BRICK COURT
CHAMBERS

Brick Court Chambers
7-8 Essex Street, London WC2R 3LD
DX 302 London Chancery Lane

Mark Cran KC

YEAR OF CALL: 1973 **YEAR OF SILK**: 1988

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



Practice Overview

Mark Cran KC has developed an impressive practice within the field of commercial law. Given his strong advocacy experience and command within the court room, he is well-known as a very effective cross-examiner and a persuasive advocate. His practice additionally covers specialist areas such as banking, entertainment and media, licensing & gaming, sports law, insurance and reinsurance, European law, and public and administrative law.

Mark Cran KC is currently a door tenant of Brick Court Chambers, and is Senior Counsel at leading Bermudian firm Attride-Stirling and Woloniecki. He was a full tenant of Brick Court Chambers 1974 - 2013.

Commercial

Highly experienced as a commercial advocate, he regularly appears before the Admiralty and Commercial Court, the Court of Appeal, and before various Arbitration Panels on high value claims. He is recognised in the area of Commercial Litigation as a leading silk in the Legal 500. In recent years he has been instructed in several major Chancery commercial actions. [In 2007-9, Mark Cran KC largely withdrew from practice due to the serious illness of his partner.]

His major cases include:

- *Penny v Montagu Private Equity & Ors* *Ch D* Sir William Blackburne. Action settled very favourably in 2012 in 12th week of scheduled 20 week trial in Manchester, following 6 weeks of cross-examination of Defendants' witnesses by Mark Cran KC. Unfair prejudice -- Companies Act 2006 s. 994.

- *Fattal v Walbrook & Ors* Ch D Lewison J Re-casting pleadings, and 6 weeks of interlocutory hearings on trustee exemption clauses, pleadings issues, etc. 2010-11.
- *Ingenious Group v Wadhwani & Ors* Ch D. Various actions exploring employment, confidentiality and intellectual property issues arising from misuse of complex computer hardware and software by former employees, 2009-10.
- *Occidental v. Republic of Ecuador* [2006] EWHC 345 (Comm); [2006] 1 Lloyd's Rep. 773; [2006] 2 C.L.C. 1, Aikens J; [2007] EWCA Civ 656; [2007] 2 Lloyd's Rep. 352; [2007] 2 C.L.C. 16 Court of Appeal.
- *IPOC v LV Finance Group*
- *Bancomext v. Etecsa* [2007] EWHC 2322 (Comm); [2007] 2 C.L.C. 690; [2007] I.L.Pr. 59; [2007] EWCA Civ 662; [2008] 1 W.L.R. 1936; [2007] 2 All E.R. (Comm) 1093; [2008] Bus. L.R. 1265; [2007] 2 Lloyd's Rep. 484 Court of Appeal.
- *Lincoln v. Hancock*
- *Law Debenture Trust v. Lexington Insurance Co.*
- *SFA v. Laurent and Fleurose*
- *Carnoustie Universal SA & Ors v. ITF.* [2002] EWHC 1624 (Comm); [2002] 2 All E.R. (Comm) 657; [2003] I.L.Pr. 7
- *Rowland & Norgren v. Bock*
- *Motorola v. Uzan*. [2002] EWCA Civ 989; [2002] 2 All E.R. (Comm) 945; [2002] C.P. Rep. 69; (2002) 99(33) L.S.G. 21; Times, July 10, 2002 Court of Appeal.
- *Europhone International Ltd v. Frontel Communications Ltd,* The Times 2nd September 2001
- *Director General of Fair Trading v. The Proprietary Association of Great Britain & Anor*, 151 NLJ 17; [2001] I.C.R. 306; sub nom In Re Medicaments [2001] 1 W.L.R. 700; [2001] U.K.C.L.R. 550; [2001] I.C.R. 564 Court of Appeal.
- 2001 - "*ABT Summe*r" - Trial
- *Somatra Ltd & Others v. Sinclair Roche & Temperley* [2000] 1 WLR 2453, [2000] 2 Lloyds Rep 673, [2000] 1 Lloyds Rep 311
- *Credit Suisse First Boston (Europe) Ltd v. Seagate Trading Co.Ltd,* [1999] 1 All ER 261
- *Patrick Stevedores Operation Pty Ltd v. International Transport Workers Federation,* [1998] 2 Lloyds Rep 523
- *The "Sivand"* [1998] 2 Lloyds Rep 9
- *Marshall v. NM Financial Mangement Ltd,* [1997] 1 WLR 1527, [1997] ICR 1065, [1997] IRLR 449
- *Kuwait Airways Corporation & Minister of Finance for the State of Kuwait v. Kuwait Insurance Co SAK & Others,* [1996] I Lloyds Rep 664 - led for London insurance market in successfully

resisting war risks claims by Kuwaiti Government/Kuwait Airways who were seeking to defeat limitation of $300 million on loss of aircraft and equipment following Iraqi invasion (Rix J).

