E-mail: clerks@oeclaw.co.uk



Owain Draper

Barrister
Call 2008

Scope of Practice

• Administrative & Public Law • Arbitration • Civil Fraud and Investigations • Commercial Litigation • Company, Shareholder and Joint Venture Disputes • Competition and EU Law • Energy and Natural Resources • Injunctions • Sports Industry Disputes

Overview

Specialising in commercial litigation, arbitration, competition, energy and sports industry disputes, as well as disputes arising in the fields of administrative and public law, Owain is recognised as a leading junior who has regularly appeared as sole counsel or as part of a team in the High Court, Court of Appeal and Supreme Court, and before tribunals including the CAT and CAS.

His commercial law experience encompasses injunctive relief, civil fraud, company law, bias and confidentiality, while his competition practice spans cartel conduct, collective proceedings, restrictions in financial and technology markets and abuse of dominance.

Examples of Recent Cases

Administrative & Public Law

Owain has experience advising and representing clients in relation to disputes arising in the context of regulation and judicial review, particularly as regards electricity transmission and distribution. He also has more general experience of judicial review and administrative appeals.

- **Greene King v Gambling Commission**
  For Greene King in relation to the refusal of operating licences for the provision of additional gambling facilities, including bingo and gaming machines.
- **A v HMRC**
  For a high-profile businessman in two related judicial reviews challenging the Revenue's decisions to issue Partnership Payment Notices ("PPNs") totalling over £12 million.
- **R (RWE Generation UK Plc) v Gas and Electricity Markets Authority**
  For the Defendant in an EU-law challenge to GEMA's decision to approve a modification to NGET's charging methodology for electricity transmission in the UK.

- R (Western Power Distribution) v Gas and Electricity Markets Authority
  For the Defendant – permission refused following an oral hearing in an EU law challenge to GEMA's decision to require companies to repay tens of millions of pounds of incentive payments in relation to electricity distribution.
- R (Imperial Tobacco, BAT, Philip Morris and Gallaher) v Secretary of State for Health
  For the Defendant - judicial review proceedings brought by Imperial Tobacco and others against the prohibition of retail tobacco displays. The challenge, which was ultimately withdrawn, relied on free movement and competition law arguments.
- The Open University v HMRC
  For the successful Appellant in its appeal, on EU law grounds, against the refusal of a claim for the repayment of VAT in relation to services provided to the OU by the BBC between 1978 and 1994.

Arbitration

- ICC Proceedings
  For the successful Claimant in a substantial international arbitration between a major Russian manufacturer and its supplier of metal for use in a gas pipeline.
- ICC Proceedings
  Urgent challenge in relation to a decision to remove an arbitrator.
- Halliburton Co v Chubb Bermuda Insurance Ltd
  For the Claimant at first instance and in appeals to the Court of Appeal and Supreme Court in relation to apparent bias in international commercial arbitration.
- Court of Arbitration for Sport
  For the International Wheelchair Basketball Federation in its appeal to the Court of Arbitration for Sport, which was described by the CAS as a "frontal assault" on anti-doping rules.

Civil Fraud and Investigations

- PJSC Tatneft v Bogolyubov & Ors
  Successful defence of complex Russian law proceedings arising out of an alleged international fraud. Leading judgments were handed down on matters including strike out / summary judgment, security for costs and amendments.
- Re Beppler & Jacobson Ltd
  For the Russian parties to a shareholder dispute involving allegations of fraud. The claim was ultimately settled, save for disputes over the valuation of shares and the alleged agreement(s) in relation to the financing of the English company's business ventures.
- OJSC TNK-PB Holding v. Beppler & Jacobson Ltd & Others
  For various foreign defendants in an international fraud claim - freezing injunction discharged and service out set aside on forum grounds and on the merits.

Commercial Litigation

Owain represents clients in all types of commercial claims, including civil fraud, shareholder disputes, commercial arbitration and banking litigation. He has substantial experience of injunctive relief and other interim matters, including freezing injunctions, confidentiality and security for costs.

