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Andrew Lomas

Call 2014



Scope of Practice

• International Arbitration • Commercial Dispute Resolution • Civil Fraud and Investigations • Intellectual Property • Life Sciences • Competition • Injunctions and Other Applications

Overview

Experienced in proceedings with highly technical subject matter including technology and pharmaceutical disputes, Andrew has regularly appeared as sole counsel or as part of a team in the High Court, Court of Appeal and Supreme Court, before UK tribunals including UKIPO and the CAT, in international disputes before the EUIPO, EPO, Court of Justice, DIFC and the Grand Court of the Cayman Islands, and in arbitrations constituted under a range of institutional rules including LCIA, HKIAC, ICAC, ICC, ICSID, SCC, SIAC, VIAC, and UNCITRAL.

Andrew has been admitted as both an Attorney of the Grand Court of the Cayman Islands and the ADGM Courts and has appeared in complicated cross-border / multi-jurisdictional disputes including defending heavy interlocutory applications including: (i) interim injunctions; (ii) contempt proceedings; (iii) *Norwich Pharmacal* and specific disclosure; (iv) summary judgment and strike out; and (v) enforcement / recognition of judgments and arbitral awards.

Andrew is praised by clients for his no-nonsense approach to issues and has been recommended in legal directories: *"Andrew is really user friendly and commercial. He understands clients' priorities in their broader context and is extremely responsive and proactive in suggesting solutions."*

For a more detailed CV of Andrew's IP / Life Sciences experience, please click here.

Examples of Recent Cases

Commercial Dispute Resolution and International Arbitration

Andrew spent two years working as co-head of International Disputes at Egorov, Puginsky, Afanasiev & Partners in Moscow managing a multi-billion dollar portfolio of claims. He has acted in a range of arbitral proceedings conducted under most sets of institutional rules (LCIA, ICC, HKIAC, SIAC, VIAC, SCC, UNCITRAL, ICSID, etc) as well as in international commercial courts / other jurisdictions. Andrew has consistently been listed by Lawdragon as one of the leading 500 global litigators.

- SIAC Proceedings
  Instructed (unled) by respondent in relation to a $400mn claim arising from an asset sale. Metals and mining, Asia-Pacific.
- SICC Proceedings
  Instructed in relation to proceedings seeking to enforce a SCC Award in Singapore and elsewhere. Range of live issues, including the scope of the rule in *Ralli Bros* vis-à-vis sanctions and payment obligations.
- DIFC Proceedings
  Instructed (unled) in relation to a claim for breach of copyright licence / joint venture agreement in respect of gaming software.
- Set Aside of Enforcement / Recognition of a Foreign Award
  Instructed (unled) in respect of proceedings under s.103 of the Arbitration Act 1996 to set aside an order enforcing / recognising a $100mn Swedish arbitral award in circumstances where the Svea Court of Appeal had already declined to overturn the award.
- UNCITRAL Investor-State Proceedings
  Instructed (as co-counsel) in relation to a $600mn expropriation claim against a CEE nation, with pending appeal before Svea Court of Appeal.
- Cross-border Fraud Claim
  Advised in respect of $1bn claim alleging unlawful means conspiracy, centred on Jersey but with satellite disputes in Ukraine, Russia, and China.
- LCIA Proceedings
  Instructed (as co-counsel) alongside UAE lawyers in arbitral proceedings for breach of contract.
- Navigator v Deripaska
  Part of the counsel team in long running and heavily contested contempt proceedings, involving: (1) a trial in front of Andrew Baker J, at [2020] EWHC 1798 (Comm); and (2) appeal resulting in an order for a retrial that clarified, *inter alia*, the scope of the quasi-prosecutorial standard and the relevance of an applicant's subjective intention to a cross-application to strike out a contempt application for abuse, at [2021] EWCA Civ 1799.
- VIAC Proceedings
  Instructed (as co-counsel) in arbitral proceedings arising from a construction dispute.
- LCIA Proceedings
  Instructed (led by Michael Sullivan KC) to advise in relation to prospective proceedings.
- ICC Proceedings
  Instructed (unled) for the Claimant in multi-million dollar claim to enforce a guarantee.
- ICAC Proceedings
  Instructed (unled) in multi-million dollar breach of contract proceedings (financial services) at the International Commercial Arbitration Court at the Chamber of Commerce and Industry of the Russian Federation. Involved range of issues including jurisdiction, agency, choice of laws, and contractual construction.
- HKIAC Proceedings
  Instructed (unled) in Hong Kong International Arbitration Centre proceedings relating to a pharmaceutical patent licence and a multimillion dollar damages claim.

