



Brian Nicholson KC

CEng, DEng(Hon), PhD, BEng(Hons), PgDipLaw, PgDipPLS,
 FRSA, MIET, MBCS, MIEEE, MACM

Called: 2000

Silk: 2019

Practice

Brian is a highly regarded and experienced Intellectual Property specialist, rated as a Category 1 King's Counsel by both Chambers & Partners and the Legal 500. He has extensive experience leading significant and high-value multi-jurisdictional cases in the United Kingdom's Supreme Court, Court of Appeal and the High Court. He has also represented the United Kingdom before the Court of Justice of the European Union, appeared in the Supreme Court of Gibraltar, and previously served a 5-year term as Standing Counsel for the Comptroller-General of Patents, Designs and Trade Marks (2014-2019).

With a very strong technical background, Brian particularly specialises in cases involving substantial and complex electronic or computing content, but he continues to practice in all areas of intellectual property, including having acted in Trade Mark and Design matters before the Supreme Court and the CJEU, pharmaceutical matters before the High Court, Court of Appeal and the CJEU, and confidential information, passing off and copyright matters before the High Court.

Brian has considerable and varied experience in major multi-jurisdictional litigation and is very well acquainted with working in international teams.

Brian was awarded Managing IP's EMEA Senior IP Counsel of the year in 2026, and Chambers & Partner's IP/IT Silk of the Year in 2023.

What the directories say

"Brian Nicholson KC is a razor-sharp and thorough silk recommended for his abilities assisting with hi-tech patent litigation proceedings involving telecommunications companies. His expertise encompasses cases concerning invalidation and infringement actions. His other areas of experience include Community design right disputes and pharmaceutical patent work. Sources highlight his deep knowledge in technology and telecommunications."

Chambers and Partners 2026 (IP)

"He is the doyen of the IP Bar for technology and telecommunications cases. He is a good advocate and absolutely understands tech better than anyone else. Judges listen to him as he knows so much." **Chambers and Partners 2026 (IP)**

"Brian Nicholson is an outstanding legal strategist with the ability to cut through technically and legally complex issues to the heart of the matter and provide succinct, pragmatic advice." **Chambers and Partners 2026 (IP)**

"Brian has been a real godsend. Brian was brilliant on a really high-stakes, complicated case, not just on the technical detail, but also in terms of his engagement, responsiveness and commerciality." **Chambers and Partners 2026 (IP)**

"Brian is decisive, excellent at explaining difficult technical concepts, and very user-friendly" **Legal 500 2026**

"A barrister of the highest order," he is "terrifically easy to work with, good humoured, hard-working and very bright."

Chambers and Partners 100 UK Bar

Education and appointments

2019	One of Her Majesty's Counsel learned in the law (now King's Counsel)
2014-2019	Standing Counsel for the Comptroller-General of Patents, Designs and Trade Marks
2007	European Engineer (Eur Ing, FEANI)
2006	Chartered Engineer (Engineering Council, UK)
2000	Called to the Bar (the Honourable Society of Lincoln's Inn)
1999-2000	Postgraduate Diploma in Professional Legal Studies (Inns of Court School of Law)
1998-1999	Postgraduate Diploma in Law (City University)
1995-1998	Doctor of Philosophy ' <i>Artificial Intelligence for the Robust Optimisation of Control System Stability</i> ' (University of Bath)
1992-1995	Bachelor of Electrical and Electronic Engineering (with first class honours) (University of Bath)