- *Chequepoint Sarl v. Mcclelland & Anor,* [1997] QB 51, [1997] 2 All ER 384, [1996] WLR 341, [1997] I BCLC 177
- *Simon Engineering Plc & Others v. Butt Mining Plc & Anor,* [1996] 1 Lloyds Rep 91
- 1995 - *Guam Harbour Arbitration* - re: Building Contract
- 1995 - 1996 - led for Winchester Bowring in series of successful applications to strike out claims of Syndicate 90 (Wrightson names) arising out of run-off reinsurances placed by WB for Wrightson with Outhwaite Syndicates
- *R v. Camden London Borough Council ex parte Cran & Others* [1995] RTR 346, 94 LGR 8, (Pro bono) - led for North London residents in successful High Court action to squash traffic and parking orders made by Camden Council (McCullough J.) ([1995] RTR 346; 94 LGR 8).
- *Banque Brussells Lambert SA v. Eagle Star Insurance Co.Ltd* [1995] 2 All ER 769, [1994] 31 EG 68, [1994] 2 EGLR 108 - led for Eagle Star in successful defence of major BBL and related actions for recovery under commercial mortgage indemnity policies.
- 1995 - Arbitration Led for AIG in successfully resisting Alghanim all risks claims arising out of Iraqi invasion (Sir M.Kerr, Lord Griffiths, HE Judge Schwebel arbitrators)
- *Century Textiles & Industry ltd v. Tomoe Shipping Co. (Singapore) Pte Ltd* [1993] 1 Lloyds Rep 63

Entertainment and Media

Having acted on behalf of various well known artists such as George Michael in his dispute with Sony, Joan Armatrading, Frankie Goes to Hollywood, Paul McCartney, and for Michael Bolton against Warner Chappell, Mark Cran KC is without question a leading silk in the area. His other clients within this area include Major and Independent Record Companies, Film and Theatre Companies, TV and Radio Broadcasters, Directors and Producers.

His reported cases are:

- *Davy International Ltd & Others v. Tazzyman & Others, Davy International Ltd & Others v. Durnig & Others*, [1997] 3 All ER 183, [1997] 1 WLR 1256
- *Panayioutou & Others v. Sony Music Entertainment* [1993] Ch 142, [1994] 1 All ER 755, [1994] 2 WLR 241 - led for George Michael.
- *Warner Chappell Music & Anor v. Michael Bolton Music Inc & Michael Bolton*
- *Zang Tumb Tuum Records Ltd v Johnson* [1993] E.M.L.R. 61 Court of Appeal

Licensing and Gaming

Mark Cran KC has advised and appeared before numerous licensing committees, and on appeal, in approximately 30 different cases. His clients included all the casino groups and operators in the UK, in particular London Clubs and Clermont Leisure.

Sport

Mark Cran KC is rated as leading silk for sport disputes. His specialist knowledge covers a wide range of issues, and he has been instructed to act for various individuals, organisers, teams, governing bodies and broadcasters. He frequently advised the Williams Formula One team and appeared for them in various arbitrations, Concorde Agreement tribunals, and High Court actions. He advised Williams and McLaren on the proposed flotation of F1A by the Ecclestone interests, a matter which required an appreciation of EU Competition law. More recently he was instructed on behalf of the Stanford interests in the dispute between the West Indies Cricket Board, the EWCB, and Digicel over the broadcasting and staging of the Stanford 20/20 cricket matches in Antigua, prior to the detention and trial of Sir Allen Stanford.

- *Stanford v. Digicel*
- *Williams Grand Prix re Concorde Agreement* - Arbitration in Geneva before Concorde Formula One Commercial Arbitrators re Driver's contract for David Coulthard
- 1995 - 2004 Series of actions and hearings for Williams Grand Prix Engineering covering all aspects of Formula One motor racing including EC and Competition issues

Qualifications

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Gordonstoun School, Bristol University LLB (1970)

Career

Called to the Bar 1973, appointed silk 1988, appointed recorder 1998, First (top) Tier Trainer of Advocacy and Ethics 2003, Bencher of Grays Inn 2009, Class 2 Recorder (Serious Crime) 2010.

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