



Hugo Cuddigan QC

Called: 1995
Silk: 2015

Practice

Hugo practices in all areas of intellectual property law and also has experience in general commercial, media, IT and European competition law. He has appeared in the House of Lords, the Court of Appeal, the Patents Court, the IPEC, the Commercial Court, the Technology and Construction Court and other branches of the High Court.

He is experienced in representing musicians and music and media companies, but also has a keen ability to deal with the most intricate patent disputes.

Prior to taking Silk in 2015, Hugo's logical approach to advocacy combined with his engineering background resulted in his being a much sought-after junior. His reputation as a skilled advocate was recognised at the 2011 Chambers and Partners Bar Awards where Hugo received the award for "IP/IT Junior of the Year".

The Directories

Ranked as a silk for Intellectual Property and Media and Entertainment by both Chambers & Partners 2017 and The Legal 500

"He is accessible, decisive, helpful and a great team player."
"Commercial, analytical and excellent with clients."
"He is a bit of a street fighter and is very strategic."

Chambers & Partners 2020, Intellectual Property

"He is very good on technical copyright issues and gives sensible, creative and practical advice."

Chambers & Partners 2020, Media & Entertainment

"He is clever, straight talking, tenacious and collaborative; he never loses sight of the commercial imperatives."

The Legal 500 2020

At the 2011 Chambers and Partners Bar Awards Hugo was awarded "IP/IT Junior of the year"

Education and Qualifications

MA Trinity College, Cambridge (Engineering)
Harmsworth Scholar, Middle Temple
1995 Called to Bar (Middle Temple)
2015 Appointed Queens Counsel

Recent & Reported Cases

***Lufthansa Technik AG v Astronics Advanced Electronic Systems* [2020] EWHC 83 (Pat)**
Hugo successfully resisted an application to withdraw an admission in a High Court patent action

***Ed Sheeran v Sami Chokri* [2019] EWHC 3584 (Ch) 9 Dec 2019**
Application to strike out similar fact evidence. Hugo acted for the successful defendant at first instance and on appeal

***Technetix BV et al v Teleste Limited* [2019] EWHC 3106 (Pat)**
High Court patent validity and infringement trial relating to products for improvement of broadband communication performance

***Bentley 1962 Ltd & Anor v Bentley Motors Ltd* [2019] EWHC 2925 (Ch)**
Trade mark infringement claim against the famous motor car company. Hugo acted for the successful claimant in this High Court action.

***Prosycor Ltd v Netsweeper Inc & Ors* [2019] EWHC 1302 (IPEC)**
Hugo acted for the successful defendants in a patent entitlement and breach of confidence claim heard in the Enterprise Court.

***Garmin (Europe) Ltd v Koninklijke Philips N.V.* [2019] EWHC 107 (Ch)**
Patents Court claim for infringement of an early patent covering GPS fitness trackers. Hugo acted for the substantially successful claimant

***Pulseon OY v Garmin (Europe) Ltd* [2019] EWCA Civ 138**
This case concerned a claim by PulseOn for infringement of two registered Community Designs relating to wearable heart rate monitors. These monitors used photoplethysmography, a technology that involved transmitting light into the user's skin, and picking up a reflected signal from which a pulse could be derived.
Hugo acted for the successful defendant in the first instance High Court trial and on appeal

***Boston Scientific Scimed inc v Edwards Lifesciences SA* [2018] EWHC 3738 (Pat)**
Application for an interim injunction in a patent infringement action. Hugo acted for the unsuccessful patentee.

***Rotam Agrochemical Co Ltd v GAT Microencapsulation GmbH (formerly GAT Microencapsulation AG)* [2018] EWHC 2765 (Comm)**
Commercial Court trial relating to the defendant's microencapsulation technology and associated patents. Hugo acted for the successful defendant.

***Bose Corp v Freebit AS* [2018] EWHC 889 (Pat)**
High Court patent infringement and validity trial

***Scomadi Ltd v RA Engineering Co Ltd* [2017] EWHC 2658 (IPEC)**
Contractual, registered and unregistered design right trial in the IPEC. Hugo acted for the successful defendant

***Cole v Howlett* [2018] C.L.Y. 387**

Copyright infringement trial against the band 'The Prodigy'. Appeal from a High Court decision allowing the claimant to rely on an assignment to obtain title to the rights in issue. Hugo acted on the successful appeal such that the action was struck out.

