

OUR PEOPLE

## Theo Barclay

CALL 2013

LEGAL 500

"Theo is incredibly bright, but also very friendly and approachable. He turns things around very quickly and is a joy to work with"



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Theo's practice encompasses business disputes, sports law, intellectual property and costs law. He appears before domestic and international tribunals, with current and recent cases in the Supreme Court, Court of Appeal, High Court and various arbitral tribunals.

He is recognised as a Leading Junior by the directories in the following areas:

**Intellectual Property:** "Theo is detail orientated, personable, and a brilliant advocate. He is collaborative and strategic with a firm grip on the legal issues, but he also has a real awareness of the commercial background and client relationships" (Legal 500)

**Professional Negligence:** "Theo is a slick and accomplished trial advocate, always prepared for every eventuality with an uncanny ability to read the courtroom. He is destined for greatness" (Legal 500)

**Sport:** "He is phenomenally bright and pays astounding attention to details. He is a very good team player and a skilful advocate" (Chambers & Partners)

**Costs:** "Theo is incredibly bright and able, and produces high-quality work in a very efficient manner. He is a complete pleasure to work with" (Chambers & Partners)

Theo's commercial practice is wide-ranging, spanning civil fraud, banking and finance, intellectual property, corporate and professional negligence litigation and arbitration. His sports law practice is similarly broad, including regulatory and disciplinary issues, player/agent disputes, IP disputes and commercial litigation in a sports context. He also specialises in costs law, with a particular focus on litigation funding disputes and solicitor/client matters.

His work is frequently international in nature, including international arbitration and English Court litigation involving foreign law.

He has appeared in leading cases across his areas of expertise, including in the Supreme Court and Court of Appeal:

- **Therium Litigation Funding v Bugsby Property** [2023] EWHC 2627 (Comm): First post-PACCAR case on litigation funding in the Commercial Court: a £27m dispute between funders and funded client about the enforceability of two funding agreements.
- **Iconix v Dream Pairs** [2023] EWHC 706 (Ch): trade mark dispute between the owners of the Umbro brand and Dream Pairs,

which also sells football boots.

- **Combe International Ltd v Dr Augustus Wolff GMBH** [2022] EWCA Civ 1562: leading authority on acquiescence to trade mark infringement.
- **Skatteforvaltningen v Solo Capital Partners LLP** [2022] EWHC 2969 (Comm) & ongoing: £1bn + fraud claim, listed in The Lawyer's cases of the year in 2020 and 2021.
- **GHS Global Hospitality v Beale & Ors** [2022] EWHC 1403 (Ch): copyright infringement and conspiracy case in the IT sector concerning a CRM program.
- **Charles Russell Speechlys LLP v Beneficial House** [2021] EWHC 3458 (QB): authority on the pleading of cases based on implied retainers between solicitors and their clients.
- **Glencairn IP Holdings Ltd v Product Specialties Inc** [2020] EWCA Civ 609: leading case on 'barring out' injunctions preventing a solicitor from acting.
- **Winlink Marketing v Liverpool Football Club** [2020] EWHC 2271 (Comm): contractual dispute between Liverpool FC and their a sports marketing agency over a sponsorship deal.
- **Lehtimäki v Cooper** [2020] UKSC 33: the leading Supreme Court authority on the courts' jurisdiction over charities and whether charitable companies owe fiduciary duties.
- **New Balance v Liverpool Football Club** [2019] EWHC 2837: contractual dispute between Liverpool FC and their kit supplier concerning matching rights and good faith.
- **BV. Nederlandse Van Eiprodukten v Rembrandt** [2019] EWCA Civ 596: leading case on causation in fraudulent misrepresentation and the 'transferred loss' principle.

Further details about Theo's practice areas are set out below.

## Privacy Policy

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## Expertise

### Commercial Litigation

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Theo's practice spans a wide range of commercial disputes in the United Kingdom and abroad, including in the Middle East and Asia.

