

Andrew Norris KC



Year called: 1995

Practice areas: Copyright & Design, Media & Entertainment, Trade Marks, IP, Patents, IT

Email: cnicholls@hogarthchambers.com



Andrew was nominated for ‘Senior IP Barrister of the Year’ by Managing IP, 2021 and 2022.

“Andrew is commercial, pragmatic and a pleasure to work with.” Chambers & Partners 2023

“Andrew’s knowledge is second to none. User friendly, always happy to have a discussion and has the

answers at his fingertips.” “He is a joy to work with – clever, but with a very pleasant manner in court that makes others feel comfortable.” Legal 500 2023

“Excellent, highly experienced and knows the subject matter inside out.” Chambers & Partners 2022

“Andrew’s deep knowledge of copyright and the fair dealing exceptions are one of the strengths that attract solicitors to him.” Legal 500 2022

“He’s very clever. He has a very calm presence in court and is very straightforward.” Chambers & Partners 2021

“Andrew’s calm approach means he has a real ability to defuse highly adversarial situations, and he is creative in his approach to problem solving.” Legal 500 2020

“He is approachable, flexible and fantastic at delivering sensible commercial advice. He provides a perfect balance of technically sound yet commercially pragmatic advice.” Chambers & Partners 2018

“He can cut through the legalese to the crux of commercial issues.” Legal 500 2016

Profile

Andrew’s practice encompasses all aspects of intellectual property law and related commercial litigation. His clients range from individual rights holders to multinational brand and patent owners, and include record companies, performing artists, high profile individuals, broadcasters and intergovernmental organisations.

He has acted for clients in a wide variety of tribunals including the Court of Justice of the European Union, the General Court, all levels of the High Court, the UK and EU Trade Mark Registries and the UK Patent Office.

He has extensive experience of substantial and complex IP litigation and has acted in various high-profile cases including representing Rihanna in her successful claim against TopShop and Jack Wills in its successful claim against House of Fraser. He also acted for the defendants in the long-running TV broadcasting rights case of Football Association Premier League (FAPL) v QC Leisure.

Andrew co-authors a Practical Guide to Trade Mark Law and regularly tutors and lectures on Intellectual Property law. He was recently appointed an Honorary Professor of Law by Nottingham Law School.

Directory & Testimonial Quotes

Chambers and Partners 2023

Media & Entertainment: *“Andrew is commercial, pragmatic and a pleasure to work with.”*

Legal 500 2023

Intellectual Property: *“He is a joy to work with – clever, but with a very pleasant manner in court that makes others feel comfortable.”*

Media & Entertainment: *“Andrew’s knowledge is second to none. User friendly, always happy to have a discussion and has the answers at his fingertips.”*

Chambers and Partners 2022

Intellectual Property: *“Excellent, highly experienced and knows the subject matter inside out.”*

Media & Entertainment: *“His advocacy is also to the point and he communicates well with judges.”*

Legal 500 2022

Intellectual Property: *“Andrew’s calm approach means he has a real ability to defuse highly adversarial situations.”*

Media & Entertainment: *“Andrew’s deep knowledge of copyright and the fair dealing exceptions are one of the strengths that attract solicitors to him.”*

Chambers and Partners 2021

Intellectual Property: *“He is an excellent barrister who takes the time to understand the clients.”*

Media & Entertainment: *“He’s very clever. He has a very calm presence in court and is very straightforward.”*

Legal 500 2021

Intellectual Property: *“Highly recommended – clients relish working with him.”*

Media & Entertainment: *“Clear and concise on paper and in person, always prepared to roll his sleeves up.”*

Chambers & Partners 2020

Intellectual Property: *“He is very knowledgeable when it comes to anything IP-related.” “He is very easy to work with, responsive and extremely commercial.”*

Media & Entertainment: *“He’s very good on his feet and is always well prepared.” “He is incredibly user-friendly and always very quick to respond.”*

Legal 500 2020

Intellectual Property: *“He is a supremely talented IP barrister whose input on a case can make a real difference.”*

