

## Jeremy Reed QC



Year called: 1997

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

Email: [cnicholls@hogarthchambers.com](mailto:cnicholls@hogarthchambers.com)

***“He is immensely intelligent and extremely personable.” Chambers and Partners 2020***

***“A hard-working and very smart barrister who always comes up with a viable solution to a tough legal problem.” ? Chambers & Partners 2019***

***“He’s a scholarly barrister who always thinks outside the box and is results-driven.”? Chambers & Partners 2018***

***“He is very clever, hardworking, dedicated, concise and innovative.” Legal 500 2017***

***“He is very sharp, very measured and clients like him.” “He is extremely knowledgeable, very approachable and easy to work with.” Chambers & Partners 2017***

## Profile

Jeremy is an experienced intellectual property litigator. He is regularly instructed in disputes involving trade marks, copyright and designs, and patents. Jeremy has particular experience of a wide range of breach of confidence disputes, often involving a technical subject matter or electronic interception of confidential information. He brings a detailed and forensic approach to cases.

Much of Jeremy's time over the past 4 years has been taken up with 'phone hacking' litigation, first against the News of the World, and more recently against the Mirror Group. Jeremy was instructed in the first ever phone hacking claim, that being Gordon Taylor's 2007 claim against the now defunct News of the World. Jeremy played a pivotal role as co-counsel in the litigation brought by numerous claimants against the News of the World. He has acted for over 70 individuals including celebrities, sportsmen, politicians, and victims of crime and their families. He was also instructed as co-counsel at trial for the 8 representative claimants in their phone hacking claims against the Daily Mirror, Sunday Mirror and the People.

The phone hacking litigation has involved a number of contentious interim applications that have included the scope of the Norwich Pharmacal jurisdiction, public interest immunity, scope of redactions, reporting restrictions, and numerous applications for non-party disclosure. In 2012 Jeremy successfully appeared in the Supreme Court on a point concerning the privilege against self-incrimination in relation to intellectual property claims.

Jeremy's other specialisms include the following:

- IT disputes, particularly those of a technical nature where an understanding of the underlying hardware or software is needed
- Disputes concerning corporate espionage (particularly email and server hacking and other forms of electronic interception), ex-employee breach of confidence claims, and technically complex trade secrets litigation.
- Privacy, harassment and defamation claims.
- Copyright Tribunal proceedings.
- Claims and advice concerning data protection issues, and freedom of information requests.

He has also been instructed in professional negligence claims defending patent and trade mark attorneys.

Jeremy is often instructed to make applications for urgent interim relief, including interim injunctions, search and seizure orders, and asset freezing orders.

## Directory & Testimonial Quotes

### Chambers & Partners 2020

**Intellectual Property:** *"I really enjoy working with him as he is extremely responsive, commercial and practical in his outlook."*

**Defamation & Privacy:** *"He was responsive, imaginative, and very helpful in an urgent and confidential matter."*

### **Chambers & Partners 2019**

**?Intellectual Property:** *“Reassuring and really impressive on the detail. He’s a massive team player and easy to work with.” “A hard-working and very smart barrister who always comes up with a viable solution to a tough legal problem.”*

**Defamation & Privacy:** *“Exceptionally bright. He provides commercial and strategically astute advice.” “Detailed and precise. He is so prepared and thinks outside the box.”?*

### **Chambers & Partners 2018**

**Intellectual Property:** *“He is a very thorough, knowledgeable and effective advocate.”*

**Defamation & Privacy:** *“He’s a scholarly barrister who always thinks outside the box and is results-driven.”*

### **Chambers & Partners 2017**

**Intellectual Property:** *“He is very sharp, very measured and clients like him.”*

**Defamation & Privacy:** *“A pleasure to work with. He is extremely knowledgeable, especially in relation to phone hacking. He is very approachable and easy to work with and really knows what’s going on.”*

