

Nick Zweck



Year called: 2014 (admitted as a solicitor and barrister in Australia, 2004)

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

Email: ahomes@hogarthchambers.com

“Nick is very hard-working, calm under pressure and goes the extra mile. He provides an excellent service.” Legal 500 2022

Profile

Nick’s practice encompasses all areas of intellectual property law and related commercial law, including contractual disputes concerning technical subject matter. He appears regularly in patent, trade mark, copyright, confidential information and contractual matters in the High Court and IPEC, and in registry proceedings in the UKIPO. He has also appeared as sole counsel in appeal proceedings in the General Court of the CJEU, and in arbitral proceedings.

Nick speaks regularly at seminars on intellectual property law and practice, and is a contributor to Copinger and Skone James on Copyright.

Before coming to the Bar, Nick accumulated over a decade of experience as an IP litigation solicitor specialising in patent litigation at several leading intellectual property firms in London, where he worked on and managed a number of leading cases. He therefore brings with him a wealth of legal experience and commercial understanding, having worked closely with solicitor teams, experts and clients on all aspects of the litigation process, from pre-action strategic planning to trial or settlement.

Nick has handled patent cases across a wide range of technical fields, including mobile telecommunications, life sciences, consumer electronics, video compression, subsea oil wells, fracking and X-ray scanning. He has particular experience of large-scale disputes with a multijurisdictional element.

Nick started his career in Australia, where he qualified as a barrister and solicitor after completing an associateship with the Hon. Justices O’Loughlin and Selway of the Federal Court of Australia. While practising in Australia, Nick appeared regularly in the Federal Court of Australia and the Supreme Court of Victoria.

Directory & Testimonial Quotes

Legal 500 2022

Intellectual Property: *“Nick is very hard-working, calm under pressure and goes the extra mile. He provides an excellent service.”*

Cases

Patents

BASF Corporation v Carpmaels & Ransford [2021] EWHC 2899 (Ch) – junior counsel in successful defence of claim by BASF for \$1 billion in damages flowing from a missed European Patent Office appeal filing in respect of a BASF patent covering diesel particulate filters. 16-day High Court trial led by John Wardell QC and Henry Ward. The case covered various duty of care, causation and quantum issues, and in also traversed the strength from a validity perspective of the patents in question

Renaissance Technologies v Comptroller General of Patents [2021] EWHC 2113 (Ch) – Appeal to the High Court from a decision of the UKIPO excluding a fintech patent relating to synchronous electronic trading from patentability on the grounds of the software and business method subject exclusions. Appeared as sole counsel.

Trailerlogic v Roftek IP-2021-000116 – Sole counsel in patent infringement proceedings concerning collapsible cadaver racks.

Emson v Hozelock [2020] EWCA Civ 871; [2019] EWHC 991 (Pat) – junior counsel for Defendant / Counterclaimant in Patents Court trial and Court of Appeal in case concerning expandable garden hoses. Revocation of patent previously held valid by the High Court under the same prior art attack. Issues in the case also included novel prior use arguments and a “Formstein” type defence.

Tanks and Pipeworks – IP-2020-0073 – junior counsel for Claimant in patent infringement action concerning fibreglass coatings for underground petroleum tanks

Anthony Waithe v Dyson Technology Ltd [2019] EWHC 1114 (Ch) – sole counsel for the successful Respondent in an appeal to the Patents Court from entitlement proceedings in the UKIPO concerning patents relating to Dyson’s Supersonic hairdryer.

As a solicitor

American Science & Engineering v Rapiscan Systems – trial of Patents Court action involving infringement and validity of a patent relating to mobile X-ray backscatter security scanning.

Starsight Telecast & Ors (“Rovi”) v Virgin Media – Patents Court litigation involving eight patents relating to cable television technology.

HTC v Apple – expedited trial of validity and infringement of four patents relating to Apple’s graphical user interfaces.

Apple v Nokia – large-scale Patents Court litigation involving a large number of Apple and Nokia patents in relation to graphical user interfaces and object-oriented software for mobile phone applications, and mobile phone hardware.

