
WIPO LIST OF NEUTRALS

BIOGRAPHICAL DATA

Sebastian M.W. HUGHES
Barrister & Arbitrator
Prince's Chambers
Hong Kong SAR
People's Republic of China



Nationality: Australian

EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS

LL.B., University of Melbourne, Melbourne, Australia, 1996
B.A., University of Melbourne, Melbourne, Australia, 1994
Diploma in Chinese Language, Beijing No. 2 Foreign Language Institute, 1990

Bar and Court Admissions
Hong Kong, China
Victoria, Australia
High Court of Australia

Accolades/Awards
Recognised as a leading intellectual property specialist in The Legal 500 Asia Pacific Guide and Chambers Global

LANGUAGES

English, French and Mandarin

PRESENT POSITION

Barrister, High Court of Hong Kong

November 17, 2021

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PROFESSIONAL EXPERIENCE BEFORE PRESENT POSITION

Partner, Troutman Sanders, 2007 – 2010
Associate, Jones Day, 2005 – 2007
Associate, Preston Gates & Ellis, 2004 – 2005
Associate, Lovells, 2002 – 2004
Associate, Middletons, 1998 – 2001
Articled Clerk, Middletons, 1997

AREAS OF SPECIALIZATION

All intellectual property issues in China, Hong Kong and the Asia Pacific.

MEMBERSHIP IN PROFESSIONAL BODIES

Fellow of the Chartered Institute of Arbitrators
Hong Kong Bar Association
Asian Patent Attorneys Association
Hong Kong Institute of Trade Mark Practitioners

EXPERIENCE IN INTELLECTUAL PROPERTY

Experience includes trademark, anti-counterfeiting, copyright, design and patent litigation; registration of trademarks, designs and patents; prosecution of trademark oppositions and cancellation actions; domain name recovery actions and litigation; and trademark counseling and global portfolio management.

EXPERIENCE WITH RESPECT TO DOMAIN NAMES

WIPO Panelist since 2009 – almost 600 decisions in English and Chinese;
HKIAC & ADNDRC Panelist since 2009 – over 80 decisions;
FORUM Panelist since 2012 – over 80 decisions.

EXPERIENCE IN COURT LITIGATION

In addition to commercial litigation matters, numerous intellectual property litigation matters, including:

Hugo Boss Trademark v Britain Boss International Co Ltd (CACV 114/2015) (trade mark infringement and passing off – application for leave to appeal to the Court of Final Appeal);

Mary Kay Inc. & Ors v Zhejiang Tmall Network Co Ltd & Ors (HCA 2406/2017, May 20, 2021) (application to set aside service out and to intervene in respect of default judgment application; trade mark infringement and passing off; parallel imports and exhaustion defence – defaced product; liability of Internet platform providers as joint tortfeasors);

Nagravision SA v Zhuhai Gotech Intelligent Technology Co Ltd & Ors (HCIP 29/2019, July 2, 2020) (application for disposal of issues on points of law and for preliminary issues hearing on a point of law – copyright infringement and enforcement of US judgment);

Hugo Boss Trademark v Britain Boss International Co Ltd [2018] 3 HKLRD 401 (Court of Appeal) (trade mark infringement and passing off – application to set aside judgment in default of defence);

Sheraton International, Inc. v Staywell Hospitality Group Pty Ltd (HCMP 2566/2017, August 3, 2018) (PARK REGIS: trade mark opposition appeal);

Print Rite (A&J) Ltd v Wobbleworks, Inc. (HCMP 90/2017, December 21, 2017) (application for declaration of non-infringement of registered design);

Hugo Boss Trademark v Britain Boss International Co Ltd [2015] 3 HKLRD 4 (trade mark infringement and passing off – application to set aside judgment in default of defence);

Gemology Headquarters International, LLC v Gemological Institute of America, Inc [2014] 5 HKC 145 (application to adduce further evidence and cross-examine on appeal from trade mark opposition decision);

Chor Ki Kwong David v Lorea Solabarrieta Cheung [2013] 2 HKLRD 95; [2013] 5 HKC 525 (breach of confidence – interlocutory injunction);

Frey Wille GmbH & Co KG v Complex Industrial Co Ltd [2012] 4 HKLRD 814 (Court of Appeal) (copyright infringement – appeal from summary judgment);

China National Gold Group Corporation v HK China Gold Co Ltd (HCA 88/2013, October 22, 2013) (trade mark infringement and passing off – application to set aside judgment in default of defence);

SBE Licensing, LLC v Hyde Lyndhurst Ltd t/a HYDE (HCA 1358/2011, August 10, 2012) (trade mark infringement – summary judgment);

PROFESSIONAL TRAINING IN ARBITRATION

WIPO advanced course on arbitration under the WIPO Rules;
CI Arb accelerated route to fellowship and award writing examination.

EXPERIENCE IN ARBITRATION

Fellow of CI Arb and Approved Neutral with WIPO. Arbitrator with WIPO, HKIAC (Panel of Arbitrators for Intellectual Property Disputes; List of Arbitrators), ICC, SCIA and AIAC.

Appointments as arbitrator include:

HKIAC Case No. A21163 – Emergency Arbitrator (HKIAC Rules 2018);

HKIAC Case No. 20196 – Sole Arbitrator (UNCITRAL Rules 2013);

ICC Case No. 28407 PTA – Sole Arbitrator (ICC Rules);

HKIAC Case No. A17173 – Sole Arbitrator (HKIAC Rules 2013);

HKIAC Case No. A18085 – Sole Arbitrator (HKIAC Rules 2013);

HKIAC Case No. 14151 – Sole Arbitrator (HKIAC Rules 2013);

HKIAC Case No. A15147 – Sole Arbitrator (HKIAC Rules 2013);

HKIAC Case No. A16081 – Sole Arbitrator (HKIAC Rules 2013).

Arbitrations conducted as counsel include:

HKIAC Case No. A15210 – Claimant's Counsel (HKIAC Rules 2013);

HKIAC Case No. F16058 – Claimant's Counsel (HKIAC Rules 2013).

PROFESSIONAL TRAINING IN MEDIATION

WIPO advanced course on mediation under the WIPO Rules;
CEDR mediation training course;
Law Society of Hong Kong, mediation accreditation course.

EXPERIENCE IN MEDIATION

WIPO, HKIAC and Hong Kong Bar Association mediator;

Several mediations relating to intellectual property, competition law and general commercial matters, both as mediator, and as counsel.