### **Chambers & Partners 2016**

**?Intellectual Property:** *“Resourceful and has good tactical as well as legal skills.” “He is very approachable and committed to working in a collaborative way with both the solicitor and the client.”*

**Defamation & Privacy:** *“He is great on technical work, he really knows his stuff and is good to deal with.” “Clients really like him – he has a very charming style.”*

### **Chambers & Partners 2015**

**?Intellectual Property:** *“Incisive and approachable.”*

**Defamation & Privacy:** *“He always has a fantastic grasp of the facts, the law and the procedure.” “It’s very clear the court has a lot of respect for him.”*

### **Chambers & Partners 2014**

**Intellectual Property:** *Jeremy “has been much in demand of late and has built a fine reputation for privacy and confidential information work. This includes high-profile phone hacking cases, featuring clients such as Steve Coogan and Paul Gascoigne. He is also an experienced hand in other soft IP areas.”*

**?Defamation & Privacy:** *“Has an impressive reputation for his expertise on privacy matters. He has spent a considerable amount of time working on the News of the World phone hacking claims. His work on and in developing the claims in the phone hacking litigation has been outstanding. He’s a very nice man, who is hard-working and bright.”*

### **Chambers & Partners 2013**

**?Intellectual Property:** Jeremy is *“very good under pressure,”* and is instructed on a range of soft IP matters.

### **Chambers & Partners 2011**

Jeremy *“provides practical and sound advice”* and has, of late, been instructed on cases involving breach of confidence and privacy issues.

### **Legal 500 2020**

**Media & Entertainment:** *“He is forensically astute.”*

**Defamation & Privacy:** *“An experienced media and privacy litigator.”*

## **Legal 500 2019**

**?Media & Entertainment:** *“He is very experienced in media and entertainment sector litigation.”*

**Defamation & Privacy:** *“Clever, hardworking, dedicated, concise and innovative.”*

## **Legal 500 2017**

**Media & Entertainment:** *“He is very clever, hardworking, dedicated, concise and innovative.”*

**?Defamation & Privacy:** *“Intelligent and client friendly.”*

## **Legal 500 2016**

**Media & Entertainment:** *“Excellent with clients and on top of the issues.”*

**Defamation & Privacy:** *“Exceptionally bright and very methodical.”*

## **Legal 500 2015**

*“Very experienced in issues involving confidential information and privacy.”*

Jeremy is regarded in **Who’s Who Legal 2015**.

## **Cases**

### **Intellectual Property**

**Permavent Ltd v. Makin [2017] EWHC 2077 (Pat)** – Getting an interim injunction in a patent entitlement dispute, which required us to pay the defendant a quarterly fee as the price for the injunction

**Times Newspapers Ltd v Flood and 2 other claims [2017] UKSC 33** – Supreme Court Article 10 Costs Hearing.

**(2017)** Acting for a religious organisation in a multi-disciplinary dispute with the Charity Commission, with issues including copyright infringement and privacy.

**(2017)** Acting for a company in a claim for trade mark infringement and passing off against a large supermarket chain.

**Kuhn-Audureau v. McHale Engineering (2016)** – Acting for the defendant in a patent infringement claim concerning agricultural machinery.

**(2016)** Acting for a group of leading global software companies in a copyright infringement and licensing dispute.

**Michael Flatley v. FameFlynet (2016)** – Acting for a photo news agency against the well-known Irish dancer in respect of syndication of various photographs of Mohammed Ali taken shortly before his death.

**Halfords Media v. Ponomarjovs [2015] EWHC 2892 (Ch)** – Committal proceedings against an ex-employee for various breaches of an interim injunction. Associated judgment of 2nd October 2015 permitting the claimant to rely upon the defendant’s without prejudice communications on the basis that it was a cloak for unambiguous impropriety.

**GO Outdoors v. Skechers [2015] EWHC 1405 (Ch)** – Successfully acted for Skechers as respondent to appeal from IPO – whether trade marks GO WALKING and GO RUNNING were distinctive of the retailing of clothing/footwear.