He has worked on substantial claims involving:

- Fraud
- Restitution
- Litigation Funding
- Mergers and acquisitions
- Banking and finance
- The sale of goods
- Insurance
- Utilities
- Telecoms
- Shipping
- Aviation
- Company law
- Breach of confidence/misuse of confidential information
- Assignment
- Agency law

He also has experience acting:

- in urgent claims for pre-action injunctive relief, including freezing and proprietary injunctions (domestic and worldwide); and
- in claims for injunctions in support of arbitration or foreign seated litigation, including at the enforcement stage.

Current and recent cases include:

- **B v A**: claim for injunctions supporting arbitral proceedings (led by Daniel Saoul KC)
- **Iconix v Dream Pairs**: Successful sole counsel in Chancery Division trial against the owners of the Umbro brand concerning the sale of football boots.
- **SKAT v Solo Capital Ltd & Ors**: acting as junior counsel for the claimant in the ongoing SKAT litigation, which concerns an alleged \$1.5 billion fraud arising out of a cum-ex trading scheme and was featured by The Lawyer as one of their Top 20 cases of 2021 and 2022.
- **R v T**: claim for injunctions in dispute over litigation funding (led by Robert Marven KC)
- **Frontier Estates v Ford & Ors**: multi-million pound fraud claim in the property sector (led by Paul Nicholls KC)
- **Intuvigilance v GMP Orphalan**: breach of contract claim in the pharmacovigilance (drug safety) sector.
- **B v C (LCIA Arbitration)**: Acting for insurer in a multimillion pound coverage dispute in the medical sector (led by David Turner KC)
- **X v Y (SIAC Arbitration)**: Acting for major broadcaster in an action against a football rightsholder (led by Robert Anderson KC).
- **Glencairn IP Holdings Ltd v Product Specialties Inc** [2020] EWCA Civ 609: Landmark Court of Appeal decision on the circumstances in which the courts will grant a mandatory injunction removing an opponent's solicitors from the record (instructed as sole counsel in the High Court and Court of Appeal)
- **Staples v Samba**: Sole counsel for the claimant in a £2m Commercial Court dispute arising out of a transitional services agreement following the acquisition of a PLC.
- **A v B**: acting for financial services provider on a £10m + claim for commission on a merger deal (led by Dan Saoul KC).
- **Lehtimäki v Cooper** [2020] UKSC 33: The leading authority on the courts' jurisdiction over charities and the question of whether charitable trusts owe fiduciary duties (acted as first junior to Guy Mopuss KC and Professor Sarah Worthington KC)
- **Recovery Partners & Anor v Rukhadze & Ors**: instructed on privilege issues in major fraud litigation arising out of the death of Georgian billionaire Arkady Patarkatsishvili.
- **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 KC)
- **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 Mopuss KC).
- **Albion Energy Ltd v Energy Investments Global BRL**: A dispute between a Qatari oil exploration company and an energy company, currently on appeal to the Court of Appeal (instructed for the appeal, led by Guy Mopuss KC)
- **B.V. Nederlandse Van Eiproducten v Rembrandt Enterprises Inc.** [2019] EWCA Civ 596: landmark Court of Appeal authority on the test for inducement in fraudulent misrepresentation and the transferred loss doctrine (led by Guy Mopuss KC in the High Court and Court of Appeal).

## Civil Fraud

Theo's commercial practice focuses on fraud litigation. He has appeared in several recent leading fraud cases, including:

- as a junior counsel for the claimant in **SKAT v Solo Capital Ltd & Ors**, a \$1.5 billion fraud claim arising out of a cum-ex trading scheme that was featured by The Lawyer as one of their Top 20 cases of 2021 and 2022; and
- as junior counsel in **B.V. Nederlandse Van Eiproducten v Rembrandt Enterprises** [2019] EWCA Civ 596, the landmark Court of Appeal authority on the test for inducement in fraudulent misrepresentation (led by Guy Mopuss KC); and

He also has experience of various interlocutory applications in a civil fraud context, including of applications for worldwide freezing orders in support of litigation and arbitration.

