



Adrian de Froment

Year of Call: 2013

“...able to transform a house which appeared to be built on sand to one with a solid concrete foundation.”

Client

clerks@serlecourt.co.uk



Practice Overview

Adrian has a broad commercial chancery practice, with a particular focus on commercial disputes, civil fraud and intellectual property. Much of Adrian's work also has an international or cross-border element to it. He has substantial experience of acting in large, complex litigation having been instructed as part of the team acting for the defendants in claims arising out of the £12 billion RBS rights issue, and as part of the team acting for the claimants in the very large group action arising from the Fundão Dam environmental disaster in Brazil.

Adrian also regularly appears unled in the High Court and lower courts, including recently acting as sole counsel for the successful defendants in *INVISTA v Botes and ors* [2019] EWHC 58 (Ch); [2019] 1 WLUK 170, a 7-day trial before Birss J. of claims relating to alleged breaches of confidence by research scientists formerly employed by INVISTA. He also has experience obtaining interim relief, including freezing relief.

Prior to coming to the Bar, Adrian gained a PhD from Princeton University and as a former scientist he is well placed to deal with scientific and quantitative issues that arise in litigation.

Areas of Expertise

Commercial Litigation

GDE LLC and Goffe v Anglia Autoflow Limited [2020] EWHC 105 (Comm) Acted, with Professor Jonathan Harris QC (Hon.), for the successful defendant at a 5-day trial of a preliminary issue as to choice of law under Rome

Convention; the matter is ongoing and an appeal is pending (instructed by Birketts LLP).

KBC Aldini Capital Limited v David Baazov and ors. Acted (led by Rupert Reed QC) for a Canadian internet entrepreneur in defending claims for USD 40 million based on fraud and passing off allegations made in DIFC proceedings relating to equity commitment letters filed in support of a 'go private' bid to acquire Amaya Inc: jurisdiction challenge ([2017] DIFC CFI 002) interlocutory applications, claimant struck out shortly before trial in February 2020 (instructed by Norton Rose Fulbright).

Município de Mariana and ors v BHP Group (2018-2019): instructed as part of the team acting for the claimants in one of the largest group actions to come before the English court, arising from the collapse of the Fundão Dam in Brazil in 2015. The dam collapse has been described as the worst environmental disaster in Brazilian history (instructed by SPG Law).

INVISTA v Botes and ors [2019] EWHC 58 (Ch); [2019] 1 WLUK 170 sole counsel for the successful defendants in a 7-day trial before Birss J. of claims relating to alleged breaches of confidence by research scientists formerly employed by INVISTA [2019] EWHC 58 (Ch); [2019] 1 WLUK 170 (instructed by Virtuoso Legal).

HSBC Invoice Finance v Augustus Martin (2018-2019): acted as sole counsel for the defendant and Part 20 claimant in relation to claims exceeding £6m arising out of unpaid and allegedly inflated invoices (instructed by Kingsley Napley).

Advised (with Prof. Jonathan Harris QC (Hon.)) in relation to a potential claim against the English guarantor of a debt owed by a French company to a Monégasque bank which had subsequently been assigned to a BVI company owned by a subset of the guarantors. The case involved complex jurisdiction and choice of law issues and an issue regarding the possible connivance in the default of their co-guarantor by the shareholders in the potential claimant (2017-2018) (instructed by Charles Russell Speechlys).

RBS Rights Issue (2015-2017): instructed as part of the team acting for the defendants in claims arising out of the £12 billion RBS rights issue, with David Railton QC, Sonia Tolaney QC, David Blayney QC and Simon Hattan (instructed by Herbert Smith Freehills).

Shoeb v Square One (2017): acted as sole counsel for the defendants in a \$1.6m debt claim involving allegations of sham (instructed by LSGA).

Sigley v Southern: acted for the respondent to a s.994 unfair prejudice petition.

Smith v Huertas (2015): instructed (with Jennifer Haywood), for the respondent in relation to an application for a declaration under Regulation 44/2001 art.34(1) that it would be manifestly contrary to public policy for the UK to recognise and enforce a French judgment (instructed by Boodle Hatfield).

HRH Prince Abdulaziz Bin Mishal Bin Abdulaziz Al Saud v Apex Global Management Ltd [2014] EWCA Civ 1106, assisted Daniel Lightman (now QC) in an appeal by a Saudi Arabian Prince, the respondent to a s.994 petition, against an unless order and the entry of judgment against him for US\$ 7.7m.