- Capita Business Services v IBM
  For the Defendant in expedited proceedings over the construction of termination provisions in an IT contract. Owain represented IBM as sole counsel for two urgent injunction hearings and was led by Neil Kitchener KC at the expedited Part 8 trial.
- Floreat Investment Management Ltd v Churchill & Ors
  For the successful Defendants in a deceit claim arising out of the repayment of a commercial loan to a football club.
- Halliburton Co v Chubb Bermuda Insurance Ltd
  For the Claimant in its appeal to the Supreme Court in relation to apparent bias in international commercial arbitration.

- Phones 4U Ltd (in administration) v EE Limited & Ors
  For the Claimant in competition and breach of contract claims against EE, Vodafone and O2 and their parent companies arising from steps allegedly taken to bring about the demise of Phones 4u.
- PJSC Tatneft v Bogolyubov & Ors
  Successful defence of complex Russian law proceedings arising out of an alleged international fraud. Leading judgments have been handed down on matters including strike out / summary judgment, security for costs and amendments.
- Tor Generics v Pfizer Ltd
  Sole counsel for Tor in its claim against Pfizer for breach of a contractual duty of confidentiality in relation to the marketing and regulation of a pharmaceutical product. The claim settled before trial.

Company, Shareholder and Joint Venture Disputes

Owain regularly advises and represents clients in disputes between shareholders, especially as regards joint ventures and investment vehicles.

- US shareholder dispute
  Advising a shareholder in an investment vehicle in relation to claims arising from loan and profit-sharing arrangements.
- Shaw v Sigmai Ltd
  Sole counsel for the Claimants in proposed derivative proceedings under the Companies Act 2006. The parties entered into settlement discussions after a successful application to restrain the Defendants from relying on communications between the parties that were subject to the without prejudice rule.
- Re Beppler & Jacobson Ltd
  For the Defendant shareholders in unfair prejudice petition. The proceedings were largely resolved by agreement but went to trial as regards the terms on which money was provided to the joint venture company. Owain, led by Neil Kitchener KC, represented the Defendants at first instance and on appeal to the Court of Appeal.

Competition and EU Law

Owain appears regularly in substantial commercial disputes involving competition law issues, as well as advising and representing clients in competition investigations, references and appeals.

He has particular experience of large-scale competition law disputes and proceedings in financial, technology, energy and pharmaceutical sectors. This has included extensive cross-examination at trial in the Phones 4u proceedings and oral advocacy in the Court of Appeal. Owain has also represented defendants in major collective proceedings in the Competition Appeal Tribunal (Mastercard in relation to interchange fees and Google in relation to alleged abuses relating to app downloads), including substantial oral advocacy and cross-examination.

- Phones 4U Ltd (in administration) v EE Limited & Ors
  For the Claimant in an Article 101 TFEU claim against EE, Vodafone and O2 and their parent companies arising from alleged cartel conduct between those companies that caused Phones 4u to cease trading and enter into administration in 2014. Owain cross-examined around a dozen witnesses at trial (including the expert economists) and conducted the oral advocacy on one of the grounds in the Court of Appeal.
- Umbrella Interchange Fee Proceedings
  For Mastercard in defence of collective proceedings brought by hundreds of merchants in relation to the interchange fees paid in respect of debit and credit card transactions. Owain has appeared as junior counsel in three substantial trials in the Competition Appeal Tribunal, conducting cross-examination of expert and factual witnesses, and has appeared unled in a large number of interim hearings in relation to disclosure, expert evidence and prospective cost management.
- Merricks v Mastercard
  For Mastercard (led by Sonia Tolaney KC and Matthew Cook KC) in its successful application for a collective settlement approval order, resolving long-running collective proceedings once valued at around £16 billion.
- Coll v Alphabet Inc
  For Google in defence of collective proceedings relating to app downloads. Owain appeared as sole counsel for Google in a day-long CMC in the Competition Appeal Tribunal, addressing issues of expert evidence and

disclosure.

- **Federal Deposit Insurance Corp (acting as receiver) v Barclays Bank & Ors**
  For Deutsche Bank AG in its defence of a damages claim for billions of USD in relation to alleged collusion between London banks to suppress USD LIBOR, involving alleged infringements of Article 101 TFEU and alleged fraudulent misrepresentations as to the process by which LIBOR was set.