Media & Entertainment: *“An exceptional barrister; refreshingly commercial, direct and pragmatic.”*

Chambers & Partners 2019

Intellectual Property: *“He’s very professional in his approach and likes to get involved in the strategic side of things. Definitely one to watch.” “His advocacy is clear and crisp and his common-sense approach goes down well with judges.”*

Media & Entertainment: *“He’s a very solid performer.”*

?Legal 500 2019

Intellectual Property: *“A very persuasive, practical advocate who is good on complex trade*

Media & Entertainment: *“He is exceptional at providing commercial and pragmatic advice.”*

Chambers & Partners 2018

Intellectual Property: *“He is approachable, flexible and fantastic at delivering sensible commercial advice.”*

“He provides a perfect balance of technically sound yet commercially pragmatic advice.”

Media & Entertainment: *“?He’s very good at advocacy as he’s measured and gets straight to the core issues.”*

Chambers & Partners 2017

Intellectual Property: *“He is a very experienced and savvy trade mark specialist.” “He is helpful, keen, very bright and hard-working. He has a lot to offer on difficult cases.”*

Media & Entertainment: *“He is straight-talking and commercial.”*

In earlier editions in **Intellectual Property**, Andrew is considered *“brilliant, responsive, quick, commercial and practical,”* and is admired by instructing solicitors for the fact that he is *“very personable, and easy to have conversations with.”* In **Media and Entertainment**, he is regarded as *“a real expert in format rights”* and has built up a very healthy media practice. Andrew is commended as someone who *“recognises the commercial realities of every situation and doesn’t sit on the fence.”* He *“gets the job done quickly and with finesse”* (2010). He was also noted for his *“fusion of IP and media and entertainment expertise”* and *“wonderfully effective”* approach (2008).

Cases

Monster Energy Co v Red Bull GmbH [2022] EWHC 2155 (Ch), [2022,] E.T.M.R. 49, [2022] E.C.C. 29, [2022] 11 C.L. 132 An appeal from the Trade Mark Registry concerning the issues of unfair advantage and the required evidence.

Combe International LLC v Dr August Wolff GmbH and Co KG [2022] EWHC 125 Representing the Defendant in a dispute over the appropriate remedies following a trade mark infringement trial.

Indo European Foods Ltd v European Union Intellectual Property Office (EUIPO) (T-342/20) [2022] E.T.M.R. 1– Representing the successful appellant in seeking to annul a decision of the EUIPO Board of Appeal where it had decided that Brexit meant the earlier UK rights could be disregarded in an opposition to registration despite the mark being filed, opposed and initially determined prior to the UK’s exit from the EU.

Lifestyles Equities CV v Copyrights Group [2021] EWHC 1212– Acting for the successful defendants in a trade mark infringement and validity trial.

Wirex Ltd v Cryptocarbon Global [2021] ETMR 35 – Acting for the successful claimant in a trial relating to cryptocurrency branding.

GFS Flex Ltd v Brymec Ltd [2021] FSR 5 – Acting for the claimant seeking an interim injunction in a passing off case.

Robot Energy Ltd v Monster Energy Co [2020] WLUK 698 – Acting for the successful respondent in an appeal from the UK IPO relating to the finding that a trade mark had been applied for in bad faith though systematically registering trade marks which imitate a competitor's brand

Lifestyles Equities CV v Copyrights Group [2020] EWHC 548 – Acting for the successful respondent in an appeal relating to whether company directors and the overseas patent company were arguably joint tortfeasors with the UK subsidiary.

Molavi v Hibbert [2020] EWHC 121 – Acting for the BBC in successfully resting joining the BBC to a claim for copyright infringement. It was alleged that two episodes from the BBC's 'Silent Witness' series infringed various scripts and screenplays created by Ms.Molavi.

Quinn Packaging Ltd v Linpac Packaging Ltd [2019] EWHC 2119 – Acting for the patentee in an IPEC action to revoke a patent for obviousness. The patent related to plastic packaging technology.