Singh v Singh [2014] EWHC 1060 (Ch): assisted Ian Croxford QC and Daniel Lightman (now QC) in a 5-week trial that resulted in the dismissal by Sir William Blackburne of a claim by a father that his son's business empire was held on constructive trust for the male members of his family in accordance with the Indian principles of the Mitakshara.

Bank of St Petersburg & Or v Arkhangelsky & Ors [2014] EWCA Civ 593: assisted Philip Marshall QC and Justin Higgs in this matter in which the Court of Appeal disapplied a Russian limitation period and granted an anti-enforcement injunction preventing the enforcement of Russian judgments abroad pending the outcome of litigation in England.

Civil Fraud

KBC Aldini Capital Limited v David Baazov and ors [2017] DIFC CFI 002: acted, with Rupert Reed QC, for a

Canadian internet entrepreneur in defending claims for USD 40 million based on fraud allegations made in DIFC proceedings relating to equity commitment letters filed in support of a 'go private' bid to acquire Amaya Inc (instructed by Norton Rose Fulbright).

HSBC Invoice Finance v Augustus Martin (2018-2019): acted for the defendant and Part 20 claimant in relation to claims exceeding £6m arising out of allegedly inflated invoices (instructed by Kingsley Napley).

Shoeb v Square One (2017): acted as sole counsel for the defendants in a \$1.6m debt claim involving allegations of sham (instructed by LSGA).

HRH Prince Abdulaziz Bin Mishal Bin Abdulaziz Al Saud v Apex Global Management Ltd [2014] EWCA Civ 1106, assisted Daniel Lightman (now QC) in an appeal by a Saudi Arabian Prince, the respondent to a s.994 petition, against an unless order and the entry of judgment against him for US\$ 7.7m.

Intellectual Property

Adrian is frequently instructed in intellectual property matters in the High Court, IPEC, UK IPO and EU IPO in matters involving trade marks, passing off, copyright, UKUDR and confidential information and trade secrets.

He is also a contributor to the CITMA publication "Contentious Trade Mark Registry Proceedings" by Michael Edenborough Q.C. (published 2018).

Recent instructions include:

easyGroup v Beauty Perfectionists Limited and ors (IL-2020-000032) Instructed for the claimant in a High Court claim for infringement of EU trade marks (instructed by Stephenson Harwood LLP).

RE: POTTER'S HERBALS (OP000412928) Trade mark opposition at the UK IPO, including an interlocutory application for disclosure (instructed by Joshi IP).

RE: GAPMAPS (OP000414681) Trade mark opposition at the UK IPO (instructed by J.A. Kemp LLP).

Acting for the claimant in relation to a potential copyright infringement claim arising from the copying of regulatory compliance templates; case remains at the pre-action stage (instructed by Marriott Harrison LLP).

Penhallurick v MD5 Limited (IL-2018-000200) Instructed for the claimant in relation to cross-claims in the IPEC for infringement of copyright in computer software and breach of contract: statements of case, advice, oral advocacy at interlocutory hearings (instructed by Virtuoso Legal).

INVISTA v Botes and ors (2017-2019): acted, unled, for the successful defendants in this dispute involving allegations that research scientists formerly employed by INVISTA had acted in breach of confidence, in breach of pre- and post-termination employment covenants and had procured breaches of contract by a third party. Successfully resisted summary judgment one month before trial (before Arnold J.). Represented the defendants at the 7-day trial before Birss J., at which the breach of confidence, post-termination and procuring claims were dismissed ([\[2019\] EWHC 58 \(Ch\)](#); [2019] 1 WLUK 170), and at 5 hearing days in relation to consequential matters. The case was notable for the costs result. Birss J. held that a part 36 offer made four months before trial by the claimants had not been a genuine offer to settle and this was one of the rare cases in which it was therefore unjust to enforce any of the consequences of CPR 36.17(4). Birss J. accordingly made a costs award in favour of the defendants: [\[2019\] EWHC 1086 \(Ch\)](#); [2019] EWHC 1087 (Ch); [2019] EWHC 1088 (Ch).

RE: IT ON YOUR TERMS (R0432/2018) Instructed, with Michael Edenborough QC, for the appellant in relation to an appeal against a decision of the EU IPO (instructed by IPTogether).