Energy and Natural Resources

Owain has substantial experience of commercial and regulatory issues that arise in relation to energy, including price controls and competition law issues. He worked on secondment at the Gas and Electricity Markets Authority ("GEMA") in the early years of his practice and has since acted for and against the regulator in relation to price controls and other regulatory disputes.

- **Northern Powergrid v GEMA**
  For the appellants in a successful challenge against modifications to their distribution licences to give effect to the RIIO-ED2 price control. The CMA concluded that GEMA had acted irrationally in the allocation of allowances between different cost categories.
- **PJSC Tatneft v Bogolyubov & Ors**
  For the successful defendants in complex proceedings arising out of an alleged international fraud in relation to oil supplies between Russia and Ukraine.
- **ICC Proceedings**
  For the successful Claimant in a substantial international arbitration between a major Russian manufacturer and its supplier of metal for use in a gas pipeline.
- **Burlington Resources (Irish Sea) Ltd v Hydrocarbon Resources Ltd**
  For the Defendant (a subsidiary of Centrica) in expedited Commercial Court injunction and damages proceedings in relation to the (anticipated) termination of gas processing services.
- **RWE Generation UK PLC v GEMA**
  For the Defendant in an EU law challenge to GEMA's decision to approve a modification to NGET's charging methodology for electricity transmission in the UK. The challenge was dismissed on all grounds.
- **R (Western Power Distribution) v GEMA**
  For the Defendant – permission to bring a claim for judicial review refused following an oral hearing in an EU law challenge to GEMA's decision to require companies to repay tens of millions of pounds of incentive payments in relation to electricity distribution.

Injunctions

Owain has represented both claimants and defendants in applications for injunctive relief of many kinds, including freezing relief, delivery up, mandatory relief to prevent cessation of supply, confidentiality and non-compete obligations.

- **Lion Capital LLP**
  Representing an investor in defence of threatened proceedings in breach of an exclusive jurisdiction clause. The prospective proceedings were abandoned.
- **Ignite International Brands (UK) Ltd v Inpero Ltd**
  Representing a claimant company against a distributor in bringing an injunction for delivery-up for non-payment of goods.
- **Capita Business Services v IBM**
  Acting on two urgent injunction hearings for the Defendant in expedited proceedings over the construction of termination provisions in an IT contract.
- **Burlington Resources (Irish Sea) Ltd v Hydrocarbon Resources Ltd**
  For the Defendant (a subsidiary of Centrica) in expedited Commercial Court injunction and damages proceedings in relation to the (anticipated) termination of gas processing services.
- **OJSC TNK-PB Holding v. Beppler & Jacobson Ltd & Others**
  For various foreign defendants in an international fraud claim - freezing injunction discharged and service out set aside on forum grounds and on the merits.
- Representing various companies in bringing injunctions against employees or former employees on a range

of matters including misuse of confidential documents, defamation and breach of contract.

- For defendants on the receiving end of an injunction concerning the supply of Alumina.

Sports Industry Disputes

Owain has substantial experience advising and representing clients including players, clubs, international federations, sporting brands, major manufacturers of sporting equipment, sponsors, and gambling companies in relation to commercial, contractual, public law and competition law issues.

- Advising Premier League and EFL players and clubs on a range of contract issues relating to transfers, including financial packages and image rights.
- **Floreat Investment Management Ltd v Churchill & Ors**
  For the successful Defendants in a claim arising out of the repayment of a commercial loan to Reading Football Club.
- **Premiership Rugby Club v Premiership Rugby Ltd**
  For the Claimant in a challenge to the legality of the rugby union salary cap.
- **Re Rangers FC Takeover**
  Advising the Takeover Panel in relation to proceedings concerning Rangers International Football Club PLC.
- **Advanced Engine Research WEC Ltd v Bykolles GMBH**
  For the Defendant in proceedings relating to custody and inspection of a racing engine.
- **Sir Martin Broughton v Hicks & Others; RBS v Hicks & Others**
  For Sir Martin Broughton and the other English directors in claims arising from the sale of Liverpool Football Club.
- **Fulham FC v Sir David Richards, the Football Association Premier League Ltd**
  Dispute regarding allegations that Sir David Richards, chairman of the Football Association Premier League had acted as an unauthorised agent with respect to the transfer of a player from Portsmouth to Tottenham Hotspur, to the detriment of Fulham.
- **Court of Arbitration for Sport**
  For the International Wheelchair Basketball Federation in its appeal to the Court of Arbitration for Sport against the UK Anti-Doping & Simon Gibbs, which was described by the CAS as a "frontal assault" on anti-doping rules in reliance on EU, competition and domestic public law.