Current and recent fraud cases include:

- **A v B**: High Court claim for recovery of £1.8m that was invested in a fraudulent property scheme (led by Helen Evans KC)
- **Frontier Estates v Ford & Ors**: multi million pound fraud claim in the property sector (led by Paul Nicholls KC)

- **B v A:** advising on worldwide freezing orders in international fraud context (led by Daniel Saoul KC)
- **Bacon & Ors v Pye:** High Court claim against accountants for breach of fiduciary duty, bribery, fraud and secret commissions.
- **Recovery Partners & Anor v Rukhadze & Ors:** instructed on privilege issues in major fraud litigation arising out of the death of Georgian billionaire Arkady Patarkatsishvili.

## International Commercial Arbitration

Theo is building a strong domestic and international arbitration practice, with a range of claims under a variety of institutional rules, including ICC, SIAC, LCIA, Swiss Rules and FA Rule K.

He has particular experience:

- on injunction applications in support of arbitration proceedings (including worldwide freezing orders); and
- arbitrations between insurers in relation to coverage disputes.

He also has expertise on the principles of awarding costs of arbitration, having acted in **Martin v Harris**, a High Court appeal on costs under the Arbitration Act 1994.

Featured arbitration cases:

- **Therium Litigation Funding v Bugsby Property LLC:** Claim for interim proprietary injunctions in support of ongoing LCIA arbitrations, under s.44 Arbitration Act 1994.
- **B v A:** Swiss Rules arbitration concerning a high net worth family dispute (led by Daniel Saoul KC)
- **X v Y (UK seated LCIA arbitration):** Dispute between litigation funder and fundees concerning the proper interpretation and enforceability of a litigation funding contract
- **A v B (Dubai seated LCIA Arbitration):** Acting for insurer in a multimillion pound coverage dispute in the medical sector (led by David Turner KC)
- **Re: Premier League football contract (Rule K Arbitration):** £10m + arbitration dispute between a Premier League footballer and their (led by George Spalton KC).
- **X v Y (SIAC Arbitration):** Acting for major broadcaster in an action against a football rightsholder (led by Robert Anderson KC).
- **Z v Z (Ad hoc arbitration):** Acting in matters relating to the principles applying to the costs of an arbitration (led by Michael Jones KC).
- acting as first junior in LCIA arbitration proceedings between a global telecommunications company and a competitor company set up in alleged breach of covenant (led by Guy Morpuss KC).

## Costs

Theo is ranked as a Leading Junior for costs litigation in Chambers & Partners and the Legal 500 and is described as:

*“Theo has a sound knowledge of subject matters and his written work and advocacy skills are exceptional.”*

*“Theo is incredibly bright, but also very friendly and approachable. He turns things around very quickly and is a joy to work with.”*

He recently appeared in **Therium Litigation Funding v Bugsby Property LLC**, the first post-PACCAR case in the Commercial Court concerning the enforceability of litigation funding agreements.

His practice covers the whole spectrum of costs law, including:

- enforceability of CFAs
- reasonableness and recoverability of ATE premiums
- wasted costs applications
- fixed recoverable costs
- costs budgeting
- the requirements for interim statute bills
- applications for assessments under section 70 of the Solicitors Act 1974

- Part 36
- solicitors' liens
- wasted costs orders
- provisional assessments
- costs orders for and against non-parties

He is also regularly instructed:

- on costs points in commercial litigation, in which he also specialises;
- in litigation funding disputes including those concerning the enforceability and proper construction of LFAs;
- in solicitor/client disputes about ownership of the file and solicitors' liens, for which he is well suited as he also specialises in solicitors' negligence.

