interim injunction and breaches of a court order by the defendant, and has set an important precedent about the circumstances in which undertakings can be converted into an order.

Betclic v Worldpay

(2017-2018]

Acted as sole counsel for Betclic, an online gambling operator, in a dispute with Worldpay about the recoverability under a contract of indemnity of sums paid under Belgian law in quasi-settlement of a criminal charge.

The case raised a novel issue of law about the interaction of English public policy (concerning the irrecoverability of criminal penalties) with the law of Belgium (where it is possible to 'settle' a criminal charge by paying a sum determined by the prosecutor, without admission of liability).

Breyer v Department for Business, Energy & Industrial Strategy

(2016-2018)

Acted for BEIS in a nine-figure damages claim arising from a decision to consult on a proposal to reduce solar subsidies, which decision was alleged to have infringed the Claimants' rights under Article 1 of the First Protocol to the ECHR and to have caused enormous consequential losses.

Standard Life Insurance v Mark Collins

(2016)

A dispute about liability of individual directors for losses caused by the collapse of Cattles, a major subprime lender, in 2009.

Proxima v Merrill Lynch International

(2015)

A £500m dispute between Merrill Lynch and a company owned by the Tchenguiz Family Trust, raising allegations of market manipulation and interest rate fixing.

Salford Capital Partners Inc

(2015)

A number of disputes across various jurisdictions involving questions of BVI partnership law, contractual construction and allegations of breach of duty, computer hacking and breach of confidence.

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Taktouk v Semaan

[2015] EWHC 652

A dispute between two wealthy individuals about the sale of their former matrimonial home by one of them to a company owned by her new partner (the footballer Cesc Fabregas), raising issues concerning fiduciary duties and res judicata.

Jose Cuervo International (UK) Ltd v Ayaz Ali

(2014)

A High Court claim concerning allegations of a multi-million-dollar fraud perpetrated on Jose Cuervo by its former UK accountant.

First Rate FX v Opt FX Ltd and others

(2014)

A dispute between two foreign exchange traders concerning an alleged team move.

Cuccolini S.R.L v Elcan Industries Inc

[2013] EWHC 2994 (QB)

A dispute between an Italian manufacturer and its New York licensee, raising issues of forum conveniens and whether there is a discretion to stay proceedings under the Brussels Regulation in favour of proceedings in a non-Member State.

ODL Securities Ltd v Adrian McGrath, Anthony Clements

[2013] EWHC 1865 (Comm)

A claim by a foreign exchange broker in respect of millions of pounds lent by its Head of Risk, allegedly without authorisation, to the failing A1 Grand Prix.

Kaplan Financial Ltd v Daron Locke

(2013)

A claim by Kaplan against its former Head of Business Development who left to join the rival education provider BPP and who was suspected to have taken confidential information with him.

Zoe Kirk-Robinson v Google Ireland Limited

(2013)

A cross-border dispute about the suspension by Google of advertising revenue earned through the AdSense programme.

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Messila House Ltd and Fawaz Al-Hasawi v Omar Al-Hasawi

(2013)

A dispute between members of the Al-Hasawi family, owners of Nottingham Forest FC, in respect of alleged breaches of fiduciary duty in the management of property investments.

Cherney v Deripaska

(2012)

Part of the Defendant's counsel team in a multi-billion-dollar claim concerning the ownership of Rusal and allegations of criminality in 1990s Russia.

Hewlett Packard Ltd v a supplier of printer products

(2012)

A claim in respect of a major supplier's allegedly fraudulent misuse of a special discount on supplies in order to undercut market prices.

Dubai Financial Services Authority v Arqaam Capital Ltd, Ernst & Young

(2012)

The first ever case before the Dubai Financial Markets Tribunal, and the first ever appeal from that Tribunal to the DIFC Court.

Masri v Consolidated Contractors Company and others

[2011] EWHC 1024 (Comm)

Contempt of court proceedings in the long-running dispute between Munib Masri and the Consolidated Contractors group of companies.