***Neptune (Europe) Ltd v Devol Kitchens Ltd* [2017] EWHC 2172 (Pat)**
High Court action for infringement of unregistered design right in furniture.

***Property Renaissance Ltd (t/a Titanic Spa) v Stanley Dock Hotel Ltd (t/a Titanic Hotel)* [2016] EWHC 3103 (Ch)**
Trade mark infringement, revocation and passing off claim in the High Court between the owners of the Titanic development in Belfast and the Titanic Spa in Huddersfield.

***Meter-Tech LLC v British Gas Trading Ltd* [2016] EWHC 2278 (Pat) 16 Sep 2016**
High Court patent infringement and validity action

***Anan Kasei Co Ltd v Molycorp Chemicals & Oxides (Europe) Ltd* [2016] EWHC 1722 (Pat)**
The defendant challenged the jurisdiction of the UK High Court to hear a claim for infringement of a German patent, or to order provision of samples. Hugo acted for the successful defendant.

***Marussia Communications Ireland Ltd v Manor Grand Prix Racing Ltd* [2016] EWHC 809 (Ch) 13 Apr 2016**
Trade mark infringement claim relating to the name of a Formula 1 racing team

***G-Star Raw CV v Rhodi Ltd & ors* [2015] EWHC 216 (Ch)**
This was an action for infringement of unregistered UK design right in relation to jeans. High Court.

***Rihanna v Arcadia* [2015] EWCA Civ 3; [2013] EWHC 2310 (Ch); [2013] F.S.R. 37**
Claim for passing off by the popstar Rihanna in relation to sale of T-shirt with her image. High Court, Court of Appeal.

***ASSIA v British Telecommunications* [2014] EWCA Civ 1462; [2013] EWHC 3768 (Pat)**
Patent infringement and validity trial relating to management of DSL broadband. Hugo acted for the Defendants, BT, in the Patents Court trial at which infringement was established and the Court of Appeal subsequently upheld this decision.

***Weatherford v Hydropath & ors* [2014] EWHC 2725 (TCC)**
A breach of contract claim brought by Weatherford in respect of electronic fluid conditioners for use in the oil and gas industry against the supplier of the devices and a counterclaim from Hydropath for breach of confidence and contract. As part of that counterclaim Hydropath sought to make additional allegations against its former directors who were now working with Weatherford. Technology and Construction Court.

***AP Racing Ltd v Alcon Components Ltd* [2014] EWCA Civ 40; [2013] EWPC 3**
Patent infringement action concerning brake callipers used in racing cars. Patents County Court and Court of Appeal.

***Adaptive Spectrum and Signal Alignment Inc v British Telecommunications Plc* [2013] EWHC 3768 (Pat)**
Patent infringement action concerning the management of DSL broadband. Patents Court. Appeal pending.

***Cayman Music (Bob Marley) v Blue Mountain* [2014] EWHC 1690 (Ch)**
Copyright in Bob Marley's song "No Woman No Cry" as well as other musical works. High Court.

***Lloyds TSB & anr v James Shanley* [2014] EWCA Civ 407**

Copyright infringement and confidential information claim relating to a 'scoping tool'. High Court and Court of Appeal. Enquiry pending.

***Kohler Mira Ltd v Bristan Group Ltd* [2013] EWPC 2**

Damages enquiry following unregistered design right case for electric shower units. Intellectual Property Enterprise Court.

***Conductive Inkjet Technology Ltd v Uni-Pixel Displays Inc* [2013] EWHC 2968 (Ch)**

Jurisdictional issue arising from patent dispute concerning deposition technologies. Patents Court.

***Kohler Mira Ltd v Bristan Group Ltd* [2013] EWPC 2**

Unregistered design right case for electric shower units. Patents County Court.

***Xena Systems Ltd v Cantideck* [2013] EWPC 1**

Inquiry into damages for patent infringement in relation to a kind of loading platform used in the construction industry. Patents County Court.