Civil Fraud and Investigations

Andrew has advised and acted on a range of different civil fraud causes of action. Having spent time living and working in both Russia and the Caribbean, he has particular experience of advising on complex and high value cross-border fraud claims.

- MB & Services Ltd v UC Rusal Plc
  Advised on a US$1bn unlawful means conspiracy claim brought in Jersey relating to theft of trade secrets / patent infringement regarding means of effectively transporting alumina. Parallel actions in China, Ukraine, and Russia.
- Knowing receipt / dishonest assistance claim
  Advised on potential knowing receipt / dishonest assistance claim in the Cayman Islands following the discovery in the U.S. of a large-scale Ponzi scheme. Included consideration of the recent Supreme Court decision in *Byers*.

- **Breach of SPA / fraudulent misrepresentation claim**
  Instructed (led by Michael McLaren KC) in claim for breaches of warranties given under a share purchase agreement. Included allegations of wilful misconduct and fraudulent misrepresentation.
- **Fraudulent conveyance claim**
  Advised on possible fraudulent conveyance claim in the Cayman Islands in the context of a default on a US$500mn loan and related asset transfers.
- **International Pipeline Products Ltd v IK-UK Ltd & Ors**
  Instructed for the Defendants (led by Geoffrey Pritchard KC) in a complex unlawful means conspiracy claim concerning allegations of concealed breaches of employment covenants and misappropriation/infringement of intellectual property rights.
- **Breach of SHA Claim**
  Advised on multibillion dollar claim as to knowing breaches of a shareholder's agreement where ultimate control of the underlying company was in issue. Included allegations of wilful misconduct / breach of fiduciary duties.
- **Distinctive Wholesale Ltd v Clayton Horsnell Ltd & Ors**
  Successfully struck out (as sole counsel) additional claims alleging procurement / inducement of a breach of contract and unlawful means interference, judgment at [2018] EWHC 3742 (IPEC).

Intellectual Property

Andrew advises on all aspects of intellectual property law as well as commercial disputes involving IP. He has particular experience in trade marks and passing off, and is a visiting lecturer in post-graduate trade mark law at the Centre for Commercial Legal Studies at the University of London. Andrew has advised and acted in copyright claims in respect of a range of subject matters (including user manuals, medical diagrams, architect's drawings, and software as well as copyright in a database and *sui generis* database rights). His design rights experience includes a broad range of subject matter, including trains, fashion items, ice-cream vans, and microwavable plastic cups. He has litigated patents as varied as chemical formulations to machine gun bandoliers.

Andrew is ranked by Chambers UK for intellectual property, with the most recent (2027) edition stating that: *"He is easy to work with; really accessible and his advice is very commercial and pragmatic. His advice and his advocacy are of an extremely high quality."; "He is really impressive. He's very clever and charming to deal with."*

- **Engineer.AI v Appy Pie**
  Instructed (unled) for the defendants in a trade mark infringement claim relating to code-free app building services. Issues as to descriptive / generic signs, comparative advertising, and acquired distinctiveness. Trial judgment at [2024] EWHC 1430 (IPEC).
- **Gilead v Nucana**
  Instructed (led by Tom Mitcheson KC and Piers Acland KC) in a matter related to a patent for novel nucleoside analogues. Questions as to plausibility (both as a matter of inventiveness and sufficiency) and added matter. Trial judgment at [2023] EWHC 611 (Pat).
- **Au Vodka v NE10 Vodka & Anor**
  Instructed (unled) to resist an application for an interim injunction in respect of the alleged goodwill in the get-up of vodka bottles. Successfully resisted the application, struck out part of the Claimant's case, and achieved an order for an expedited trial. Judgment at [2022] EWHC 2371 (Ch).
- **Warren v Lidl & Ors**
  Instructed (unled) on behalf of the Claimant butcher in a claim alleging passing off against the well-known discounter and copycat supermarket, Lidl. Appeared against silk at: (i) PTR, successfully resisting application under CPR rr.31.14 (judgment at [2021] EWHC 110 (Ch)); (ii) trial (judgment at [2021] EWHC 1097 (Ch)); and (iii) lengthy form of order hearing, involving questions as to the appropriateness of damages-based agreements to IP claims (judgment at [2021] EWHC 2372 (Ch)).
- **Excel-Eucan v Source Vagabond Systems**
  Instructed (unled) on behalf of the Claimant in respect of a claim for breach of a patent licence (and infringement of the patent) relating to a machine gun bandolier. Successfully resisted transfer out of the Shorter Trials Scheme (judgment at [2018] EWHC 3864 (Ch)) and successful at trial (Trial judgment at [2019] EWHC 3175 (Pat)).
- **Associated British Foods & Anor v Warburtons Ltd & Anor**
  Instructed (led by Philip Roberts KC) on behalf of the Defendants in a claim alleging passing off. Appeared unled against a silk in application to adduce survey evidence.