Happy Camper Productions Ltd v BBC [2019] ECDR 11 – Represented the BBC in successfully resisting an urgent interim injunction to prevent the imminent broadcast of a new flagship series. The claim was based on copyright infringement of a script.

Hyundai Motor Co v Kona USA Inc [2019] FSR 22 – Acting for Hyundai in successfully seeking permission to serve a trade mark appeal from the UKIPO to the High Court out of time.

Manpower Direct (UK) Ltd v Manpower Group Inc [2019] EWHC 629 – Acting for appellant in a trade mark appeal from the UKIPO to the High Court. Issues included the Hearing Officer's decision whether there had been honest concurrent use and unfair advantage taken.

Curt G Joa Inc v Fameccanica Data SpA [2018] EWCA Civ 1786 – resisting an appeal from IPEC. The trial judge had revoked a patent on the grounds of added matter and lack of clarity. The appeal also involved issues of abuse of process arising from the central amendment made at the EPO following the IPEC trial.

Capital Markets Co (UK) Ltd v Tarver [2018] 1 Costs L.O. 65; [2017] EWHC 2885 (Ch) – a multi-million-pound costs budget hearing relating to a very large copyright and economic torts claim.

Abanka DD v Abanca Corporacion Bancaria SA [2018] Bus. L.R. 612; [2017] EWHC 2428 (Ch) – resisting an appeal to the High Court revoking a trade mark for non-use.

Apple Inc v Swatch AG [2017] EWHC 713 (Ch); [2017] E.C.C. 18; [2017] E.T.M.R. 29; [2017] F.S.R. 41 – resisting an appeal to the High Court where the Trade Mark Registry had refused an application to register Apple's trade mark 'iwatch'.

Curt G Joa Inc v Fameccanica Data SpA [2017] EWHC 1251 (IPEC) – a patent revocation trial based on added matter, lack of clarity and obviousness.

Stretchline Intellectual Properties Ltd v H&M Hennes & Mauritz UK Ltd [2017] EWCA Civ 199 – an appeal from the Order of Mr.Justice Henry Carr finding that H&M had breached the settlement

agreement not to infringe a patent. The appeal involved issues of patent construction and expert evidence.

Take-Two Interactive Software Inc. v British Broadcasting Corporation – a passing off, trade mark infringement and malicious falsehood claim about the use of footage from the well-known Grand Theft Auto video game in a feature film.

ECC Records Ltd and Simon Emmerson v Martin Russell & James McNally T/A ACSS Music (A Partnership) – a dispute between band members as to the ownership of the band's name and goodwill.

The Capital Markets Company (UK) Ltd and Anor. v Andrew Taver & Ors. – a very large High Court copyright and economic rights claim regarding software for the financial services industry.

Jack Wills Ltd v House of Fraser (Stores) Ltd [2016] EWHC 626 (Ch) – represented the claimant in an account of profits claim with Roger Wyand QC following the successful trade mark infringement and passing off claim relating to the Jack Wills pheasant logo.

Stretchline Intellectual Properties Ltd v H&M Hennes & Mauritz (UK) Ltd [2016] EWHC 162 and 163 (Pat) – represented the claimant in determining the remedies following the successful patent infringement claim.

Novaerus Patents Limited v Quest International (UK) Limited [2016] EWHC 95 (Ch) – represented the successful claimant in a summary judgment claim in a complex contractual dispute about the sale of various patents and subsequent cross-licensing.

Stretchline Intellectual Properties Ltd v H&M Hennes & Mauritz UK Ltd [2015] EWHC 3298 (Pat) – represented the successful claimant with Nicholas Caddick QC in a patent infringement claim involving the use of fusible yarns in fabrics.

Stretchline Intellectual Properties Ltd v H&M Hennes & Mauritz UK Ltd [2015] EWCA Civ – represented the successful respondent/claimant with Nicholas Caddick QC in H&M's appeal of the finding that the challenge to the validity of a patent following a settlement agreement should be struck out.

Robyn Rihanna Fenty v Arcadia Group Brands Ltd (t/a Topshop) [2015] EWCA Civ 38 – represented Rihanna in TopShop's appeal of the finding that TopShop should pay Rihanna's legal costs.