Awards

2026	Managing IP: EMEA Senior IP Counsel of the year
2023	Chambers & Partners: IP/IT Silk of the year
2019	Chancellor's Roll of Honour, University of Bath
2018	Doctor of Engineering (<i>honoris causa</i>), University of Bath
2016	Vice-Chancellor's Roll of Honour, University of Bath
2015	Chambers & Partners: IP/IT Junior of the Year
2013	The Chambers 100 – listed in the top 100 UK junior barristers (across all sectors)
2013	Chambers & Partners: <i>nominated</i> as junior IP/IT Barrister of the year
2007	Chambers & Partners: <i>nominated</i> as junior Intellectual Property Barrister of the year
2000	Lincoln's Inn: The Cassel Major Scholarship
1999	Lincoln's Inn: The Sunley Major Scholarship
1999	Lincoln's Inn: Accommodation Scholarship
1998	Lincoln's Inn: Common Professional Examination Award
1998	Lincoln's Inn: Hardwicke Entrance Scholarship
1997	UPEC-97, UMIST: Best Conference Presentation Award
1995-1998	Engineering and Physical Sciences Research Council: Research Scholarship
1995-1998	National Grid Company plc: Collaborative Research Award
1995-1998	University of Bath: Postgraduate Research Scholarship
1995	University of Bath: Graduated in first place in University Department
1995	Institute of Electrical Engineers: Regional Prize Paper Award
1992-1995	THORN EMI Electronics Ltd: University Scholarship

Selected recent cases

Supreme Court

Apple Retail UK Limited & others v. Optis Cellular Technology LLC and others [UKSC/2025/0145]
 FRAND licence determination

Tesla, Inc and another v. Interdigital Patent Holdings, Avanci and others [UKSC/2025/0058]
 Jurisdiction – Implementer-initiated patent platform licence determination

Emotional Perception AI Limited v. Comptroller General of Patents [UKSC/2024/0131]
 Patentability of artificial intelligence

Magmatic Ltd v. PMS International Ltd [2016] UKSC 12;
 [2016] Bus. LR 371; [2016] ECDR 15; [2016] RPC 11
 Registered Community Designs

R v. M, R v. C, and R v. T [2017] UKSC 58;
 [2017] 1 WLR 3006; [2017] 2 Cr. App. R 30
 Criminal offences under the Trade Marks Act

Virgin Atlantic Airways v Contour & ors

[2013] UKSC 46; [2014] AC 160; [2013] 3 WLR 299; [2013] RPC 29;
 [2013] EWCA Civ 1723; [2014] RPC 18;
 [2012] EWHC 2153 (Pat); [2011] F.S.R. 27; [2011] R.P.C. 18; [2011] R.P.C. 8
 Aircraft seating patents; *res judicata* of national proceedings pending EPO Opposition

CJEU

DOCERAM GmbH v. CeramTec GmbH (C-395/16) - Registered Community Designs

Abraxis Bioscience LLC v. Comptroller-General of Patents (C-443/17) [2017] EWHC 14 (Pat)
 Patents; Supplementary Protection Certificates; Reference to CJEU

Court of Appeal

Kohler Mira Limited v. Norcros Group (Holdings) Limited [2025] EWCA Civ 1670
 Water heater valve patent validity/infringement action

Apple, InterDigital & Others v. Optis [2025] EWCA Civ 1263
 Preservation of Confidentiality in published Judgments

Optis v. Apple [2025] EWCA Civ 552
 FRAND Court determined licence appeal

Tesla v. InterDigital & Avanci [2025] EWCA Civ 193
 Jurisdiction for Implementer-initiated patent platform licence determination

Comptroller General of Patents v. Emotional Perception AI Limited [2024] EWCA Civ 825
 Patentability of Artificial Intelligence

Supponor Limited v. AIM Sport Development AG [2024] EWCA Civ 396
 Video processing Patent validity/infringement action

JCB v. Manitou [2024] EWCA Civ 276
 Patent validity appeal to re-instate a patent after settlement following first-instance revocation

JCB v. Manitou [2023] EWCA Civ 840
 Preserving Confidential information in a publishes Judgment

Vodafone v. IPCOM [2023] EWCA Civ 113
 Re-opening appeals

Dr Reddy's Laboratories & others v. Warner-Lambert Company LLC [2023] EWCA Civ 73
 Pharmaceutical Patent - Second Medical Use - Inquiry on cross-undertaking in damages

Appeal to the High Court

Republic of Cyprus v. John & Pascalis Limited [2018] EWHC 3226(Ch)
 Trade Marks; Halloumi Certification Mark; *functus officio*

Subsea Intervention v. Comptroller General of Patents [2015] EWHC 3482(Ch)
 Patent renewals; lapsed patents; non-payment; restoration.