- Walton International Ltd & Anor v Verweij Fashion BV
  Instructed (led by Simon Malynicz KC) on behalf of the Claimants in a trade mark infringement claim. Trial raised issues including jurisdictional effect of a notice of discontinuance and honest concurrent use. Trial judgment at [2018] EWHC 1608 (Ch).
- Typographical Arrangement Claim
  Instructed (unled) for the Claimant designers in respect of a claim asserting copyright in a typographical arrangement.
- Firstfind Ltd & Ors v Edward Ashley-Carter & Ors
  Instructed (led by Henry Forbes Smith) for the Claimants in a dispute as to the ownership of various rights in the CHINAWHITE nightclub brand which involved a number of applications including summary judgment involving issues of assignments in gross and the extent of rights in unregistered trade marks following the judgment of the Supreme Court in *Starbucks*. Appeared unled for strike out / summary judgment hearing.
- FibreFab Ltd & Ors v Optronics Plus Ltd & Ors
  Instructed (unled) in relation to an interim injunction application based on the scope of rights in passing off where the rights asserted adhered to signs that were alleged to be comprised of generic and/or descriptive words.
- Movie Megastores International Ltd v Shaboroz
  Instructed (unled) at trial for the Defendant in relation to a claim for infringement of copyright in a song.

Life Sciences

Before coming to the Bar, Andrew was a research scientist at Oxford where he completed a doctorate in anti-cancer drug design and taught undergraduate organic chemistry. He then spent a year working in pharmaceutical M&A before deciding to become a barrister. As a result, Andrew is well-equipped to deal with a wide range of disputes relating to the life sciences industry, including breaches of warranties under share purchase agreements, claims alleging breaches of collaboration, development, and other joint-venture agreements, claims for royalties and alleged breaches of licences, as well as claims with respect to validity / infringement of patents.

- Epsilogen v Abzena
  Instructed (unled) in claim for breach of contract for the manufacture and supply of therapeutic antibodies. Included issues as to the proper standard for gross negligence and quantifying loss of a chance claims.
- Breach of SPA Claim
  Instructed (unled) in claim for breaches of a share purchase agreement under which a life sciences business was acquired. Included allegations of wilful misconduct and misrepresentation.
- Breach of Supply Agreement Claim
  Instructed (led by Tom Smith KC) in a possible claim for breach of a supply agreement in context of an acquisition worth hundreds of millions of dollars.
- Gilead v Nucana
  Instructed (led by Tom Mitcheson KC and Piers Acland KC) in a matter related to a patent for novel nucleoside analogues. Questions as to plausibility (both as a matter of inventiveness and sufficiency) and added matter. Trial judgment at [2023] EWHC 611 (Pat).
- Scipharm v Moorfields Eye Hospital
  Instructed (as sole counsel) for the Defendant NHS Trust in a long running and hard fought claim alleging breach of a pharmaceutical development agreement. Involving questions as to contractual interpretation, expert evidence on standard industry practice, and causation / quantum of loss. 6 day trial, June 2021, judgment at [2023] EWHC 569 (Comm). Further argument as to proper measure of loss, judgment at [2024] EWHC 5 (Comm).
- Astex Pharmaceuticals v AstraZeneca AB
  Instructed (led by Charles Béar KC at first instance and Charles Hollander KC on appeal) on behalf of the Claimant in a multimillion dollar dispute about development of new Alzheimer's drug. Trial judgment at [2017] EWHC 1442 (Ch), appeal judgment at [2018] EWCA Civ 2444.
- HKIAC Proceedings
  Instructed (unled) in Hong Kong International Arbitration Centre proceedings relating to a pharmaceutical patent licence and a multimillion dollar damages claim.
- Warner-Lambert v Sandoz & Ors
  Instructed (led by Geoffrey Hobbs KC) on behalf of Defendants in relation to an application to vary the terms of an interim injunction. Considered issues of proportionality and specificity of relief in respect of a full label

marketing authorisation in circumstances where the invalidity of certain claims of the underlying patent had been upheld in the Court of Appeal after the grant of the original injunction. Judgment at [2016] EWHC 3317 (Pat).

