

BRICK COURT CHAMBERS

BARRISTERS



Nicholas Saunders

Year of Call 2001

Clerk: Julian Hawes julian.hawes@brickcourt.co.uk

EXPERTISE

- EU/Competition
- Commercial

“is good on all counts,’ according to solicitors, who further deem him to be ‘bright, sensible and easy to get on with.’”

- Chambers & Partners 2011

OVERVIEW

Nicholas Saunders specialises in commercial, EU and intellectual property law.

Before joining Brick Court he practiced for a number of years in a specialist intellectual property set. His intellectual property experience includes major patent disputes such as *Nichia v Seoul Semiconductors*, *Interdigital v Nokia* and *Nokia v IPCOM*, confidential information cases involving departing employees, trade mark infringement cases such as *Jacobson v Globe*, and numerous copyright and designs cases. He has particular expertise in the relationship between competition law and intellectual property and in cases involving conflict of laws issues.

He has appeared a number of times before the courts in Luxembourg unled and is currently involved for the intervener in a case before the ECJ concerning the counterfeit goods regulation and free movement of goods.

His major commercial cases include *HM Revenue & Customs v EDS*, a dispute concerning the IT implementation of the tax credits system; *O2 Holdings v Fujitsu*; and other disputes arising from mergers and acquisitions and company restructuring. He has also been involved in disputes concerning credit default swaps and other financial instruments.

In 2016 he has been nominated by Chambers & Partners as IP/IT Junior of the Year.

PRACTICE AREAS

EU/COMPETITION

Important Cases

- Case C-495/09, *R v HM Revenue & Customs, ex parte Nokia, INTA intervening*.
- Case T-136/08, *Aurelia Finance v OHIM*.
- Case T-92/09, *Strategi Group v OHIM*
- Case T-507/08, *Psytech International v OHIM*

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- Case T-272/09, Pineapple Trademarks v OHIM
- Cases T-36/07 and C-394/08, Zipcar v OHIM
- HM Revenue & Customs v Electronic Data Systems
- Software Cellular Network v Tomlinson and others
- O2 Holdings v Fujitsu
- Xerox v Manor House
- Global Coal v London Commodity Brokers
- Philips and others v Amino
- GPS Industries v Prolink and Elimina Iberica
- Linpac Materials Handling v Polymer Logistics
- Nokia v IPCOM
- Nichia v Soeul Semiconductors and others
- Kitfix Swallow v Great Gizmos
- Interdigital v Nokia
- World Wide Fund for Nature v THQ Inc
- Neuralstem v Reneuron Limited (California)
- Frontier Limited v Atari Inc
- Sixtem Life Inc v Diomed Developments and others
- Aspinall of London v Kiki James Ltd
- Microgenix Technologies v Extechnology Limited
- Liffe v Pinkava
- Jacobson v Globe
- Richard Dearlove v Sean Combs

COMMERCIAL

Along with IP and Competition Law Nicholas Saunders has a busy and varied commercial law practice across the full breadth of chambers' commercial work. He enjoys tactical litigation and is a skilled advocate. He is experienced in working as part of a team in large litigation and has appeared in major cases in the Commercial Court, Chancery Division, the Technology and Construction Court. Additionally he has very extensive experience in substantial arbitration matters under ICC, UNCITRAL, LCIA rules and other ad hoc arbitrations.

He has a strong scientific background and this has led to him being instructed in a number of cases involving complex financial instruments including mechanisms for trading portfolios of derivatives on exchange (Liffe v Pinkava, Court of Appeal), portfolio management and futures and option pricing. He recently appeared as lead junior in a substantial trial concerning methods for quantitative trading relating to the IKOS hedge fund (Coward v Phaestos, Chancery Division).

He has been involved in a number of major information technology disputes over recent years including representing HM Revenue and Customs as lead junior in their substantial claim against EDS which was ultimately settled for £71m. He has also been involved in a number of substantial technology arbitrations concerning intellectual property licensing and the NHS connecting for health IT systems.

His recent work also includes commercial fraud (Fortress Value Recovery Fund v Blue Skye Special Opportunities Fund), a Commercial

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Court case which was listed as one of the Lawyer's top 20 cases of 2014. In the last year he has also appeared in commercial arbitrations concerning international sale of goods and unled in a Commercial Court preliminary issue, trial and appeal concerning rectification, implied terms and misrepresentation in connection with shipments of biodiesel (OMV v Kazmunaygaz). He has also acted for insurers in several professional negligence claims.

He is experienced in conflict of laws issues arising in litigation under both the common law and Brussels regimes and has appeared in applications for anti-suit injunctions to restrain US proceedings.

QUALIFICATIONS

MA, PhD (Cantab); CPE/Diploma in Law (2000); Bar Vocational Course (2001). Harmsworth and Queen Mother Major Scholar, Middle Temple.

PUBLICATIONS

- Copinger and Scone James on Copyright (specialist editor and contributor)
- The Trade Marks Handbook (contributor - trade marks and the internet)
- The Encyclopedia of E-Commerce (contributor - IP and e-commerce)
- The Encyclopedia of Forms and Precedents (contributor - e-commerce volume)
- The Modern Law of Patents (contributor - conflict of laws)

DIRECTORY QUOTES

Nicholas is listed in each of the Legal 500 and Chambers and Partners as a leading junior in intellectual property and information technology law.

- "Really focused and calm, he's unbelievably on top of the detail and all the strategic issues." (Chambers & Partners 2017)
- "He has a very calming manner and good instincts on what points to run." "He is very strong intellectually and user-friendly." (Chambers & Partners 2017)
- "A first-rate mind." (Legal 500 2016)
- "Very knowledgeable and a pleasure to work with." (Legal 500 2016)
- "absolutely outstanding and will be a leading IT silk in ten years. He earns further praise for the quality of his written opinions." (Chambers and Partners 2014)
- " "is good on all counts," according to solicitors, who further deem him to be "bright, sensible and easy to get on with." " (Chambers & Partners 2011)
- "the "solid" Nicholas Saunders, who "always does an excellent job" and has a practice that spans IP and IT." (Chambers & Partners 2011)
- "Good because he has a brain the size of a planet but is also pretty down to earth." Saunders is favoured by sources as he is "skilled at interviewing witnesses and can translate technical jargon into lay terms" (Chambers and Partners 2010)
- "Nicholas Saunders' 'rise has been stellar'. He is rated as a 'fantastic junior' and 'an extremely safe pair of hands', and acted in Interdigital v Nokia" (Legal 500, 2009)

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- "a fast rising individual with a big future." (Chambers and Partners 2009)
- "the very commercial Nicholas Saunders. Clients rate his awesome intellect, particularly strong on contract disputes/large projects" (Legal 500 2008)