His current and recent instructions include:

- acting for a leading litigation funder in disputes concerning the enforceability and interpretation of LFAs and associated applications for injunctive relief (led by Robert Marven KC);
- appearing as sole costs counsel in the Commercial Court in **Skatteforvaltningen v Solo Capital Partners LLP** [2022] EWHC 2969 (Comm); [2022] Costs LR 1751, a £1.5bn Commercial Court claim
- acting in **Martin v Harris**, an arbitration appeal in the High Court concerning the costs provisions in the Arbitration Act 1994 (led by Michael Jones KC);
- acting as sole counsel in **Sheikh Mohammed Al-Jaber v Baker McKenzie**, a high value solicitor/client assessment;
- appearing in **Combe International LLC v Dr August Wolff GmbH (Costs)** [2022] EWHC 125 (Ch) (indemnity costs)
- appearing as junior counsel in **Winlink Marketing Ltd v Liverpool Football Club (Costs)** [2020] 9 WLUK 311, concerning costs sanctions for improper conduct
- acting as sole counsel for the successful appellant in **Charles Russell Speechlys LLP v Beneficial House** [2021] EWHC 3458 (QB); [2022] Costs LR 343, a leading authority on pleading an implied retainer;
- acting in a high value solicitor-client dispute concerning the validity and enforceability of a discounted-fees CFA (led by Robert Marven KC);
- acting in **Matyas v Rosling King**, a solicitor client dispute about ownership of a client file, solicitors' liens and s.70 assessments (led by Nick Bacon KC)
- advising the Manx health authority in a costs dispute under Manx law (led by Simon Devonshire KC).

## Intellectual Property

Theo's intellectual property practice is focused on trade mark law, copyright infringement and passing off. He is ranked as Leading Junior by the Legal 500 who describe him as "*detail orientated, personable, and a brilliant advocate*" as well as "*collaborative and strategic with a firm grip on the legal issues*" with "*a real awareness of the commercial background and client relationships.*"

As well as representing clients in IP cases, he is often brought in as a junior on commercial cases with an Intellectual Property aspect.

In 2023 he appeared in the Court of Appeal in **Combe v Dr Wolff** [2022] EWCA Civ 1562 – the leading case on acquiescence in trade mark law. In January 2024 he will return to the Court of Appeal in **Iconix v Dream Pairs**, which will be a leading case on contextual assessment and post-sale confusion.

Current and recent instructions include:

- **Iconix v Dream Pairs** [2023] EWHC 706 (Ch): *Sole counsel for Iconix in Chancery Division trade mark infringement trial about Umbro football boots.*
- **Combe International Ltd v Dr Augustus Wolff GmbH** [2022] EWCA Civ 1562: the leading case on acquiescence in trade mark law.
- **Lacoste v Marks & Spencer**: Chancery Division trade mark infringement case relating to Marks & Spencer's use of crocodile motifs (led by Mark Vanhegan KC)
- **Mars Wrigley v Not Guilty Foods**: acting for Mars Wrigley as sole counsel in this High Court trade mark infringement case relating to a product called 'Malt Balls'.
- **Combe International Ltd v Dr Augustus Wolff GmbH** [2021] EWHC 3347 (Ch): represented the successful claimants in a

Chancery Division trademark infringement dispute between the owners of personal healthcare brands Vagisil and Vagisan (led by Mark Vanhegan KC).