Media & Entertainment

Tom regularly acts for media law clients in a range of contexts, both advisory and litigious, and in various courts and arbitral tribunals.

He is rapidly becoming one of the country's leading barristers in the field of interactive entertainment, combining interest and expertise in the relevant law with a thorough awareness of the industry and its needs. He has advised and represented a range of publishers (such as Sony Computer Entertainment Europe and Bandai Namco) and developers (such as Doublesix and Sumo Digital).

He also has a great deal of experience in relation to music, film and TV, with his clients having included the BFI, the BBC, ITV, Rihanna, and members of One Direction. He is a particular authority on difficult issues of film copyright, having advised a number of clients on chain-of-title issues and copyright under predecessor legislation.

"He's a genius."

— CHAMBERS AND PARTNERS, 2025

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Tom occasionally writes as a videogame historian. His article Videogames and the English Courts was published by Read-Only Memory in 2015.

Cases

McTaggart v Davey

(2019-ongoing)

Acting for the founder and frontman of the band 'Cradle of Filth' in a dispute with a former manager.

Spilt Milk Management Ltd v Amy Wadge

(2017-2019)

Acting for the songwriter Amy Wadge in a dispute concerning management commission, in particular arising from the Grammy-Award-winning song "Thinking Out Loud", co-written with and released by Ed Sheeran.

Omega Flex v British Standards Institution

[2019] RPC 10

Acting for Omega Flex Ltd in trademark invalidation proceedings concerning the 'Kitemark', raising an important issue about the statutory framework governing different types of trade mark. The BSI had re-registered the Kitemark (a well-known certification mark) as an ordinary trade mark, meaning it was subject to far fewer rules governing its use. Omega Flex contended that its reputation as a certification mark made it incapable of serving as a badge of origin. The application resulted in the invalidation of the Kitemark in respect of all goods and almost all services in respect of which it had been registered.

Collecting Society Dispute

(2019)

Acting for a collecting society in a dispute with another collecting society concerning their entitlement to share in the proceeds of a copyright licensing scheme.

The Racing Partnership v Sports Information Services Ltd and Others

[2019] EWHC 1156 (Ch)

Acting for TRP in a claim concerning the sale of information about horseracing to bookmakers, raising important issues of law about breach of confidence, database rights, and unlawful means conspiracy.

Christopher Wheat v Monaco Telecom

(2018), [2017] EWHC 3150 (Ch)

Acting as sole counsel for Monaco Telecom in a dispute about alleged copying of a website for the purposes of generating advertising revenue. Raises important issues about the English courts' jurisdiction in respect of acts of copyright infringement taking place online which are alleged to have effects worldwide.

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Bernard Sumner and Stephen Morris v Peter Hook

(2016-2017)

Acted as sole counsel for members of the bands Joy Division and New Order in claims against their former bassist, Peter Hook, arising out of infringements of intellectual property in artworks and sound recordings by his new band "Peter Hook & The Light".

New Order: Bernard Sumner and Stephen Morris v Peter Hook

(2016-2017)

Acted as sole counsel for members of the bands Joy Division and New Order in claims against their former bassist, Peter Hook, arising out of infringements of intellectual property in artworks and sound recordings by his new band "Peter Hook & The Light".

Opengenius Ltd v Tony Buzan

(2017-2018)

Acted as sole counsel for Opengenius in proceedings against Tony Buzan, media personality and populariser of "mind mapping", concerning breaches of contract. The case has involved an interim injunction and breaches of a court order by the defendant, and has set an important precedent about the circumstances in which undertakings can be converted into an order.

Rebellion Interactive Ltd v Square Enix

(2016)

A High Court dispute about the development of the aborted FPS game 'Rift'.

Disc Solutions Ltd v Lex Records Ltd

(2016)

A dispute about the release and alleged underperformance of 'Nehruviandoom', a collaborative studio album by hip hop artists MF Doom and Bishop Nehru.

David Axon v Ministry of Defence

[2016] EWHC 787 (QB)

A High Court dispute about an article published in The Sun about the Claimant, a warship commander, allegedly on the basis of information leaked by a rogue employee at the MOD's Permanent Joint Headquarters.