***BMW v Round & Metal* [2012] EWHC 209**

Registered designs for alloy wheels; spare parts exception to design protection. High Court.

***Gimex International v Chill Bag Co Ltd* 20 July 2012.**

Registered design for portable ice bucket. Patents County Court.

***Football Dataco v Sportradar* [2013] EWCA Civ 27; [2013] FSR 30; [2012] EWHC 1185 (Ch); [2012] EWHC 747 (Ch); [2011] EWHC 3427 (Ch); [2011] F.S.R. 20; [2011] F.S.R. 10**

Copyright and *sui generis* database right relating to live football data. High Court and Court of Appeal.

***Innovia Films Ltd v Frito-Lay North America Inc* [2012] EWHC 790**

Patent entitlement, breach of confidence, jurisdiction. High Court.

***Fox International v Folly* [2012] E.C.C. 3**

Trade Mark infringement and passing off matter concerning "STALKER" used for fishing equipment. Patents County Court.

***Dyson v Vax – CoA* [2011] EWCA Civ 1206; [2012] F.S.R. 4 HC [2010] EWHC 1923 (Pat); [2011] Bus. L.R. 232; [2011] E.C.C. 9; [2010] E.C.D.R. 18; [2010] F.S.R. 39**

Registered design regarding vacuum cleaners. Patents Court and Court of Appeal.

***Ate My Heart Inc v Mind Candy Ltd* [2011] EWHC 2741 (Ch)**

Claim for trade mark infringement by the popstar Lady GaGa in relation to children's cartoon character Lady Goo Goo. High Court.

***Omega Engineering Inc v Omega SA* [2012] FSR 25; [2011] E.T.M.R. 40**

Dispute in relation to trade Mark coexistence agreements. High Court and Court of Appeal.

***Qioptiq Ltd v Teledyne Scientific and Imaging LLC* [2011] EWHC 229**

Forum non conveniens; Jurisdiction clauses; Parallel proceedings; Probative value; Stay of proceedings; Technology licences. High Court.

***Martin Moore Ltd v Mark Plant Ltd* [2011] EWPC 25**

Registered design infringement; Offers; Settlement. Patents County Court.

***Experience Hendrix LLC v Times Newspapers Limited* [2010] EWHC 1986 (Ch)**

Jimi Hendrix's performers rights and infringing covermount in Sunday Times. High Court.

***Schlumberger Holdings Ltd v Electromagnetic Geoservices AS* [2010] R.P.C. 33; [2009] R.P.C. 19**

Patent revocation; controlled source electromagnetic sub-surface hydrocarbon surveying; common general knowledge; inventive step; novelty; skilled persons. High Court and Court of Appeal.

***Specsavers International Healthcare Ltd v Asda Ltd* [2010] F.S.R. 28**

Passing off and trade mark infringement claim relating to ASDA's advertising campaign. High Court.

***Codemasters Software Co Ltd v Automobile Club de l'Ouest* [2010] F.S.R. 12**

License agreement dispute concerning use of famous race track reproduction in video game. High Court.

***Fisher v Brooker* [2009] UKHL 41; [2009] 1 W.L.R. 1764; [2009] Bus. L.R. 1334; [2009] 4 All E.R. 789; [2009] F.S.R. 25; [2008] EWCA Civ 287; [2008] Bus. L.R. 1123; [2008] E.M.L.R. 13; [2008] F.S.R. 26; [2007] E.M.L.R. 9; [2007] F.S.R. 12**

Claim to authorship of and copyright in 'A Whiter Shade of Pale'; acquiescence; authorship; delay; musical works. High Court, Court of Appeal and House of Lords.

***Belvac Production Machinery Inc v Carnaudmetalbox Engineering* [2009] EWHC 292 (Ch)**

Patent infringement; can manufacturing equipment; inventive step; novelty. High Court.

***Garmin (Europe) Ltd v Tomtom International BV* [2007] EWHC 2698 (Ch)**

Patent infringement; navigation devices. High Court.

***The FA v LCD Publishing Ltd* [2007] EWHC 3171 (Ch)**

Copyright infringement; economic torts; football magazines; defences; particulars; statements of case; striking out. High Court.