- **Ritz Hotel London v Ritz Apartments:** Representing the Ritz Hotel, London in a trade mark infringement dispute in IPEC with another hotel using the name 'Ritz'.
- **Yours Clothing v Pannone Corporate LLP:** represented a firm of IP solicitors in a £200k+ professional negligence dispute arising out of a trade mark infringement claim (as sole counsel).
- **Beiersdorf v Aldi Stores:** innovative s.10(3) trademark infringement claim in the Chancery Division (as junior to Guy Hollingworth).
- **Fit Kitchen v Strickland & Ors:** Represented a firm of IP solicitors in a professional negligence and fraud dispute brought by a former opponent.
- **GHS v Beale & Ors,** a multi-million pound database rights & copyright infringement claim in the Chancery Division (led by Mark Vanhegan KC).
- **Sir Mo Farah v Diamond Mist:** a passing off dispute involving the alleged use of a lookalike of Mo Farah to advertise a product.
- **Corkers v BFY,** an infringement and passing off claim in the IPEC concerning a brand of crisps (as sole counsel)
- **Mars v Aldi:** A now-settled claim issued in the Chancery Division concerning unfair advantage trademark infringement (as junior to Guy Hollingworth).
- **Distinctive Wholesale v Clayton Horsnell:** Chancery Division claim for infringement of copyright and database rights relating to bathroom supplies (as sole counsel).
- **Glencairn v Product Specialties:** a trademark infringement and passing off claim concerning whisky tasting glasses (as sole counsel).

In September 2019 he completed Oxford University's Intellectual Property Law Residential Programme.

## Professional Negligence

Theo has a wealth of experience in professional liability claims, having advised and acted in claims involving tax advisors, solicitors, auditors, accountants, surveyors, construction project managers and engineers.

He is ranked as a leading junior in professional negligence by Legal 500: *"Theo is a slick and accomplished trial advocate, always prepared for every eventuality with an uncanny ability to read the court room. He is destined for greatness."*

In his professional liability practice, he acts for both claimants and defendants in cases in the county courts and the High Court.

Featured Professional Liability cases:

- **Agility & Blackfinch v Pinsent Masons:** £20m+ claim against a tax advisor (led by Justin Fenwick KC).
- **Hughes Fowler Carruthers v Evans:** £500k + claim against solicitors in relation to their conduct of matrimonial proceedings (led by Patrick Lawrence KC).
- **Clinica v Auria Accountancy:** £2.5m claim for negligent provision of accounting services to a medical clinic.
- **Cooke, Young & Keidan v Davis & Baker:** £20m 'lost litigation' claim (led by Helen Evans KC).
- **Bacon & Ors v Pye:** claim against accountant for breach of fiduciary duty, bribery, fraud and negligent tax advice.
- **YoursClothing v Pannone Corporate LLP:** represented a firm of IP solicitors in a £200k+ professional negligence dispute arising out of a trade mark infringement claim (as sole counsel).
- **Fit Kitchen v Lodhia:** Represented a firm of IP solicitors in a professional negligence dispute.
- **Murray & Murray v HCB Accountants** (2020): a claim against a solicitor for negligent accounting advice on the purchase of a business.
- **Spanakis v Waran & Co** (2020): A claim against a solicitor for conspiracy, breach of undertaking and for breach of a Quistclose trust.
- **Metis Law v Armstrong Watson:** a claim against a firm of accountants for allegedly negligent advice on entrepreneur's relief.
- **Fazal v Zoi Builderberg Law:** a claim against a solicitor for over optimistic advice on an employment dispute.
- **Stern v Seddon** (2019), major set of claims arising out of a failed property development scheme in Egypt.
- **Blacknell v Evans** (2019): high value "lost litigation" claim against a solicitor accused of professional negligence in relation to a complex underlying personal injury claim concerning congenital hip dislocation.
- **Swain v (1) Swains (2) Kirby (3) Berry** [2015] EWHC 2585 (Ch) (led by Paul Mitchell KC)



## Legal Professionals

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Theo is very experienced in advising and acting in professional liability claims against legal professionals. He acts for both Claimants and Defendants.

He has experience in the full range of solicitor and barrister liability claims, including lost litigation, under settlement, Limitation Act claims, domestic and international conveyancing negligence and claims arising out of personal injury litigation.

He has also acted in claims against solicitors relating to non-contentious transactions that have failed, such as business sales and wills claims.

