



NEW SQUARE

Theo Barclay

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Outstanding. Smart, diligent, hard-working.

- Legal 500 2021

He has been recognised by the directories:

- as a “rising star” in Commercial Litigation: *“Outstanding. Smart, diligent, hard-working. Absolutely will go as deep into the subject matter as necessary to find the answers and to be prepared – excellent on his feet and in the courtroom”.*
- as a Leading Junior in Sports Law: *“Excellent oral and written submissions and hugely confident; he has appeared against and beaten several QCs already”.*
- as a Leading Junior in Costs Law: *“Extremely hard working, he gets stuck into problems very quickly, and has well-judged insights into what points really matter.”*

Current and recent cases include:

- ***SKAT v Solo Capital Ltd & Ors*** [2021, ongoing] acting for the Danish tax authority on costs in this multi-billion pound fraud and unjust enrichment litigation (led by Nick Bacon QC).
- ***Lehtimäki v Cooper*** [2020] UKSC 33: the leading Supreme Court case on trust administration, charitable companies and fiduciary duties (led by Guy Mopuss QC and Professor Sarah Worthington QC).
- ***Glencairn v Product Specialities*** [2020] EWCA Civ 609: leading Court of Appeal authority on solicitors’ duties of confidentiality to their former opponents (sole counsel at first instance and in the Court of Appeal).
- ***GHS v Beale, Webstorm & Ors*** [2021, ongoing]: Multi-million pound conspiracy and copyright infringement claim in the IT sector, raising jurisdictional issues *and questions of alternative service (as sole counsel)*.
- ***Combe International Ltd v Dr Augustus Wolff GMBH*** [2021, ongoing]: High Court trademark infringement and passing off dispute between the owners of personal healthcare brands Vagisil and Vagisan (led by Mark Vanhegan QC)



- ***Recovery Partners & Anor v Rukhadze & Ors*** [2021]: instructed on privilege issues in major Commercial Court fraud litigation arising out of the death of Georgian billionaire Arkady Patarkatsishvili.
- ***Beiersdorf v Aldi Stores Limited*** [2021, ongoing]: High Court claim against a supermarket for trademark infringement in relation to lookalikes of the Nivea Sun range. Representing Nivea (led by Guy Hollingworth)
- ***Winlink Marketing v Liverpool Football Club*** [2020] EWHC 2271 (Comm): Part of successful team in this High Court trial concerning brokers' contracts and commission for a sponsorship agreement (led by Robert Anderson QC)
- ***Albion Energy Ltd v Energy Investments Global BRL*** [2020] EWHC 301: dispute between a Qatari oil exploration company and an energy company (led by Guy Moppuss QC for the appeal to the Court of Appeal)
- ***New Balance v Liverpool Football Club*** [2019] EWHC 2837: successfully acted for Liverpool Football Club in this Commercial Court trial on whether it was permitted to appoint Nike as its kit sponsor (led by Guy Moppuss QC).
- ***BV Nederlandse van Eiprodukten v Rembrandt*** [2019] EWCA Civ 596: leading authority on the test for causation in fraud (led by Guy Moppuss QC at first instance and in the Court of Appeal).

Academic law

In addition to his practice, Theo has lectured on commercial law at City University and on international law at King's College, London. He is a regular contributor to legal journals.

Outside of Law

Theo has written about British politics for, among others, the Times, the Daily Telegraph, the Independent and the Spectator.

- His first book, ***Fighters and Quitters: Great Political Resignations*** was published by Biteback in January 2018 (Hardback) and February 2019 (Paperback). It is available [here](#).
- He is a contributing author to ***The Prime Ministers: Three Hundred Years of Political Leadership*** (Hodder & Stoughton, November 2020). It is available [here](#).

Privacy Policy

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Areas of Expertise

Sports Law

Theo specialises in sports-related commercial litigation and regulatory work. He is recognised as a Leading Junior in Sports Law in the Legal 500 2022, in which he is noted for his “*excellent oral and written submissions*” and described as “*hugely confident*”.

In the last two years he has appeared for Liverpool Football Club in two of the largest football-related claims in the English courts and worked on disputes relating to the ownership of Sheffield United FC and Rangers FC.

He acts on behalf of and against other Premier League football clubs and sporting institutions, advising on contractual issues between clubs and players, sponsorship disputes, negotiations with governing bodies, litigation with suppliers, and intellectual property issues.



Outside of football, he has advised on matters concerning golf, cricket, boxing, athletics and horse racing.

Current and recent cases include:

- **Grant v Tottenham Hotspur FC**: acting for Tottenham Hotspur in a copyright infringement claim against the club.
- **Winlink Marketing v Liverpool Football Club** [2020] EWHC 2271 (Comm): Acted for the successful defendant in this High Court trial concerning brokers' contracts and commission for a sponsorship agreement (led by Robert Anderson QC).
- **Sir Mo Farah v Diamond Mist**: a passing-off dispute brought by Sir Mo Farah against a vaping company that allegedly used a likeness of him in an advert (sole counsel).
- **New Balance v Liverpool Football Club** [2019] EWHC 2837: successfully acting for Liverpool FC in high profile Commercial Court trial about whether the Club kit could be sponsored by Nike (led by Guy Morpuss QC).
- An ongoing multi-million-pound arbitration concerning football television rights and piracy (led by Guy Morpuss QC).
- **HoneyPunch v Hill**: acting for leading boxing brand "Ringside" in a trademark infringement claim in the IPEC (sole counsel).
- **S v M** (ongoing): a claim brought by a horseracing gambling syndicate against a commission agent in respect of several bets, including allegations of forgery and fraud.

In his advisory practice, Theo has provided assistance to several major sporting venues and institutions on the contractual problems caused by the Covid-19 pandemic, including advising:

- A golf club on a dispute with a member.
- An EPL football club on the effect of the postponement of the 2019/20 Premier League on certain sponsorship contracts.
- A leading sports team on the impact of Covid-19 on its sponsorship contracts.
- A broadcasting rightsholder on a contractual issue with the English Premier League.
- An international sports broadcaster on a contractual dispute with a rightsholder.
- A television station on a potential dispute with a leading sports management company.

Theo is a regular contributor to:

- the New Law Review, on which he recently wrote the cover story on the rise of e-sports litigation; and
- Law In Sport, the leading sports website.

Qualifications & Memberships

Theo studied Modern History at Brasenose College, Oxford, where he was an academic exhibitioner.

He then achieved a Distinction in the Graduate Diploma in Law, placing second in his year group.

Between 2010 and 2014 he was awarded Hardwicke, Lord Haldane, Lord Denning and Lord Wolfson scholarships by Lincoln's Inn.

In 2017 the Inns of Court awarded Theo the Pegasus Scholarship to undertake a two-month fellowship in the United States to study comparative law. The placement included working in the Supreme Court, Senate and House of Representatives, as well as marshalling federal and state judges in Florida, California, Delaware and Virginia.

Theo is a member of COMBAR, the British Association of Sport & Law, the PNBA and the Financial Services Law Association.