Yorke & Others v Parlophone Records Ltd

(2016)

A High Court dispute between the band Radiohead and their original record label about the proper royalty payable in respect of digital exploitation of their works under a contract agreed in 1992.

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Sopher v Guy Lawrence and others

(2016)

Acting for numerous musicians (including Sam Smith, Eliza Doolittle, and the bands Disclosure and AlunaGeorge) in a claim by an individual for infringement of copyright in lyrics allegedly written by her in a notebook years before but subsequently lost.

FilmFlex Movies Ltd v Piksel Ltd

[2015] EWHC 426 (Ch), continuing in 2016

A High Court dispute concerning the rights to the source code in respect of a video-on-demand platform, encompassing issues about compliance with court orders for delivery up of source code.

ITV v PRS and MCPS

(2015-2016)

A dispute in the Copyright Tribunal about fees charged to ITV for the use of music in its programming.

BSI Enterprises Ltd v Blue Mountain Music Ltd

[2015] EWCA Civ 1151

Acted for Blue Mountain Music in a dispute about the copyright in thirteen works composed by Bob Marley but falsely attributed to others, including 'No Woman No Cry'.

Akhtar v Bhopal Productions (UK) Ltd

[2015] EWHC 154 (IPEC)

A dispute about copyright in relation to the film 'Bhopal: A Prayer for Rain', raising issues about the proper application of the IPEC costs rules relating to unreasonable behaviour.

Doublesix Digital Publishing Ltd v Anime Virtual Ltd and Born Ready Games Ltd

(2014)

A High Court dispute about royalties in relation to the game Strike Suit Zero, raising issues such as whether backing a game on Kickstarter in return for the promise of a copy amounts to a 'sale'.

PRS v Cineworld Cinemas Ltd

(2014)

A dispute in the Copyright Tribunal about the application of the tariff governing the use of music by Cineworld.

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EC1 Music v Lily Allen

(2014)

A High Court dispute between Lily Allen and her former manager.

Racing game arbitration

(2014)

An LCIA arbitration about the development of a racing game for PS3 and Xbox 360.

Jodie Marsh v Click Media Entertainment Ltd

(2014)

A High Court dispute between Jodie Marsh and her former manager about allegedly overclaimed commission.

Discovery Communications Europe Ltd v Blizoo Media and Broadband EAD & another

(2013)

A dispute about the distribution of TV channels including the Discovery Channel in Bulgaria.

Gordon Ramsay v Sara Stewart

(2013)

A claim by Gordon Ramsay against one of a number of alleged co-conspirators in a campaign of email hacking and interference with his business, and a counterclaim in respect of alleged misuse of private information.

Gordon Ramsay v Phil Hall

(2012)

A claim against Gordon Ramsay's former public relations adviser in respect of an alleged conspiracy to leak private photographs and medical information obtained through email hacking.

Dorothy Henson v Warner Chappell Music Ltd, Universal Music Ltd, and others

(2012)

A dispute about the authorship of, and copyright in, Death in Vegas's 1999 track "Dirge".

R (BBC and Dominic Casciani) v Secretary of State for Justice

[2012] EWHC 13 (Admin)

A challenge to the Justice Secretary's refusal to allow the BBC to film an interview with the prisoner Babar Ahmad for broadcast.

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Bergling & Pournouri v Simco Limited t/a Syco Music

(2011)

An application by Avicii for an injunction to prevent the release of Leona Lewis's single 'Collide' on grounds of copyright infringement.

Peoples Studios Ltd v Dirtee Stank Recordings

(2011)

A contractual dispute arising out of a track on Dizzee Rascal's fourth album, Tongue N' Cheek.

Intellectual Property

In addition to his extensive work in connection with the media industries (see the separate section above for details), which regularly raises IP issues, Tom has expertise of various other aspects of intellectual property law.

"Super-smart, friendly and easy to work with."

