

## Nicholas Caddick QC



Year called: 1986

Practice areas: Copyright & Design, Media & Entertainment, Trade Marks, IP, Chancery & Commercial, Privacy

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

Mediation & Arbitration: Mediator

**Nick was nominated for “Senior IP Barrister of the Year” by Managing IP, 2021 and 2022.**

*“He is a class act and incredibly clever. As an advocate, he is measured, effective and calm.” “He managed to identify a new angle, and it was the piece of the puzzle that unlocked everything. He was able to distil issues and communicate to clients quickly, and remain calm under pressure.” Chambers & Partners 2022*

*“A technically excellent silk. He can break down and explain complex principles in a very client-friendly way.” Legal 500 2022*

*“He has impressive intellect and reassuring calmness.” Legal 500 2020*

*?”He is clever, measured and calm, with excellent legal analysis.” Legal 500 2019*

*“He is incredibly knowledgeable and has a lot of gravitas before the court.”* Chambers & Partners 2017

*“An IP guru who is seriously impressive on his feet.”* Legal 500 2016

## **Profile**

**In brief:** Nicholas was appointed QC in 2011. Before that he was on the “A” panel of Junior Counsel to the Crown for 11 years. He was appointed a Deputy High Court Judge in 2018 sitting in the Chancery Division and in the Patents Court. He is recommended in Chambers and Partners and The Legal 500.

**Areas of practice:** Nicholas specialises in intellectual property, commercial and Chancery law. He has particular expertise where those areas of law overlap and, in particular, where intellectual property claims are affected by contractual issues, title disputes, insolvency or breaches of fiduciary duty.

**Intellectual property:** Nicholas’ practice covers a broad range of UK and EU intellectual property rights and he has acted in both UK and General Court litigation. He has extensive experience in cases where there is a contractual dispute over intellectual property rights or the provision of IT services. In such cases, his experience in commercial and insolvency law is invaluable. Many of these cases raise questions of construction. A recent example is the *Stretchline v H&M Hennes & Mauritz* litigation which concerned a contract settling a patent dispute and raised issues of construction of both the contract and of the underlying patent. Having acted for the Crown in a number of cases involving breaches of confidence by Crown officers, Nicholas now regularly acts in commercial cases involving breaches of confidence.

Nicholas is a joint editor of the leading copyright textbook – Copinger & Skone James and he wrote the designs section of that book. He is also a co-author of Caddick & Longstaff’s *User’s Guide to Trade Marks and Passing Off*. He frequently gives talks and seminars on intellectual property matters

**Commercial/Chancery:** in the commercial and chancery field Nicholas has particular experience in insolvency and property law. Whilst he was on the Treasury “A” panel, he appeared for the Secretary of State and the Official Receiver in numerous public interest winding up and directors’ disqualification cases. He also acted for the Attorney General in test litigation over the treatment of certain types of debt in insolvency as well as in a number of charity cases. He has also appeared in many leading property law cases and has acted for the Land Registry in relation to land registration and Indemnity issues.

In the field of probate Nicholas was, until 2015, an editor of the leading textbook – Williams Mortimer & Sunnucks on *Executors, Administrators and Probate*. He was also a member of the President’s Working Group on the Non-contentious Probate Rules.

In the trusts sphere, Nicholas has acted for the Attorney General in drafting a charitable trust deed and for the Government in drafting and advising in relation to trusts governing the distribution of independent living support payments and the functioning of the Air Travel Reserve Fund. He recently represented a class of beneficiaries in litigation involving entitlement to trust money held by Equity, the actor’s union.

**Teaching and speaking:** Nicholas has taught intellectual property law to trainee trade mark and patent attorneys at courses run by CITMA, Queen Mary College University of London and Nottingham Trent University. He has also taught land law at St Edmund Hall, Oxford and contract and tort law at Oxford

Brookes University. He is a regular speaker at lectures and seminars run by Hogarth Chambers and at training events given 'in house' at various solicitors' firms.

