

Colin West

YEAR OF CALL: 1999

"An excellent trial advocate, who's completely unflappable."

Chambers & Partners 2018

Clerk's Email: PaulsClerkingTeam@brickcourt.co.uk



Practice Overview

Colin practises in commercial law and competition law. His commercial law practice covers contractual disputes of all kinds, including shipping/shipbuilding, offshore construction/exploration, insurance and reinsurance, shareholder disputes, civil fraud and conflict of laws. His competition practice consists primarily of damages claims, whether under Article 101 or 102 (or their UK equivalents). He appears both in litigation and arbitration.

Important recent cases in which Colin was instructed include the following:

Iiyama UK Limited v Samsung Electronics Ltd. [2018] EWCA Civ 229. Now the leading case on the territorial scope of EU competition laws in private damages proceedings.

Apple Retail UK Ltd. v Qualcomm (UK) Ltd. [2018] EWHC 1188 (Pat). Concerned the jurisdiction of the English Court over the UK part of the worldwide litigation between Apple and Qualcomm.

Conversant Wireless Licensing SARL v Huawei Technologies Co. Ltd. [2018] EWHC 808 (Pat); [2018] EWHC 1216 (Ch) (Henry Carr J); [2019] EWCA Civ 38 (Court of Appeal). Judgments concerning jurisdictional aspects of claims of the kind pursued in the *Unwired Planet* case and stays pending appeals on jurisdiction.

Transocean Drilling UK v Providence Resources [2016] 2 Lloyd's Rep. 51. Construction of consequential loss exclusion in offshore drilling contract.

Bilta v Nazir [2016] AC 1. "The leading authority on attribution in the context of an illegality defence" (as described in *Singularis v Daiwa* per Sir Geoffrey Vos C).

Zantra Ltd v BASF plc [2016] EWHC 3578 (Ch). The first successful application for a *Norwich Pharmacal* order in a competition case in this jurisdiction.

Daewoo Shipbuilding & Marine Engineering Co. Ltd. v Songa Offshore Equinox Ltd. [2018] 1 Lloyd's Rep 443. Substantial shipbuilding arbitration and application to appeal from Award.

Renaissance Capital v African Minerals [2015] EWCA Civ 448 (CA). Construction of investment bank engagement letter.

Arriva The Shires v Luton Airport Operations [2014] EWHC 64 (Ch); [2014] UKCLR 313. Standalone abuse of dominance claim for injunction and damages.

Cardiff Bus [2012] CAT 19. The first ever claim to proceed to a final award of damages for breach of competition

law in this jurisdiction.

Masri v Consolidated Contractors--numerous reported decisions before all levels of English judiciary. These judgments concern the continuing jurisdiction of the English Court after judgment has been given in English proceedings.

NCRQ v Institution for Occupational Safety and Health 1243/5/7/15. The first ever standalone claim to be issued before the Competition Appeal Tribunal (also the first ever claim for an injunction before that Tribunal and the first ever application for allocation to the fast-track procedure.)

Other important but less recent cases in which Colin was involved include the *TAG* and *Composite* group litigation claims ([2009] EWCA Civ 1166), the *Apostolides* case [2009] ECR I-3571; the *Buncefield* litigation [2010] EWCA Civ 180, the *Viking Lines* case [2007] ECR I-10779 and *British Airways v Commission* [2007] ECR I-2331.

Colin is a contributor to "*Competition Litigation: UK Practice and Procedure*" (Brick Court Chambers, OUP, 2010), and co-author of the UK chapter of Kluwer, "*Competition Law in Western Europe and the USA*".

Commercial

Important recent commercial law cases in cases in which Colin was instructed include the following:

Transocean Drilling UK v Providence Resources [2016] 2 Lloyd's Rep. 51. Construction of consequential loss exclusion in offshore drilling contract.

Daewoo Shipbuilding & Marine Engineering Co. Ltd. v Songa Offshore Equinox Ltd. [2018] 1 Lloyd's Rep 443. Substantial shipbuilding arbitration and application to appeal from Award.

Bilta v Nazir [2016] AC 1. "*The leading authority on attribution in the context of an illegality defence*" (as described in *Singularis v Daiwa* per Sir Geoffrey Vos C).