Competition

Before coming to the Bar Andrew worked in pharmaceutical M&A, with his practice having a particular focus on highly technical subject matter. He has been instructed in a range of technology, software, pharmaceuticals, and patents disputes, as well as a number of substantial competition matters.

Andrew has been recommended by the directories for competition, with Legal 500 stating that: *"Andrew is really user friendly and commercial. He understands clients' priorities in their broader context and is extremely responsive and proactive in suggesting solutions."*

- **Dr Liza Lovdahl Gormsen v Meta Platforms, Inc. and Others (Competition Appeal Tribunal)**
  Acting for Meta (led by Tony Singla KC) in the £2bn+ collective proceedings concerning users' data. Certification judgment at [2024] CAT 11.
- **Nikki Stopford v. Google (Competition Appeal Tribunal)**
  Acting for the Claimant representative (led by Daniel Jowell KC and Colin West KC) in the £7.3bn collective claim against Google alleging it has used its search engine dominance to shut out competition in mobile search. Certification judgment at [2024] CAT 67.
- **The Secretary of State for Health and Social Care & Others v. Lundbeck Limited & Others (Competition Appeal Tribunal)**
  Acting for Defendants (led by David Scannell KC) in a follow-on damages claim relating to "pay-for-delay" agreements and the supply of drugs to the NHS. Preliminary issue judgment concerning limitation at [2024] CAT 42.
- For Claimants (led by Matthew Cook KC) in relation to a competition dispute involving proprietary technology and alleged abuses of a dominant position.

Injunctions and Other Applications

Andrew has extensive experience on his feet making or resisting a range of interlocutory applications, including:

- **Fortress Credit Corp v Lantana & Ors**
  Instructed (unled) in various applications before the Grand Court of the Cayman Islands seeking, *inter alia*, *Norwich Pharmacal* disclosure and deferral of the dissolution of various entities in voluntary liquidation.
- **TRC v Temu**
  Instructed (unled) for the defendant's jurisdiction challenge. Judgment at [2024] EWHC 2541 (Comm).
- **Gain v Aeroflot & Anor**
  Instructed (unled) to set aside an order for default judgment worth $60mn. Issues as to access to justice for sanctioned parties.
- **Au Vodka v NE10 Vodka & Anor**
  Instructed (unled) to resist an application for an interim injunction in respect of the alleged goodwill in the get-up of vodka bottles. Successfully resisted the application, struck out part of the Claimant's case, and achieved an order for an expedited trial. Judgment at [2022] EWHC 2371 (Ch).
- **Set Aside of Enforcement / Recognition of a Foreign Award**
  Instructed (unled) in respect of proceedings under s.103 of the Arbitration Act 1996 to set aside an order enforcing / recognising a $100mn Swedish arbitral award in circumstances where the Svea Court of Appeal had already declined to overturn the award.
- **Scipharm v Moorfields Eye Hospital**
  Successfully applied for disclosure of solicitors' attendance notes on the basis that privilege had been waived in their contents. Judgment at [2021] EWHC 2079 (Comm).
- **Cole v Carpenters**
  Successfully resisted (as sole counsel) an application (under old CPR 81) for permission to bring contempt proceedings on basis the application was premature. Questions as to waiver of Part 36 privilege and oppressive conduct. Judgment at [2020] EWHC 3155 (Ch).
- **BTCS v Sokmen**

Instructed (led by Charles Graham KC) on behalf of the Claimants in respect of an urgent ex parte application for an interim injunction to restrain a former employee from further breaches of confidence. Involved interplay between statutory whistleblowing rights, data protection, and duties of confidence arising in contract and equity.

