11 SOUTH SQUARE

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# 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. He is a Bencher of the Honourable Society of Lincoln's Inn.

## 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**

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## Education and appointments

| | |
|---|---|
| 2026 | Bencher of the Honourable Society of Lincoln's Inn |
| 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 *'Artificial Intelligence for the Robust Optimisation of Control System Stability'* (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 (*honoris causa*), 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: *nominated* as junior IP/IT Barrister of the year |
| 2007 | Chambers & Partners: *nominated* 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*** [2026] UKSC 27
Jurisdiction – Implementer-initiated patent platform licence determination

***Emotional Perception AI Limited v. Comptroller General of Patents*** [2026] UKSC 3
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

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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***

***Parsons v. Convatec*** [2026] EWCA Civ 1357
Statutory construction of employee compensation provisions of the Patents Act 1977

***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

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***High Court (first instance)***

***Samsung v. ZTE*** [2026] EWHC 2235 (Pat)
5G patent validity/infringement technical trial

***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

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***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 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 previously 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.