**Baillie v. Bromhead [2014] EWHC 2149 (Ch); [2015] FSR 16** – Successfully defended a professional negligence claim against patent attorneys (led by John Wardell QC).

**Martin Lewis (a.k.a. the Money Saving Expert) v. Client Connection Limited [2011] EWHC 1627 (Ch); [2012] ETMR 6** – Successfully acted for Mr Lewis alleging infringement of the registered trade mark MONEY SAVING EXPERT by reason of CCL’s oral use of ‘Money Claiming Expert’.

**Atrium Medical v. DSB Invest Holding [2011] EWHC 74 (Pat); [2012] Bus.L.R. 133; [2011] RPC 24** – Concerning scope of patent attorney rights to conduct litigation.

**Flashing Badge Co Ltd v. Groves [2007] EWHC 1372 (Ch); [2007] FSR 36; [2007] ECDR 17** – Considered the scope of section 51 of the CDPA in relation to design documents with pictures on them.

**Score Draw Ltd v. Finch [2007] EWHC 462 (Ch); [2007] FSR 20; [2007] ETMR 54; [2007] Bus.L.R. 864** – Trade mark appeal: whether the old emblem of the Brazilian football team was devoid of distinctive character.

**J.R. French Ltd v Redbus LMDS Ltd [2006] FSR 13** – Patent and know-how licence, with issues including construction, rectification and breach of contract.

**NIC Instruments Ltd’s Licence of Right (Design Right) Application [2005] RPC 1** – Licence of right dispute concerning bomb disposal equipment requiring the Comptroller to settle the royalty and other terms.

**Hi-Tech Autoparts Ltd v Towergate Two Ltd [2002] FSR 254 and (No.2) [2002] FSR 270**  
– Infringement of copyright in car mats, and whether rubber car mats were “engravings”.

Numerous breach of confidence disputes, including an email interception claim brought by a tax planning company, a server interception claim brought by a substantial US company, defending an email interception claim brought by Gordon Ramsay, a claim concerning components of the F35 joint strike fighter, a trade secrets claim relating to blood assay robotics, and countless ex-employee confidential information claims.

## **Information Technology**

(2016) Acting for a major cryptocurrency entity in respect of various IP, IT and privacy matters.

**Softlanding Systems Inc. v. KDP Software Ltd [2010] EWCA Civ 1172; [2010] EWHC 326 (TCC)** Successfully acted for KDP (leading Tom St Quintin) in a 14-day trial in the TCC concerning a software distribution agreement (middleware for the AS/400). The Court of Appeal considered discrete points about the entitlement to terminate the contract, and the credibility of two witnesses.

**Pocket Kings v. Commonwealth of Kentucky [2010] Ch 438; [2010] 2 WLR 1110; [2009] All ER (D) 205 [2009]; EWHC 2529 (Ch)** – Acted for Pocket Kings (led by Romie Tager QC) in an action concerning Kentucky’s attempts to confiscate the domain name fulltiltpoker.com, raising issues of state immunity and enforcement of foreign orders.

## **Privacy / Data Protection**

Jeremy advises on a range of privacy matters, often involving ultra high net worth individuals.

**Times Newspapers Ltd v. Flood and related claims [2017] UKSC 33** – Acting for the phone hacking victims (led by Hugh Tomlinson QC and Simon Browne QC) in the conjoined Supreme Court appeal concerning Article 10 and the recovery of additional liabilities (CFA success fees and ATE insurance premiums).

**Various Claimants v. Mirror Group Newspapers (MGN)** – acting for Claimant Group in the 2nd wave of the managed litigation against MGN, and acting individually for numerous Claimants including Lord Archer and Michael Barrymore.

**Hurst v. News Group Newspapers and others** – Acting for Ian Hurst (a former military spy / agent-runner) in an email interception claim against News of the World, involving multiple non-party disclosure applications against the Metropolitan Police.