Current and recent instructions include:

- **Agility & Blackfinch v Pinsent Masons:** £20m+ claim against a tax advisor (led by Justin Fenwick KC).
- **Hughes Fowler Carruthers v Evans:** £500k + claim against solicitors in relation to their conduct of matrimonial proceedings (led by Patrick Lawrence KC).
- **Cooke, Young & Keidan v Davis & Baker:** £20m 'lost litigation' claim (led by Helen Evans KC).
- **Herbert v Levi Solicitors:** Claim against conveyancing solicitors for failing to advise on the effect of certain leasehold covenants.
- **Nationwide v Manches:** £700k claim concerning solicitors' mishandling of the purchase of a commercial lease.
- **YoursClothing v Pannone Corporate LLP:** represented a firm of IP solicitors in a £200k+ professional negligence dispute arising out of a trade mark infringement claim (as sole counsel).
- **Fit Kitchen v Strickland & Ors:** Represented a firm of IP solicitors in a professional negligence dispute.
- **Blacknell v Evans:** high value "lost litigation" claim against a solicitor accused of professional negligence in relation to a complex underlying personal injury claim concerning congenital hip dislocation.
- **Spanakis v Waran & Co:** A claim against a solicitor for conspiracy, breach of undertaking and for breach of a Quistclose trust.
- **Fazal v Zoi Builderberg Law:** a claim against a solicitor for over optimistic advice on an employment dispute.

## Accountants

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Theo has extensive experience of claims involving accountants and auditors, which has included the following:

- Litigation relating to negligently prepared accounts.
- Disputes over the valuation of businesses in the context of business sales and shareholder disputes.
- Claims arising from negligent tax planning.
- Litigation by insolvency practitioners against directors and officers.
- Auditor negligence matters.

Current and recent cases include:

- **Clinica London v Auria Accountancy:** £2.5m claim for negligent provision of accounting services to a medical clinic.
- **Bacon & Ors v Pye:** High Court claim against accountant for breach of fiduciary duty, bribery, fraud and negligent tax advice.
- **X v Y:** Claim against accountants in relation to incorrect advice on capital allowances and company car usage.
- **Murray & Murray v HCB Accountants:** a claim against a solicitor for negligent accounting advice on the purchase of a business.
- **Metis Law v Armstrong Watson:** a claim against a firm of accountants for allegedly negligent advice on entrepreneur's relief

## Financial Professionals

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Theo has experience acting in claims involving auditors, brokers, actuaries, IFAs and tax advisors.

He has a strong background in investment advice work, having worked for three years on behalf of the Financial Conduct Authority as a 'skilled person' under s.166 FSMA, reviewing compensation claims made by SMEs that had been miss-sold Interest Rate Hedging Products.

He also has experience of claims made against mortgage brokers and financial advisors for negligently recommending Interest Only mortgages.

**Current and recent cases include:**

- **Agility & Blackfinch v Pinsent Masons:** £20m+ claim against a tax advisor (led by Justin Fenwick KC).
- **X v Y:** Claim against accountants in relation to incorrect advice on capital allowances and company car usage.
- **Bacon & Ors v Pye:** High Court claim against accountant for breach of fiduciary duty, bribery, fraud and negligent tax advice.
- **Loft v St James' Place:** Interest-only mortgage mis selling claim.

## Insurance Brokers

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Theo has experience in broker's negligence claims – an area he is well placed to advise due to his practice in Insurance Law. His experience includes acting and advising on:

- Interest only mortgage misselling
- Under-insurance claims
- Failure to cover all risks
- Failure to renew insurance when instructed
- Renewing on inadequate terms
- The provision of false information re: renewal
- Failure to obtain all necessary information

## Surveyors

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Theo has experience of claims involving a broad range of surveys (from regular residential property surveys to damp and asbestos surveys). His experience covers a spread of issues, from subsidence to damp, advice on value and the quantum of rectification works.