— LEGAL 500, 2023

Cases

Omega Flex v British Standards Institution

[2019] RPC 10

Acting for Omega Flex Ltd in trademark invalidation proceedings concerning the 'Kitemark', raising an important issue about the statutory framework governing different types of trade mark. The BSI had re-registered the Kitemark (a well-known certification mark) as an ordinary trade mark, meaning it was subject to far fewer rules governing its use. Omega Flex contended that its reputation as a certification mark made it incapable of serving as a badge of origin. The application resulted in the invalidation of the Kitemark in respect of all goods and almost all services in respect of which it had been registered.

Trailfinders Ltd v Travel Counsellors Ltd

(2018-ongoing)

Acting for Travel Counsellors Ltd in a dispute concerning the alleged misuse of confidential information.

Ecotricity Ltd v Department for Business, Energy and Industrial Strategy

(2019)

Acted for BEIS in a dispute about the alleged infringement of a green Union Flag trademark belonging to Ecotricity.

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Christopher Wheat v Monaco Telecom

(2018), [2017] EWHC 3150 (Ch)

Acting as sole counsel for Monaco Telecom in a dispute about alleged copying of a website for the purposes of generating advertising revenue. Raises important issues about the English courts' jurisdiction in respect of acts of copyright infringement taking place online which are alleged to have effects worldwide.

Collecting Society Dispute

(2019)

Acting for a collecting society in a dispute with another collecting society concerning their entitlement to share in the proceeds of a copyright licensing scheme.

Performing Right Society Ltd v Coral Racing Ltd and others

(2017)

Acted for PRS in a dispute in the Chancery Division against all the major UK bookmakers concerning their use of music on gambling terminals on their premises. The case raised an important issue as to the correct approach to calculating damages for copyright infringement where the owner is a collecting society which would only have offered a licence of a wider repertoire on a blanket basis.

Process Components Ltd v Kason Kek-Gardner Ltd

[2017] EWCA Civ 2132

Acted for KGL in a dispute concerning the ownership of intellectual property relating to the manufacture and sale of industrial powder processing machinery.

New Order: Bernard Sumner and Stephen Morris v Peter Hook

(2016-2017)

Acted as sole counsel for members of the bands Joy Division and New Order in claims against their former bassist, Peter Hook, arising out of infringements of intellectual property in artworks and sound recordings by his new band "Peter Hook & The Light".

Norgine B.V. v Salix Pharmaceuticals Inc

(2016)

A dispute over the scope of a pharmaceutical licensing agreement, concerning the circumstances in which an exclusive licence granted in respect of one product will extend to an allegedly new product developed by the licensor.

Tom Gauld v Reed NCFE Limited

(2016)

A dispute in IPEC concerning the use by the Defendant, a provider of recruitment-related services to educational institutions, of a drawing by the Claimant, and award-winning illustrator.

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Stik v Lamberty Limited
(2016)

A dispute about the acquisition by an art gallery of works painted by the Claimant on two shipping containers in Poland, raising issues of alleged derogatory treatment by removing them from the site and offering them for sale.

Red Bull GmbH v Bull Brand Ltd
(2015)

A trademark dispute between Red Bull and a British seller of tobacco-related products.

Camper & Nicholsons (Designs) Ltd v Camper & Nicholsons International SA
(2014)

A dispute about the ownership of the rights to the oldest marine leisure brand in the world.

Jack Wills Ltd v House of Fraser Ltd
[2014] EWHC 110 (Ch)

A dispute about House of Fraser's use of a logo of a pigeon wearing a bowler hat, said to infringe Jack Wills's trade mark of a pheasant wearing a top hat.

Sport

Tom has represented a wide range of sporting bodies, clubs and players in disputes ranging from commercial (such as contractual or IP disputes) to disciplinary issues. His clients have included the International Cricket Council, Ilie Nastase, the Football Association, and several major English football clubs.

"Tom's brain works faster than everybody else's. He sees through complex problems to get to the heart of a point."