## Directory & Testimonial Quotes

### Chambers and Partners

"He is a class act and incredibly clever. As an advocate, he is measured, effective and calm." "He managed to identify a new angle, and it was the piece of the puzzle that unlocked everything. He was able to distil issues and communicate to clients quickly, and remain calm under pressure." (2022)

"He is a cerebral and robust advocate. He is quick to grasp the really important points and is good at building a rapport with the lay client." (2021)

"He has a calm, reassuring demeanour and provides clear, practical advice." (2021)

"He provides down-to-earth advice and succeeds in distilling complex issues into a digestible form for clients." (2020)

"He is incredibly knowledgeable and has a lot of gravitas before the court." (2017).

"He's able to keep on top of incredible amounts of evidence. When deluged with documents he remains calm when most would shudder under the desk gibbering." (2016)

"Nicholas Caddick has a broad and successful Chancery practice with particular emphasis on insolvency and company law. He is equally renowned for his specialism in intellectual property matters." (2014)

"Measured and comprehensive ... his practice has a long reach." (2011)

### Legal 500

"A technically excellent silk. He can break down and explain complex principles in a very client-friendly way." (2022)

"A calm presence who is highly intelligent." (2021)

"He has impressive intellect and reassuring calmness." (2020)

"He is clever, measured and calm, with excellent legal analysis." (2019)

"He has excellent knowledge and provides a very high level of service." (2017).

"An IP guru who is seriously impressive on his feet." (2016)

"Provides excellent advice and explains matters to clients free from legal jargon." (2015)

"He has a real ability to get under the skin of very complex problems and understand the real issues." (2015)

Nicholas Caddick QC has "an excellent courtroom manner." (2013)

### Chambers Global

**Dispute Resolution:** Nicholas is commended for his "strong ability, excellent presentation and superb judgement." Commentators assert that "there is little he doesn't know about insolvency law." (2012)

### Who's Who Legal 2015

Nicholas is regarded in Who's Who Legal.

## Cases

### Intellectual Property?

**Pixdene v Paddington [2020] 11 WLUK 397** – case regarding the scope of pre-action disclosure in relation to a proposed claim for character merchandising licence fees.

**TBD (Owen Holland) v Simons [2020] EWCA Civ 1182** – a case providing significant Court of Appeal guidance in relation to search orders and imaging orders.

**Musion Events Ltd v Maass [2018]** – arbitration concerning ownership of various patents and trade marks and claims for breach of contract and for breach of fiduciary duty.

**Poul Chang metal Industry Co Ltd v Bailcast Ltd [2018] EWHC 3432** – application raising issues of international jurisdiction and stays in relation to intellectual property cases.

**Stretchline Intellectual Properties Ltd v H&M Hermes & Mauritz UK Ltd [2017] EWCA Civ 199 (Court of Appeal) and [2015] EWHC 3298 (Henry Carr J.)** – successful at trial and on appeal in showing that H&M had sold items falling within the claims of Stretchline’s patent.

**Hussain v. Hussain (2016-2017)** – litigation between former business partners as to the right to use the name “Nawaab” in relation to restaurants and banqueting facilities.

**Fibrefab Ltd v. Aberlardus Ltd (2016 – ongoing)** – a High Court claim for passing off, infringement of trade mark and breach of covenant. Case also deals with cross border issues.

**Stretchline Intellectual Properties v. H. M. Hermes & Mauritz [2015] EWCA Civ 516 (Court of Appeal)** – successful at first instance (Sales J) and on appeal in striking out H&M’s invalidity defence and counterclaim.

**Personal Management v Gee7 (2016)** – acting for claimant in relation to issues of jurisdiction and service arising in a copyright infringement case.

**A v B (2015-2016)** – advising a major fashion house with regard to contractual and trade mark issues arising from a licence agreement with a major cosmetics house.