He is also experienced in claims against Property Managers, including:

- **A v B:** Ongoing High Court matter concerning property managers' failure to ensure a large block of flats complied with its insurer's requirements, leading to a refusal of indemnity.
- **Libreville v Huddletons:** Claim against property managers for alleged mismanagement of a series of leasehold properties.

## Tax Advisors

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Theo advises on multi-million pound claims against tax advisors, solicitors and accountants arising out of failed tax mitigation schemes, including employee benefit schemes and Enterprise Investment Scheme investments.

He has worked on these cases as sole counsel and as part of a wider team.

**Current and recent cases include:**

- **Agility & Blackfinch v Pinsent Masons:** £20m+ claim against a tax advisor (led by Justin Fenwick KC).
- **X v Y:** Claim against accountants in relation to incorrect advice on capital allowances and company car usage.



- **Bacon & Ors v Pye**: High Court claim against accountant for breach of fiduciary duty, bribery, fraud and negligent tax advice.

## Sports Law

Theo specialises in sports-related commercial litigation and regulatory work.

He is recognised as a Leading Junior in Sports Law in Chambers & Partners and the Legal 500, in which he is described as “...no longer a rookie and is becoming a seasoned pro. A team player of fierce intellect.” and “...phenomenally bright and pays astounding attention to details. He is a very good team player and a skilful advocate.”

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.

He has also advised and acted on matters concerning Formula 1, golf, cricket, boxing, athletics and horse racing.

Featured sports cases:

- £10m + Rule K arbitration in relation to a Premier League and International footballer's contract with his former agent.
- Advising the International Tennis Federation on their structure and the nature of their responsibilities for disciplinary matters.
- Advising Liverpool Football Club on matters arising out of incidents at the 2022 Champions League Final.
- Several ongoing High Court claims for commission in relation to high value sponsorship contracts.
- **Iconix v Dream Pairs**: Chancery division trial concerning the extent of the protection of the Umbro logo on football boots. Theo acted for the successful defendant and the case is now on appeal to the High Court.
- **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 KC).
- **A leading pharmaceutical company v a Premier League football club**: advising a Premier League football club on a £350k claim for wrongful termination of a sponsorship contract.
- **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).
- **Grant v Tottenham Hotspur FC**: acting for Tottenham Hotspur in a copyright infringement claim against the club.
- **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 KC).
- An ongoing multi-million-pound arbitration concerning football television rights and piracy (led by Guy Morpuss KC).
- **HoneyPunch v Hill**: acting for leading boxing brand “Ringside” in a trademark infringement claim in the IPEC (sole counsel).
- **S v M**: 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.

## Insurance

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Theo has experience in insurance litigation, having acted for and against insurers. Recently, he has advised and acted in a number of business interruption matters arising out of the Covid-19 pandemic.

He has acted in cases covering the full range of liability insurance, including D&O, employers, public, product and professional indemnity. He has also appeared in a number of insurance fraud and misrepresentation matters, including the pursuit of fraudulent claimants.

He has experience in coverage disputes between insurers relating to run-off insurance and double insurance scenarios.

## Awards



## Education and scholarships

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 at City University, London, placing second in his year group.

Theo has been awarded Hardwicke, Lord Haldane, Lord Denning, Lord Wolfson scholarships by Lincoln's Inn. In 2017 the Inns of Court awarded Theo a Pegasus Scholarship to undertake a two-month fellowship in the United States to study comparative law.

## Memberships and other work

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

Outside of law, Theo's first book, *Fighters and Quitters: Great Political Resignations* was published by Biteback in January 2018 (Hardback) and February 2019 (Paperback).

He wrote the chapter on George Canning in **The Prime Ministers: Three Hundred Years of Political Leadership** (Hodder & Stoughton, November 2020) and the chapter on Henry II in **Kings & Queens** (Hodder & Stoughton, September 2023).