Robyn Rihanna Fenty v Arcadia Group Brands Ltd (t/a Topshop) [2015] EWCA Civ 3; [2015] E.M.L.R. 12; [2015] F.S.R. 14; Times, February 26 2015– represented Rihanna in Top Shop's appeal of the finding of passing off arising from the sale of a T-shirt with Rihanna's image on the front.

Stretchline Intellectual Properties Ltd v H&M Hennes & Mauritz UK Ltd [2014] EWHC (Ch) – represented the successful claimant with Nicholas Caddick QC in an application to strike out the challenge to the validity of a patent following a settlement agreement.

A Khan Design Ltd v Horsley [2014] EWHC 3019 (IPEC) – an application to vary a procedural Orders and whether it amounted to an abuse of process.

Orvec International Ltd v Linfoots Ltd [2014] EWHC 1970 (IPEC) – a claim for breach of an implied licence in a commissioning agreement for logos and associated branding.

Jack Wills Limited v House of Fraser [2014] EWHC 110 – represented the successful claimant with Roger Wyand QC in a trade mark infringement and passing off claim relating to the Jack Wills pheasant logo. The issues included the role of intention in establishing unfair advantage, identity of the average consumer and the need for positive evidence of an impact on the economic activity of the defendant's goods. See also: [Hogarth Chambers News: Jack Wills Pheasant Rules the Roost](#)

Boxing Brands Ltd v Sports Direct International Plc and others [2014] EWHC 91 – a further hearing on the scope of the claimant's trade mark rights and whether there should be an inquiry on the cross undertaking in damages given by the claimant in support of its interim relief.

Robyn Rihanna Fenty v Arcadia Group Brands t/s Topshop [2013] EWHC 2310 – represented the well-known performing artist Rihanna in a successful merchandising claim against Topshop. See also [Hogarth Chambers News: Rihanna Wins her Merchandising Case and that's Official](#)

Robyn Rihanna Fenty v Arcadia [2013] EWHC 1945 – an application to determine the principles on the admissibility of trade evidence and expert evidence in trade mark and passing off cases.

Boxing Brands Limited v Sports Direct International Plc and Others [2013] EWHC 2200 – represented Sports Direct in a trade mark claim to determine the rights to the mark Queensberry in relation to various goods and services.

Apple Inc v Wapple.net Limited (Appointed Person 8th July 2013) O-277-13 – successfully defended claims by Apple in its opposition to the registration of trade marks. Successful on appeal as well.

Doosan Power Systems Ltd v Babcock International Group Plc [2013] EWHC 1364; [2013] ETMR 40 – a contract claim about the extent of the rights granted under an exclusive trade mark licence to use the mark Babcock in relation to civil nuclear power stations following the sale of part of a business using that name.

Football Association Premier League Ltd v QC Leisure [2012] EWCA Civ 1708; [2013] FSR 20; [2013] Bus. L.R. 866 – the appeal by FAPL in relation to the public showing of broadcasts and whether the defence applies to the use made by publicans in showing Premier League football. The trial in 2008 determined issues of broadcasting rights originating from the Conditional Access Directive and copyrights in the broadcasts of Premier League football matches and the use of overseas satellite cards in this country to receive the broadcasts.

Football Association Premier League Ltd v QC Leisure [2012] EWHC 108; [2012] FSR 12; [2012] 2 CMLR 16 – represented the defendants in the decision of the High Court following determination by the European Court of Justice of the scope of copyrights and broadcasting rights.

Convatec Ltd and Others v Smith & Nephew Healthcare Limited and Others [2011] EWHC 3461 (Pat); [2012] RPC 10 – an application to determine the remedies in a discontinued claim for breach of confidence and trade mark claim.

Convatec Ltd and Others v Smith & Nephew Healthcare Limited and Others [2011] EWHC 1866 (Pat) – Represented the 4th defendant successfully in a claim for patent infringement, breach of contract and misuse of confidential information. The patent was for wound dressings based on a cellulose derivative. This was an application to adjourn a claim for breach of confidence and patent infringement.