**Victoria Plum v Victorian Plumbing (2015-2016)** – litigation over whether the use of a rival’s supplier’s name as a Google AdWord amounted to an infringement of trade mark.

**Re C (2015)** – advising a major retailer on the impact of contractual restrictions on the use of its own name as a brand for particular types of products.

**Re M [2014]** – advising in relation to the construction of various contracts and as to the effect of insolvency in relation to title to patents UK and EU trade marks and domain names.

**Odeon Cinemas Holdings v. Odeon Entertainments (2014-2015)** – acting for Odeon Entertainment in trade mark proceedings brought against it by Odeon Cinemas.

**D v E (2014)** – acting for the defendant in trade mark parallel importation proceedings brought by a major manufacturer.

**Joules v Brand Auth (2014)** – advising Joules (a leading clothing company) about the intellectual property rights in its designs. Acting in (DEC test litigation against infringers.

**America's Collectibles Network v. The Genuine Gemstone Company (2014)** – acting as an expert on UK law for the purpose of US proceedings relating to the proper construction of the sale agreement of a business involving patents.

**Getronics v P&O Ferries Holdings (2013-2014)** – acting for a supplier in relation to disputes arising in relation to a multi-million pound IT outsourcing agreement.

**Branston v Anglia Business Solutions (2014)** – acting for the customer in a claim for alleged breaches of an IT supply agreement.

**F v G (2013)** – advising in relation to a dispute over data protection issues arising under a franchise agreement between airlines.

**[Various] v British Airways (2013)** – advising various employees of BA in relation to claims of breaches of confidence and of the Data Protection Act against BA.

**H v I (2013)** – acting for a venture capital fund in a dispute over alleged breaches of confidence

**J v K** – acting for an employee seeking disclosure under the Data Protection Act of data held by the employer.

**Ramsay v Stewart (2013)** – acting for the defendant in a claim of breach of confidence: issues as to the taking of video evidence.

**Robert Welch Designs v Welch (2013)** – acting for a design house in disputes concerning ownership of its designs issues of the control of the company and allegations of unfairly prejudicial conduct in its management.

**Customplay Games v Baker (2012)** – acting for the former employee/directors of a company in liquidation in relation to claims as to the ownership of copyright in computer games software written by them.

**Suzuki Gti (2012)** – advising on the trade mark issues arising in relation to Volkswagen's appeal to the General Court over use of the GTi label on cars.

**Ghost Brand Ltd v OHIM (2011)** – acting for the appellant in proceedings in the General Court over ownership of a trade mark.

**C Plc v P (2006)** – acting as Advocate to the Court in a case concerning the privilege against self-incrimination in the context of search orders. See also **O Ltd v Z (2005)**.

**Badfinger Music v Evans (2002)** – acting for a musician asserting an equitable right to remuneration for work done on recordings despite being in breach of fiduciary duty.

**Attorney General v Times Newspapers Ltd (2001)** – acting for the Attorney General in the Court of Appeal in relation to the scope of undertaking in confidential information cases.

### **Commercial and Chancery**

**Robin Grossmith Racing v Steeplechase Ltd (2016-2018)** – a claim in the High Court concerning contractual issues arising under bookmakers’ licences granted by Jockey Club racecourses.

**Re Equity (2015-2016)** – acting for a possible claimant to trust funds held by Equity.

**Photographer v Art Gallery** – acting for a well-known concerning the entitlement to and the payment of royalties in respect of sales of photographs.

**A v B** – acting for an individual in a negligence claim against a conveyancing solicitor.

**C (airline) v D** – acting for an airline in regard to enforcement action by the Sheriff and a dispute concerning television of the event.

**Elmbid v Burgess (2013)** – appearing in the High Court in a contractual dispute raising issues relating to notices to complete and certificates of practical completion.

**Imtech v Allot Communications (2012)** – acting for the supplier in winding up proceedings arising from a contractual dispute.

**Robinow v Sheikh Mohammed (2012)** – acting for the vendor of a valuable coin collection in a contractual dispute: issues of jurisdiction and of service overseas.