— LEGAL 500, 2023

Cases

FIFA v FA and Chelsea FC
(2018-ongoing)

Acting for the FA in a case brought by FIFA concerning the proper interpretation of the Regulations on the Status and Transfer of Players in relation to under-18 players temporarily attending a club on trial.

Football Transfer Resale Fee Dispute
(2019)

Acting for a prominent football club in an arbitration against another prominent club in a dispute concerning a fee due on the resale of a player.

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Lee McGregor v Barry McGuigan

(2019)

Acting for a boxer in a dispute with his former manager about whether or not he should be released from his management agreement.

Dispute about academy player

(2018-2019)

Acting for a major football club in a dispute about the circumstances in which an academy player was recruited.

Barry Whelan v Bolton Wanderers FC

Acting for Bolton Wanderers in a dispute about fees allegedly due to a consultant in respect of the identification of possible players.

Club Atletico Velez Sarsfield v FA and Manchester City FC

CAS 2016/A/4903 (Decision of 16 April 2018)

Acted as sole counsel for the FA in an appeal to the Court of Arbitration for Sport about whether the apparent prohibition in FIFA's Rules on transfers of players aged under 18 from clubs outside the EU to clubs inside the EU is applicable where the player is a national (including a dual national) of a Member State.

Ilie Nstase v International Tennis Federation

Decision of 6 February 2018

Acted for Ilie Nstase, the 1970s tennis legend, in an appeal against a sanction imposed by the ITF arising out of his conduct at a match between Romania and Great Britain in April 2017.

Re A Football Club Owner

(2017)

Acting for the beneficial owner of a football club in a dispute concerning whether the FA Rules are binding on him.

Re A Football Agent

(2017)

Acted for a Championship club in a dispute about fees allegedly due to a consultant in respect of the identification of possible players.

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London Marathon Ltd v Liliya Shobukhova

(2016)

Acted as sole counsel for London Marathon Ltd in a dispute with Liliya Shobukhova, a Russian athlete who won the London Marathon in 2010 but who was later sanctioned for substance abuse by the Russian Athletic Federation in respect of the relevant period.

Capstone Sports Management Ltd v Daniel Opare

(2016)

A dispute between a player and his former management company about money allegedly due under a management agreement

Geoff Banks v British Horseracing Authority

(2016)

A dispute about loss caused to bookmakers as a result of the mishandling of a race at Ascot in July 2015.

Indian Hockey Federation v International Hockey Federation and Hockey India

(2015)

A dispute in CAS between two rival national hockey federations in India about which of them should be recognised by the international federation.

Forest Green Rovers FC v FA

(2015)

A Rule K dispute about the circumstances in which it is appropriate for a football league to order that a match in respect of which there has been a points deduction should be replayed.

Transfer fee dispute

(2014)

A dispute between two English clubs about the interpretation of a transfer fee agreement, specifically in relation to payments due on a subsequent resale of the player.

Watford FC v Matchsaver Ltd

(2014)

A High Court dispute about an allegedly defective pitch covering system supplied to Watford FC.

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James Holden v FA
(2014)

A Rule K arbitration concerning the length of a player's suspension for headbutting and grabbing the testicles of a match official.

Sells Goalkeeper Products v Allan McGregor
(2013)

A High Court dispute about a sponsorship agreement with Scotland's leading goalkeeper.

Matt King v London Marathon Ltd
(2013)

A dispute about the London Marathon's refusal to allow a disabled athlete to participate in the race and the compliance of that decision with equality law.

Ashley Theophane v Hennessy Sports Management Limited
(2012)

A dispute before the British Boxing Board of Control concerning Ashley Theophane's successful defence of the British light welterweight title against Jason Cook.

West Ham United FC v Brescia Calcio
(2012)

A dispute before the Court of Arbitration for Sport concerning non-payment of a transfer fee.

EU Law

Tom has experience of a wide range of European law, particularly EU telecommunications law and competition law. He has been involved not only in EU law challenges in domestic courts but also in prospective challenges to acts of EU institutions.