Hospira v Amgen – revocation action in the Patents Court in relation to Amgen patents concerned with pegylated therapeutic glycoproteins.

Koninklijke Philips Electronics v Alba Plc and Amino Communications – large Patents Court actions relating to “MPEG-2” video compression technology.

Nokia v InterDigital Technology Corporation and InterDigital Technology Corporation v Nokia – novel Patents Court actions relating to the “essentiality” of a large number of Nokia and InterDigital patents to various ETSI telecommunications standards. The first of these disputes also went to the Court of Appeal on the question of the English Court’s jurisdiction to grant negative declaratory relief.

FMC Technologies v Vetco Gray – infringement and revocation actions relating to subsea oil well technology.

Trade marks and passing off

E-Accounting Solutions t/a AdvanceTrack v Global Infosys IL-2021-BHM-000001 – Sole counsel acting for the Claimant in High Court trade mark infringement proceedings concerning alleged infringement in Google ad words

Purity Hemp Company v The Stockroom (Kent) [2021] – Appeal to the Appointed person from Hearing Officer’s decision upholding opposition to Purity Hemp Company’s mark. Appeared for the Appellant. Decision pending.

Thomson Environmental Consultants trade mark (O-828-21) – Appeared as sole counsel successfully resisting cancellation application in the UKIPO

GNS Gesellschaft für Nuklear-Service MbH v General Nuclear System Limited IP-2020-000147 – sole counsel for the Defendant in trade mark and passing off action in the IPEC. Case concerned interesting issues of whether use for nuclear regulatory purposes amounted to trade mark use “in the course of trade”.

Vans v Primark Stores IL-2019-00014 – junior counsel for the Claimants, Vans, in High Court trade mark infringement case concerning various trade marks in respect of Vans’ “Old Skool” trainer – settled shortly before trial in mid-2020.

Glaxo Wellcome UK Limited (t/a Allen & Hanburys) v Glenmark Pharmaceuticals Europe (2019-2020) – junior counsel in High Court trade mark infringement and invalidity proceedings in relation to shape trade marks.

M.I. Industries Inc. v EUIPO, Cases T-287 and T-288, ECLI:EU:T:2019:640 – sole counsel for the intervenor resisting an appeal from the EUIPO to the General Court of the CJEU. The case concerned various relative grounds objections. Appeal dismissed.

NXP v ID Management Systems [2019] EWHC 1902 (IPEC) – sole counsel for the Defendant in trade mark infringement trial involving issues of parallel importation of ID cards.

Tiny Rebel Club Tropicana trade mark (figurative) BL O-482-19 – sole counsel for the defendant in appeal to the Appointed Person acting for the craft brewing company Tiny Rebel i

KLK Forte Industry Inc (t/a Honeypunch) v David Walter Hill (2019) – sole counsel for the Claimant in IPEC trade mark invalidation proceedings.

Made.com Design v Made Clo (2019-2020) – sole counsel for the Defendant in IPEC trade mark infringement proceedings.

JAM JAR JIN trade mark (O-060-19) – sole counsel for the successful Opponent in UKIPO opposition proceedings, appearing against Queen’s Counsel.

Ion IP Ltd v Donohue (O-746-18 and O-243-1) – sole counsel for the applicant in an invalidation action before the UKIPO on bad faith grounds. Unusual case for featuring cross-examination before the UKIPO.

Link Up Mitaka t/as thebigword v Language Empire [2018] EWHC 2633 (IPEC) – sole counsel for the Claimant in trial of damages inquiry in IPEC trade mark infringement proceedings. Substantial damages award achieved based on inferences drawn from evidence given under cross-examination.

Link Up Mitaka t/as thebigword v Language Empire [2018] EWHC 2728 (IPEC) – sole counsel for the Claimant in first ever successful application to lift the IPEC costs cap entirely. First ever indemnity costs award for claimants in the IPEC.