- **Distinctive Wholesale Ltd v Clayton Horsnell Ltd & Ors**
  Successfully struck out (as sole counsel) additional claims alleging procurement / inducement of a breach of contract and unlawful means interference, judgment at [2018] EWHC 3742 (IPEC).
- **Warner-Lambert v Sandoz & Ors**
  Instructed (led by Geoffrey Hobbs KC) on behalf of Defendants in relation to an application to vary the terms of an interim injunction. Considered issues of proportionality and specificity of relief in respect of a full label marketing authorisation in circumstances where the invalidity of certain claims of the underlying patent had been upheld in the Court of Appeal after the grant of the original injunction. Judgment at [2016] EWHC 3317 (Pat).
- **El-Helw v TSB Banking Group PLC**
  Instructed (as sole counsel) for the respondent bank, successfully resisting an application for a mandatory injunction seeking relief under, inter alia, the Data Protection Act 1998.
- **FibreFab Ltd & Ors v Optronics Plus Ltd & Ors**
  Instructed (as sole counsel) in relation to an interim injunction application based on the scope of rights in passing off.

What the Directories Say

"He is easy to work with; really accessible and his advice is very commercial and pragmatic. He is very commercial in the way he approaches disputes and good at seeing the bigger picture. His advice and his advocacy are of an extremely high quality." "He is really impressive. He's very clever and charming to deal with." "He is good fun and a pleasure to work with." (Chambers & Partners, Intellectual Property, 2027)

"Andrew's cross-examination was central to the client's success and devastating to the other side's case. He maintains an approachable demeanour which works well with judges." "Andrew is bright and very user-friendly. He is commercial and practical, and he is willing to go the extra mile." (Chambers & Partners, Intellectual Property, 2026)

"A junior who brings real calibre to a case." (Legal 500, Intellectual Property, 2026)

"Andrew is really user friendly and commercial. He understands clients' priorities in their broader context and is extremely responsive and proactive in suggesting solutions." (Legal 500, Competition, 2025)

"Andrew is very pragmatic and commercial." "A breath of fresh air, Andrew is very contactable and very knowledgeable on complex IP issues, getting to grips with things quickly." (Chambers & Partners, Intellectual Property, 2025)

"Andrew is bright, hard working, and a lot of fun to work with. He will in the fullness of time rise to the top." (Legal 500, Intellectual Property, 2025)

"Andrew Lomas is super bright and very good at breaking things down for clients. He is an enthusiastic and excellent barrister." (Chambers & Partners, Intellectual Property, 2024)

"Andrew Lomas has a technical background because he was in academia beforehand. He has that maturity about him which is more than his call would suggest." (Chambers & Partners, Intellectual Property, 2024)

"Andrew is prepared to get stuck in and do the hard yards for the client. His skeletons are well put together and persuasive, and he works well in a team." (Chambers & Partners, Intellectual Property, 2023)

Education

City University London, GDL and BPTC [2012 - 14]

University of Oxford, DPhil Pharmacology: "Small molecule inhibitors of Lactate Dehydrogenase A" [2007 - 2011]

University of Oxford, MSc Medicinal Chemistry (Distinction) [2006 - 2007]

University of Durham, BSc Chemistry (1st Class) [2003 - 2006]

Languages

Russian (Basic)

Other Academic Achievements

Finalist, Savills Senior Moot, City Law School, [2014]

1st Place, Inter-Inn Moot (representing Inner Temple), [2013]

1st Place, Times Law Award, [2013]

XXth Willem C Vis International moot (representing Inner Temple), [2013]

Exhibition (GDL and BPTC), Inner Temple, [2012-2014]

1st Place, Bogdanor Politics Prize, Brasenose College, [2010]

Senior Hulme Scholarship, Brasenose College, [2008 - 2010]

Senior Cheetham Scholarship, Brasenose College, [2007 - 2010]

Cancer Research UK Studentship in Medicinal Chemistry, [2006 - 2010]

GlaxoSmithKline Organic Chemistry Prize, Durham University, [2004]

Professional Memberships

COMBAR, Chancery Bar Association, Intellectual Property Bar Association, IPSoc (society for junior IP practitioners), London Common Law and Commercial Bar Association.

Other Experience

Councillor, Royal Borough of Kensington and Chelsea [2014 - 2018]

Army Reservist (short-listed as best soldier in Corps in 2012) [2009 - 2014]

Tutor in Chemistry, University of Oxford (Brasenose College and Exeter College) [2007 - 2010]

Awards

2027 Chambers Top Ranked UK Bar

One Essex Court

Legal500 TOP TIER SET 2027

Contact Clerks



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