**Fortune v Wiltshire Council (2012)** – acting for claimant in the Court of Appeal in relation to a claim to highway rights over a road.

**Re Minrealm (2012)** – acting for the respondent in Companies Court proceedings concerning the valuation of shares.

**HMRC v Lloyd Webber (2008-2009)** – Acting for HMRC in a test case regarding gift aid relief and raising important Issues as to the proper approach to the valuation of assets.

**Official Receiver v Huck (2011)** – acting for the Official Receiver concerning international jurisdiction in insolvency proceedings: the meaning of the words “centre of main interests”.

**Alkin v Raymond (2010)** – acting for the executors/trustees in an action challenging their actions and seeking their removal from office.

**Child Maintenance and Enforcement Commission v Beesley (2010)** – acting for the Child Support Agency in a test case in the Court of Appeal over the treatment of arrears of child maintenance in insolvency situations.

**Official Receiver v Mitlerfellner (2009)** – acting for the Official Receiver in relation to issues of jurisdiction and the meaning of ‘centre of main interests’ in an insolvency case.

**Secretary of State for Trust and Insolvency v Hollier (2007)** – acting for the Secretary of State in disqualification proceedings: the test for de facto directorship.

**Nelson Dance Family Settlement v HMRC (2008)** – acting for HMRC in a test case over the availability of business property relief from Inheritance Tax.

**Department of Environment v Feakins (2007)** – appearing for the Department of the Environment in the Court of Appeal in a case concerning the scope of the right to set aside transactions defrauding creditors under s. 423 insolvency Act 1986.

**Re Huddersfield Fine Worsteds (2005)** – acting for the Department of Business and Regulatory Reform in a test case in the Court of Appeal over the treatment of debts owed to employees when a company enters into administration.

**Colin Dawson Windows v Kings Lynn St West Norfolk Borough Council (2005)** – appearing in the Court of Appeal for the landowner resisting a claim to adverse possession.

**Scottish Windows Plc v Tripipatkul (2004)** – acting for a landlord seeking to obtain payment of rent arrears from a surety under a lease.

**P & S Platt Ltd v Crouch (2004)** – appearing in the Court of Appeal for a landowner in a claim involving easements and the scope of 5.62 Law of Property Act 1925.

**Green v Lord Somerleyton (2004)** – appearing in the Court of Appeal for a landowner resisting claims for damage caused by water: rights of drainage: nuisance by flooding.

**Malory Enterprises Ltd v Cheshire Homes (2002)** – acting for HM Land Registry in Court of Appeal in proceedings raising issues of the registration of land forged transfers and overriding interests.

**Hale v Norfolk County Council (2001)** – acting for a landowner in the Court of Appeal resisting attempts by the Local Authority to treat part of her land as a highway.

## **Membership**

Chancery Bar Association  
Intellectual Property Bar Association

## **Qualifications and Regulations**

### **Qualifications**

M.A. Jurisprudence (Oxon)  
B.C.L. (Oxon)

### **Regulation**

Nicholas 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: 21493).

He has professional indemnity insurance provided by the Bar Mutual Indemnity Fund (BMIF Ref: 2190/014). Please refer to the BMIF website for full details of the world-wide cover provided, and the BMIF's contact details.

## **Publications**

[Copinger and Skone James on Copyright \(17th edn.\) \(2016\)](#)

[Williams Mortimer & Sunnucks' Executors, Administrators and Probate, 20th edn. \(2013\).](#)

[A User's Guide to Trade Marks and Passing Off, 4th edn. \(2015\)](#)

## **Appointments**

Queen's Counsel 2011.

Junior Counsel to the Crown ("A" Panel) from 1999 until 2010.

?Deputy High Court Judge 2018

## **Human Interest**

Nicholas is married with two children and lives in Hampshire.

He is a keen horse rider and a (now) occasional rugby player. He also plays cricket (pretty badly).