BSS Group Limited and PTS Group Limited v Perry Street Software (IP-2017-000201) Instructed, with Michael Edenborough QC, for the claimant in IPEC proceedings for infringement of EUTMs and UKTMs and associated counterclaim for declaration of invalidity/revocation (instructed by Freeths LLP).

Chiselwood v Bespoke Cabinets Ltd and Krantz Acted for the claimant at the 1-day trial of a claim for infringement of copyright and UKUDR (IPEC) (instructed by McDaniel & Co).

EPP v Farnsworth and ors Acted for the claimant exclusive licensee in relation to an IPEC claim for infringement of two EUTMs, copyright infringement and passing off (instructed by Virtuoso Legal).

H. Radford v Downton Engineering and ors: acted for the defendant in a claim for trade mark infringement under s.10(3) TMA 1994 (2017).

Instructed for the defendant in a claim for infringement of UKUDR in relation to fishing tackle (2017).

Instructed for the claimant in a dispute regarding infringement of UKUDR in relation to theme restaurant get-up (2017).

Adrian gained experience during pupillage of actions in the IPEC and the Trade Mark Registry, before the Appointed Person, and in the General Court of the European Union, with Michael Edenborough QC.

Telecommunications and Information Technology

Private International Law

Recent instructions include:

GDE LLC and Goffe v Anglia Autoflow Limited [2020] EWHC 105 (Comm) Acted, with Professor Jonathan Harris QC (Hon.), for the successful defendant at a 5-day trial of a preliminary issue as to choice of law under Rome Convention; extensive drafting, conducted cross-examination at trial and oral advocacy on an interlocutory application; the matter is ongoing and an appeal is pending (instructed by Birketts LLP).

Município de Mariana and ors v BHP Group (2018-2019) instructed as part of the team acting for the claimants in one of the largest group actions to come before the English court, arising from the collapse of the Fundão Dam in Brazil in 2015. The dam collapse has been described as the worst environmental disaster in Brazilian history (instructed by SPG Law).

KBC Aldini Capital Limited v David Baazov and ors [2017] DIFC CFI 002: Acted, with Rupert Reed QC, for a Canadian internet entrepreneur in a jurisdiction challenge pertaining to a USD 40m fraud claim in the DIFC relating to allegedly forged equity commitment letters filed in support of a 'go private' bid (instructed by Norton Rose Fulbright).

Advised (with Prof. Jonathan Harris QC (Hon.)) in relation to a potential claim against the English guarantor of a debt owed by a French company to a Monégasque bank which had subsequently been assigned to a BVI company owned by a subset of the guarantors. The case involved complex jurisdiction and choice of law issues and an issue regarding the possible connivance in the default of their co-guarantor by the shareholders in the potential claimant (2017-2018) (instructed by Charles Russell Speechlys).

Smith v Huertas: instructed (with Jennifer Haywood), for the respondent in relation to an application for a declaration under Regulation 44/2001 art.34(1) that it would be manifestly contrary to public policy for the UK to recognise and enforce a French judgment (instructed by Boodle Hatfield).

International and Offshore

A large part of Adrian's work has an international or cross-border dimension to it, including advice and advocacy in relation to private international law issues as detailed in the previous section.

Adrian is also a Part II Registered Practitioner before the DIFC Courts. He recently acted, with Rupert Reed QC, for the defendant in *KBC Aldini Capital Limited v David Baazov and ors*. The case concerned claims for USD 40 million based on fraud and passing off allegations relating to equity commitment letters filed in support of a 'go private' bid to acquire Amaya Inc, and involved a jurisdiction challenge ([2017] DIFC CFI 002) and various interlocutory applications. The claimant was struck out shortly before trial in February 2020 (instructed by Norton Rose Fulbright).

Adrian also regularly advises in relation to matters in the Bahamian courts.

Publications

Easy Rent a Car Ltd v Easygroup Ltd (20 March 2019) Intellectual Property Magazine

Prizes and awards

Queen Mother's Scholarship, Middle Temple (for the GDL and the BPTC)

Burroughs-Wellcome Fellowship, Princeton University

Centennial Fellowship, Princeton University

Scholarship, New College, Oxford

Education & Qualifications

BA Biological Sciences (Double First), New College, Oxford

PhD Evolutionary Biology, Princeton University

GDL (Distinction), BPTC (Outstanding), City University London

Appointments

2020: Registered as Advocate before the DIFC Courts

Memberships

Chancery Bar Association

COMBAR