Cases

R (British Academy of Songwriters, Composers and Authors) v Secretary of State for Business, Innovation and Skills
[2015] EWHC 1723 (Admin) and [2015] EWHC 2014 (Admin)

A challenge to the decision to introduce a private copying exception without making any provision for compensation to rightholders. Resulted in the quashing of regulations on grounds of illegality.

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Delaney v Secretary of State for Transport

[2014] EWHC 1785 (QB)

A Francovich damages claim concerning the UK's implementation of Directive 84/5/EEC, brought by a man seriously injured in a car accident while transporting a large quantity of cannabis for the purpose of supply.

R (Gibraltar Betting and Gaming Association Ltd) v Secretary of State for Culture, Media and Sport

[2014] EWHC 3236 (Admin)

A challenge to the Gambling (Licensing and Advertising) Act 2014 on grounds of noncompliance with EU free movement law.

ITV v TVCatchup

[2011] EWHC 1874 (Pat)

Part of a team involved for the Secretary of State in resisting a collateral challenge to the lawfulness of amendments made to the Copyright, Designs and Patents Act 1988 using powers under the European Communities Act 1972.

R (British Telecommunications plc & another) v Secretary of State for Business, Innovation and Skills

[2011] EWHC 1021 (Admin)

Part of a team involved in a judicial review of the anti-filesharing provisions of the Digital Economy Act 2010.

Financial Services & Banking

Tom has extensive experience of a wide range of financial services disputes, regularly acting both for and against regulatory bodies.

He has also conducted training in public law and financial services law for the Dubai Financial Services Authority, for whom he has acted on several occasions

Cases

Dubai Financial Services Authority v Waterhouse

FMT 17004

Acting for the DFSA in the first contested hearing before the Financial Markets Tribunal, a reference of a Decision Notice concerning an individual .

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Rowe and others v Ingenious Media Holdings Ltd and others

(2016-ongoing)

A number of claims brought by investors in various 'Ingenious Group' film and video game investment schemes, following decisions by HMRC as to the correct tax treatment of those schemes.

Calland v FCA

[2015] EWCA Civ 192

AA harassment claim brought by a former IFA against the Financial Conduct Authority in respect of regulatory activity carried out in relation to him.

O'Sullivan v FCA

(2015)

A judicial review claim brought by an individual against the Financial Conduct Authority in respect of its alleged failure to regulate a currency exchange firm.

Dubai Financial Services Authority v Deutsche Bank

(2014)

A case before the DIFC Court concerning the DFSA's powers to compel the production of information (raising issues of Swiss banking law).

Dubai Financial Services Authority v Arqaam Capital Ltd, Ernst & Young

(2012)

The first ever case before the Dubai Financial Markets Tribunal, and the first ever appeal from that Tribunal to the DIFC Court.

ACHIEVEMENTS

Education

BA Hons History (Cambridge): Starred First, top of year; Graduate Diploma in Law (College of Law): Distinction

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Prizes & Scholarships

Essays

- Winner, FSLA (Financial Services Lawyers Association) Essay Competition, June 2010
- Winner, Andrew Lees Essay Prize (UK Environmental Law Association), March 2010
- Winner, Law Reform Essay Competition (Bar Council), November 2009
- Finalist, Graham Turnbull Human Rights Essay Prize (Law Society), April 2009

Mooting

- Winner, Inter-Inn Mooting Competition, June 2009 (for Lincoln's Inn)
- UK Semi-finalist, Jessup International Law Moot, February 2009 (for Lincoln's Inn), and winner of special prize for being the only competitor to score a perfect 100

Scholarships

- Lord Mansfield Scholarship (Lincoln's Inn), 2008
- Hardwicke Scholarship (Lincoln's Inn), 2008
- Makin-Foster Prize for History (Peterhouse), 2007
- College Prize for History (Peterhouse), 2007

Tom worked as a researcher at Unlock Democracy (formerly Charter 88) in 2008, researching and preparing briefing papers on issues of human rights law and constitutional reform.

Tom is a former Trustee and Secretary of the Fitzrovia Neighbourhood Association.

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