Renaissance Capital v African Minerals [2015] EWCA Civ 448 (CA). Construction of investment bank engagement letter.

Masri v Consolidated Contractors--numerous reported decisions before all levels of English judiciary. These judgments concern the continuing jurisdiction of the English Court over proceedings after judgment has been given..

In addition to the above, Colin is involved in a number of substantial arbitration proceedings of a confidential nature.

Competition

Important recent competition law cases in cases in which Colin was instructed include the following:

Iiyama UK Limited v Samsung Electronics Ltd. [2018] EWCA Civ 229. Now the leading case on the territorial scope of EU competition laws in private damages proceedings.

Apple Retail UK Ltd. v Qualcomm (UK) Ltd. [2018] EWHC 1188 (Pat). Concerned the jurisdiction of the English Court over the UK part of the worldwide litigation between Apple and Qualcomm.

Conversant Wireless Licensing SARL v Huawei Technologies Co. Ltd. [2018] EWHC 808 (Pat); [2018] EWHC 1216 (Ch). Judgments concerning jurisdictional aspects of claims of the kind pursued in the Unwired Planet case

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Qualifications

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BA, St. Anne's College, Oxford, 1994-1997, First Class

BCL, St. Anne's College, Oxford, 1997-1998, First Class

Bar Vocational Course, 1998-1999, Inns of Court School of Law

Career to date

Called to the Bar, Inner Temple, November 1999

Pupillage at Brick Court Chambers 1999-2000

Tenant at Brick Court Chambers, 2000 to date

Professional Memberships

- Inner Temple
- Bar European Group
- London Common Law and Commercial Bar Association (committee member)
- COMBAR
- South Eastern Circuit
- European Circuit
- Human Rights Lawyers' Association
- Competition Law Association

Life outside the Bar

- Colin is married with three children and lives in London
- Colin played clarinet in the National Youth Orchestra of Scotland. He has sung tenor in various choral groups.
- Languages: French, fluent if rusty (attended school in France for a year in 1993-94, Loire valley region); Scots Gaelic, *neach-ionnsachaidh*
- Ran 2016 Barcelona marathon in under 3hrs 45 mins.

Directory Quotes

Colin is recommended as a leading junior in Commercial Litigation by the Legal 500 and Chambers & Partners, 2008 - 2019.

- "Has good drafting skills, is quick on the uptake and is very good to work with." (Chambers & Partners UK & Global 2019)
- "West has a real appreciation of EU competition law and is good on complex cartel cases and jurisdictional analysis." (Chambers & Partners UK & Global 2019)
- "He turns round his work very quickly and is a real team player." (Legal 500 2018-19)
- "Able to build an instant rapport with clients, and very useful as a second opinion. He's an excellent trial advocate, who's completely unflappable." (Chambers & Partners 2018)
- "He is academically strong and very good on his feet." (Chambers & Partners 2018)
- "He has a great ability to speak a client's language and make the complicated simple." (Legal 500 2017)
- "He has got knowledge at his fingertips and adopts a good, robust style." (Chambers & Partners 2017)
- "Incredibly hard-working and insightful." "He is bright and no-nonsense in his approach." (Chambers & Partners 2017)
- "A skilled tactician, who is extremely clever and tenacious to the end." (Legal 500 2016)
- "A bright and reliable junior, with a practice spanning a range of commercial litigation and arbitration cases. Insurance, civil fraud and shipping cases are a particular focus, and he is strong on contractual disputes." (Chambers & Partners 2015)
- "Very bright, good on the detail and excellent tactically." "Really calm, really sound and obviously going places." (Chambers & Partners 2015)
- "An excellent barrister, who is very, very clever." (The Legal 500 2014)
- "The "sharp, quick, and highly responsive" Colin West "cuts through complex issues to get to the nub of the issue astoundingly quickly. His conclusions and reasoning are spot-on," say those that use him. He is a market favourite" (Chambers & Partners 2013)
- "The 'sharp, quick, responsive and incisive' Colin West has 'a deep knowledge of jurisdictional issues and is at home dealing with complex cases'." (The Legal 500 2012)