Crowley v. United Kingdom Intellectual Property Office [2014] EWHC 3871(Ch)
 Patentability

High Court (first instance)

Fujikura v. Sterlite [2025] EWHC 3181 (Pat)
 Fibre optic cable patent validity/infringement action

AstraZeneca v. Glenmark, Teva, Viatris & Others [2025] EWHC 1339 (Pat)
 Pharmaceutical Patent injunction

Optis v. Apple – FRAND – multiple technical and FRAND trials
 Telecommunication patents – FRAND licensing

R2 v. Intel [2024] EWHC 1974 (Pat)
 On-semiconductor switching converter patent validity/infringement action

Tesla v. InterDigital & Avanci [2024] EWHC 1815(Ch)
 Jurisdiction for Implementer-initiated patent platform licence determination

Dr Reddy's & Ranbaxy & others v. Warner-Lambert [2021] EWHC 2182(Ch)
 Pharmaceutical patent – inquiry on cross-undertaking as to damages – preliminary issue trial

Facebook Ireland Limited v. Voxer IP LLC [2021] EWHC 1377(Pat)
 Computing technology patent – social media

IPCom v. Vodafone [2020] EWHC 132 (Pat)
 Telecommunications Patent – validity and infringement

Claydon Yield-O-Meter Limited v. Mzuri Limtied [2021] EWHC 1007 (IPEC)
 Agricultural machinery patents – validity and infringement

TQ Delta v. ZyXEL [2019] EWHC
 ADSL Patents; RAND licensing

Apple Retail UK Ltd v. Qualcomm (UK) Ltd [2018] FSR 27;
 [2018] EWHC 1188 (Pat)
 Abuse of a dominant position; FRAND; Mobile patents

Capital Markets Co (UK) Ltd v. Tarver [2017] EWHC 2885(Ch); [2018] 1 Costs LR 65;
 [2017] EWHC 2467 (Ch)
 Breach of fiduciary duty; confidential information; copyright; high value costs

Clearswift v. Glasswall (IP) Ltd [2018] EWHC 2442 (Pat); [2018] EWHC 1946 (Pat)
 Computer anti-malware software patent

Garmin (Europe) Ltd v. Koninklijke Philips N.V. [2017] EWHC 8165 (Pat)
 GPS fitness training patents

Martinez (t/a Prick) v. Prick Me Baby One More Time Ltd (t/a Prick) [2018] ETMR 27
 Passing off

Unwired Planet International Ltd v. Huawei Technologies Co Ltd [2015] EWHC 3366(Pat);
 [2016] Bus LR 435
 Mobile telephone patents; FRAND

Comptroller-General of Patents Designs and Trade Marks v. Intellectual Property Agency
 [2016] FSR 22
 Passing off; trade mark infringement; account of profits

Employment and additional experience

Over the last 30 years, Brian has held a number of different engineering roles in a variety of different companies from SMEs to a PLC and has been a non-executive director of successful start-ups. His significant hands-on engineering experience was recognised by his qualification as a Chartered Engineer in 2006 and as a European Engineer in 2007. Brian has also served as an officer in the Royal Naval Reserve.

Memberships

Brian is a professional member of the Institute of Engineering and Technology, the Institute of Electrical and Electronic Engineers, the British Computer Society, the Association for Computing Machinery, the Chancery Bar Association, and the Intellectual Property Bar Association. In 2006 he was elected as a Fellow of the Royal Institution of Great Britain, and in 2009 was elected as a Fellow of the Royal Society for the encouragement of Arts, Manufactures and Commerce.