ANGEL’s ENVY trade mark (O-334-18) – sole counsel for the successful Respondent in an appeal to the Appointed Person, appearing against Queen’s Counsel.

Lifestyle Equities v Santa Monic Polo Club Ltd [2017] EWHC 3313 (Ch) [2018] F.S.R. 15 – junior counsel in trade mark infringement and passing off trial relating to various trade marks for “polo” type branded clothing.

FIA v Gator Sports [2017] EWHC 3564 (Pat); [2017] EWHC 3620 (Ch) – sole counsel for the Defendant in High Court trade mark infringement and passing off trial.

Jaguar Land Rover v Bombardier Recreational Products [2016] EWHC 3266 (Ch) – trade mark infringement proceedings relating to the use of the name “Defender” on off-road vehicles, assisting Michael Hicks as a pupil.

Copyright / IT

Twentieth Century Fox Film Corporation v Cyclone Events Ltd (2019) – sole counsel for the Defendants in copyright infringement claim relating to the musical “The Greatest Showman”. Successful application to transfer the matter from the High Court to the IPEC, appearing against Queen’s Counsel.

Digitop Limited v Vocal Star Limited (2018) – sole counsel for Claimant in IPEC copyright infringement proceedings re album cover artwork.

Noel Starbuck v Patsystems (UK) [2017] EWHC 397 (IPEC) – junior counsel in trial of copyright ownership and infringement proceedings relating to software for use in a financial trading system.

Designs

Lutec v Cascade Holdings [2021] EWHC 1936 (IPEC) – sole counsel in trial of registered design infringement in respect of outdoor lighting designs.

Ginger Ray Limited v Aldi Stores (2019-2020) – sole counsel for the Claimant in IPEC case concerning, amongst other things, issues of unregistered design infringement and subsistence.

Tutti Frutti Direct Limited v Kooltrade Limited (2019) – sole counsel for the Claimant in IPEC Community and UK registered and unregistered design infringement proceedings.

Hilo Roof Company v Lowlife Limited & Lowlife Products (2018) – sole counsel for the Defendant in IPEC small claims track unregistered design proceedings.

Acorn v Grays (2017-2018) – sole counsel for the Defendant in IPEC case concerning, amongst other things, issues of registered design infringement and subsistence.

Confidential information

Anthony Waithe v Dyson Technology Ltd (2019-2020) – sole counsel for the Defendant in High Court proceedings concerning alleged breaches of confidence related to Dyson’s Supersonic hairdryer technology. Trial pending.

Wilson v OVH Limited (2019) – sole counsel for the Defendant in unusual case involving allegations of GDPR breaches by server “infrastructure as a service” provider. Successful strike-out application.

As a solicitor

Confidential – advising on and acting in a high value UK dispute relating to the use of confidential information relating to low latency trading systems in the financial services industry.

Contracts

Jarlon Limited v Black Type Services Limited (2019-2020) – sole counsel for the Claimant in contract dispute relating to online betting services. Successful strike-out application and judgment for Claimant.

Confidential arbitration (2019) – sole counsel for the Claimant in 3 day arbitration hearing which involved a jurisdiction challenge based on the scope of the arbitration.

Robin Grossmith Racing Limited v Steeplechase Company (Cheltenham) Limited – junior counsel in High Court action re betting pitch allocation dispute.

Forensic investigations

As a solicitor

Securities Investor Protection Act (SIPA) liquidation of Bernard L. Madoff Investment Securities (BLMIS) – acting for the SIPA Trustee in Bankruptcy on various complex aspects of the Trustee’s global actions and investigations seeking to recover BLMIS assets for the SIPA beneficiaries.

Qualifications and Regulations

Qualifications

2001	Bachelor of Laws (Hons), University of Adelaide, Australia.
1999/2002	Bachelor of Arts (Hons), University of Adelaide, Australia.
2004	Admitted as a solicitor and barrister in the Supreme Court of Victoria and the High Court of Australia.
2014	Called to the Bar (Middle Temple)

Human Interest

Nick is a keen swimmer, even in London swimming pools, and even in February.