**Maajid Nawaz v. Reuters plc (2017)** – Acting for the Claimant for libel and data protection breaches in respect of his inclusion in the WorldCheck database.

**Representative Claimants v. MGN Ltd [2015] EWCA Civ 1291** – Acted for all 8 claimants in MGN’s appeal against damages.

**Shobna Gulati and others v. MGN Limited [2015] EWHC 1482 (Ch)** – Acted for all 8 claimants in the phone hacking test case against the Mirror group. Judgement addressed the nature of general damages, and the methodology for assessing the quantum of damages, in misuse of private information claims involving multiple torts over a period of time. The 8 representative claimants were awarded general damages of circa £1.25 million in aggregate (led by David Sherborne).

**Ecclestone v. Khyami [2014] EWHC 29 (QB)** – Acted for Tamara Ecclestone in a claim for misuse of private information, harassment, conversion of a Lamborghini Aventador, and damages under a cross-undertaking (led by Hugh Tomlinson QC, and by Paul Lowenstein QC).

**Gulati and others v MGN [2013] EWHC 3392 (Ch)** – Application striking out and summary judgment of various phone hacking claims (led by David Sherborne).

**Various Claimants v News Group Newspapers [2013] EWHC 2119 (Ch)** – Application for Norwich Pharmacal disclosure from the Metropolitan Police, extending the jurisdiction beyond ‘facilitators’ and entities ‘mixed up’ in the wrongdoing (led by Hugh Tomlinson QC).

**Phillips v. Mulcaire [2012] UKSC 28; [2013] 1 AC 1; [2013] FSR 12; [2012] EMLR 31** – Acted for the successful respondent (led by Michael Beloff QC) in a Supreme Court appeal concerning privilege

against self-incrimination and the scope of Section 72 of the Senior Courts Act 1981. Court of Appeal decision reported as *Coogan v. NGN* at [2012] 2 WLR 848; [2012] FSR 29; [2012] EMLR 14.

**Re: Mobile Phone Voicemail Interception Litigation [2012] EWHC 397 (Ch); [2012] 1 WLR 2545; [2012] EMLR 23** – Application striking out and summary judgment of various phone hacking claims (led by David Sherborne).

**A v B & C (Flitcroft) [2003] QB 195** – Interim injunction appeal to the Court of Appeal (led by Alastair Wilson QC) acting for a Premiership footballer engaged in extra-marital affairs, at a stage when privacy law was in its infancy in this jurisdiction.

**Phone hacking litigation** – Jeremy was instructed as co-counsel on behalf of the claimants in all the voicemail interception litigation, first against NGN / News of the World (known as MTVIL – the mobile telephone voicemail interception litigation), and more recently against MGN / Sunday Mirror, Daily Mirror and the People (known as MNHL – the Mirror newspapers hacking litigation). Jeremy was instructed at trial in March 2015 (led by David Sherborne) on behalf of the 8 representative claimants as test cases for damages for phone hacking and other misuses of private information.

Jeremy was sole counsel in the first ever phone hacking cases, for Gordon Taylor (2007-2008) and Max Clifford (in 2009-2010), and has subsequently acted for many others including Paul Gascoigne, Steve Coogan, Sky Andrew, Alastair Campbell, George Galloway, Estate of Jade Goody, Kerry Katona, Sven Goran Eriksson and Charlotte Church.

## Membership

Intellectual Property Bar Association (Honorary Secretary 2001-2006)

Chancery Bar Association

Society for Computers and Law

## Qualifications and Regulations

### Qualifications

Natural Sciences (Genetics) at Peterhouse, Cambridge.

Scholar of Rugby School and Peterhouse.

Queen Mother's Fund Major Scholarship (Middle Temple).

### Regulation

Jeremy 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: 37151)

He has professional indemnity insurance provided by the Bar Mutual Indemnity Fund (BMIF Ref: 2190/049). Please refer to the BMIF website for full details of the world-wide cover provided, and the BMIF's contact details.

## **Human Interest**

Sailing, skiing and smallholding.