What the Directories Say

Commercial Litigation

"Owain is silk quality. He is super smart."
"Owain is so easy to deal with. He's great with clients, super strategic and very good at tactical and legal analysis."
"Owain Draper writes brilliantly."
"Owain's subject knowledge and experience are impressive, and his drafting is second to none. His advocacy is sophisticated and impactful."
"Owain Draper is an excellent senior junior who adds real value, drafts strong pleadings and skeletons and is highly collaborative in working closely with solicitor teams."
"Owain Draper did a great job. He provided really good analysis and advocacy in the hearing."
"Owain is smart as a whip and brilliant on his feet too."
"He is all over the detail and is a good part of the team."
"He is a very strong draftsman, he's extremely bright and he has a good feel for strategy."
"Owain is super clever and incredibly pragmatic at the same time."
"Owain Draper is brilliant to work with. He is highly commercial and has excellent technical knowledge."
"Owain is an effective team player with lots of courtroom experience, who provides very good strategic insight."

Competition

"Owain's legal analysis is first rate, and his written and oral submissions are of standout quality. He is a collaborative team player who is a pleasure to work with."

“Owain is highly experienced, very sensible and drafts well. He is impressive and commercial.”
“Cuts through the noise with his analysis and advocacy.”
“He’s a real competition and trial lawyer all in one – a rare commodity. He has all the attributes to make a very successful silk.”
“Owain’s advocacy has really impressed me. He builds an impressive rapport with the tribunal, carefully crafting points to ensure they are well received.”
“He gains a lot of respect from the judges for his considered tone and for building good rapport. He makes hard-hitting points when you need him and has good judgement.”
“He’s the person who you want in your corner when it comes to competition issues.”
“Owain’s written work and oral submissions are measured, clear and technically brilliant. His ability to think simultaneously about the big picture alongside the tricky detailed points is superb.”
“Owain masters his briefs in the time it takes to make a cup of tea. A big talent.”
“Owain is excellent in both his written work and his oral submissions. He is very thorough and effective in cross-examining witnesses. He is easy to work with and provides immeasurable support to the silks throughout trials.”
“Owain produces clear and well-reasoned submissions. He also makes effective and focused cross-examinations.”
“Owain is an excellent junior counsel. His written submissions are persuasive, well structured and impactful.”
“He’s great at presenting a succinct argument and doing it efficiently.”
“Demonstrates an excellent capacity to get his head around complex scientific evidence.”
“A real fighter in court.”
“Cool, conscientious and clever. He is capable of charming clients and courts alike.”

Energy

“Owain has a superb brain and an ability to distil complex legal arguments into compelling submissions.”
“He has confidence in court and he calmly and systematically makes his points.”
“He has a straight alpha legal brain and is a first rate senior junior for any financially or legally technical case.”
“A clever, commercial and combative advocate, who is ready to fight the client’s corner.”

Sports Law

“A thorough, comprehensive, commercial and practical barrister.”
“He is very confident and clients like him.”

Education

MA (Hons) English Literature, Edinburgh (First Class) (2002 - 2006)
Graduate Diploma in Law, City University (Commendation) (2006 - 2007)
Bar Vocational Course, BPP London
Hardwicke Entrance Scholar and JP Warner European Scholar (Lincolns Inn).

Languages

Fluent French

Awards

2027 Chambers Top Ranked UK Bar

One Essex Court

Legal500 LEADING JUNIOR 2027

Contact Clerks



Adam Wheeler

Clerk Team Leader
+44 (0)20 7520 4616
awheeler@oeclaw.co.uk



Jordan Foley

Deputy Team Leader
+44 (0) 20 7520 4613
jfoley@oeclaw.co.uk



Max Tonkinson

Clerk
+44 (0)20 7520 4695
mtonkinson@oeclaw.co.uk