Football Association Premier League Ltd v QC Leisure (C-403/08) [2012] All ER (EC) 629; [2012] FSR 1; [2012] Bus. L.R. 1321; [2012] 1 CMLR 29; Times, November 23, 2011– Represented the defendants in the determination by the Court of Justice on the scope of the rights granted under the Conditional Directive and the various underlying Copyright Directives, such as the Information Society Directive.

Union of European Football Associations (UEFA) v Euroview Sport Ltd [2010] EWHC 1066 (Ch); [2010] Eu. L.R. 583 – a broadcasting rights claim closely related to FAPL v QC Leisure. It was referred to in the Court of Justice of the European Union but settled after the QC Leisure case was determined by the European Court. In addition to seeking guidance on issues relating to the cross border trade in satellite decoder cards, this case raised issues of copyright protection to parts of the broadcast of Premier League football matches, such as the commentary.

Aktieselskabet af 21. November 2001 v OHIM: TDK Kabushiki Kiasha (TDK Corp) (case C-197/07) [2009] E.T.M.R. 36 – successfully represented TDK in the General Court and then in the European Court in a case opposing the registration of a trade mark.

Crocodile International Private Ltd v La Chemise Lacoste [2008] EWHC 2673 (Ch) – Represented the defendant successfully in resisting an application to revoke one of Lacoste's registered trade mark on the grounds that it had not been genuinely used in the UK.

Bambino Mio Ltd v Cazitex NV [2008] EWHC 2796 (Ch) – a trial relating to the infringement of a registered trade mark.

Football Association Premier League Ltd v QC Leisure [2008] EWHC 1411; [2008] UKCLR 329; [2008] 3 CMLR 12; [2008] FSR 32 – successfully represented the defendant as junior counsel in all matters relation to the trial (and other hearings) of the Conditional Access and copyright claims in relation to the use of overseas decoder cards in pubs in the UK.

Football Association Premier League Ltd v QC Leisure [2008] EWHC 44 (Ch) – Resisting an application for summary judgment brought by FAPL in relation to the allegation that its agreement with various European broadcasters were anti-competitive and, therefore, void. The agreements govern the broadcasting of English Premier League football in Europe.

Baigent v Random House Group [2007] F.S.R. 24 – The Court of Appeal's judgment on the 1st instance decision of Peter Smith J. in the Da Vinci Code case.

Sun Microsystems Inc v Amtec Computer Corporation [2006] F.S.R. 35 – the extent of the remedies available and, in particular, the appropriate scope of injunctions in claims against parallel importers.

Baigent v Random House Group [2006] F.S.R. 44 – the trial of the claim that a substantial part of the book Holy Blood, Holy Grail had been reproduced in Dan Brown's book The Da Vinci Code.

Sawkins v Hyperion Records Limited [2005] 3 All ER (C.A.), [2005] 1 W.L.R. 3281 – The decision of the Court of Appeal in a claim for infringement of copyright and moral rights in respect of editions of French baroque musical works created by the Claimant and used in a recorded performance.

Membership

Intellectual Property Bar Association

Chancery Bar Association

Qualifications and Regulations

Qualifications

B.Sc (St. Andrews)

Dip Law (College of Law)

Regulation

Andrew is a self-employed, independent barrister whose practice is governed by the Code of Conduct of the Bar of England and Wales. He is registered with the Bar Standards Board of England and Wales (Bar Ref: 34568).

He has professional indemnity insurance provided by the Bar Mutual Indemnity Fund (BMIF Ref: 2190/029). Please refer to the BMIF website for full details of the world-wide cover provided, and the BMIF's contact details.

Publications

Books

[A Practical Approach to Trade Mark Law \(5th Edition\)](#)

Appointments

Andrew was appointed an Honorary Professor of Law by Nottingham Law School.

Human Interest

Andrew is married with two children. When not with his family Andrew is skiing, playing tennis or ice hockey for the London Rangers, one of London's leading ice hockey clubs.