***Jules Rimet Cup v The FA* [2007] EWHC 2376; [2006] EWHC 2415 (Ch); (2006) 150 SJLB 1113**

Passing off; copyright infringement; 'World Cup Willie' rights; bad faith; device marks; goodwill; ownership; trade marks. High Court.

***Unilin Beheer BV v Berry Floor NV* [2007] FSR 25, [2007] Bus LR 1140; [2005] EWCA Civ 1292; [2004] EWCA Civ 1021; (2005) 28(6) IPD 28048 and [2004] FSR 14**

Patent action and appeal; reasonable skill and knowledge hearings; *res judicata* and the EPO (first instance, Court of Appeal); acquiescence; cause of action estoppel; costs orders; infringement; opposition proceedings; stay of proceedings; validating amendments. High Court and Court of Appeal.

***Proctor & Gamble v Reckitt Benckiser* Court of Appeal [2007] EWCA Civ 936; [2008] Bus LR 801; [2008] ECDR 3; [2008] FSR 8; (2007) 104(41) LSG 28; Times, October 17, 2007; First instance: [2007] FSR 13; [2006] EWHC 2871 (Pat)**

Community designs; infringement; registered design right; validity. High Court.

***Procter & Gamble Co v Reckitt Benckiser* [2006] EWHC 2872 (Pat); (2007) 30(3) IPD 30023**

Joint tortfeasorship of parent company. High Court.

***Sales v Stromberg* [2005] EWHC 1624; [2006] FSR 7**

Breach of confidence; commonplace designs; complementary medicine; design right; infringement; originality; passing off. High Court.

***Play It v Digital Bridges* [2005] EWHC 1001 (Ch); (2005) 28(7) IPD 28051**

Passing off; computer games; application for interim injunction. High Court.

***Philips Domestic Appliances & Personal Care BV v Salton Europe Ltd* [2004] EWHC 2092 (2004) 27(10) IPD 27082**

Copyright in microprocessor software; jurisdiction. High Court.

***Badge Sales v PMS International* [2004] EWHC 3382 (Ch); [2006] FSR 1**

Design right; burden of proof; innocent infringement; interim injunctions; secondary infringement. High Court.

***Cyprotex Discovery Ltd v University of Sheffield* [2003] EWHC 760 (TCC); 89 Con LR 109; [2004] RPC 4**

Copyright in computer software; contract dispute; research and development; sponsorship. High Court.

***Blandford Goldsmith & Co Ltd v Prime UK Properties Ltd* [2003] EWHC 326 2003 WL 23145238**

Passing off; interim injunction. High Court.

***Levi Strauss & Co v Tesco Stores Ltd* [2002] EWHC 1625 [2002] 3 CMLR 11 [2002] Eu LR 610 [2002] ETMR 95 [2003] RPC 18 (2002) 25(9) IPD 25062**

Parallel imports; summary judgment. High Court.

***PAG Ltd v Hawk-Woods Ltd* [2002] ETMR 70 [2002] FSR 46 (2002) 25(1) IPD 25004**

Trade marks; use in relation to goods; spare parts. High Court.

***Firetrace trade mark* [2002] RPC 15**

Invalidity Trade Mark action concerning fire *extinguishing* apparatus. High Court.

***Intralux Australia Pty v Indirect Lighting* Lawtel 19/12/2001 AC 9200324**

Summary judgment; design right and copyright. High Court.

***Jane Austen trade mark* [2000] RPC 879**

Trade Mark opposition proceedings. High Court.

***Charly Acquisitions Ltd v Immediate Records Inc* [2002] EWHC 254 2002 WL 45335**

Musical copyright; ownership of Immediate Records back catalogue. High Court.

***Stena Rederi AB v Irish Ferries Ltd*. Court of Appeal [2003] EWCA Civ 66 [2003] RPC 36 Times, February 10, 2003; First instance: [2002] EWHC 737 [2002] RPC 50**

Patent action and appeal; patent for vessel; territorial limitations of Patents Act 1977. High Court.

Memberships

Intellectual Property Bar Association
Chancery Bar Association