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SEBASTIAN HUGHES

Admissions

2010	Barrister, Hong Kong
2003	Solicitor, Hong Kong
2002	High Court of Australia
1998	Barrister and Solicitor, Victoria, Australia

Academic

1996	LLB, University of Melbourne, Australia
1994	BA, University of Melbourne, Australia
1990	Diploma in Chinese Language, Beijing No 2 Foreign Language Institute

Practice profile

Sebastian has a broad civil litigation, arbitration and mediation practice, including intellectual property, commercial, white collar fraud, insolvency, company, employment, matrimonial finance, and costs/taxation matters. Sebastian is rated by Chambers Asia-Pacific (2016-2018 editions) and WTR 1000 (2013-2018 editions) as a leading barrister for intellectual property matters.

Sebastian is a Fellow of CIArb and a WIPO Approved Neutral. He is an Arbitrator and Mediator with WIPO, HKIAC (Panel of Arbitrators for Intellectual Property Disputes; List of Arbitrators), SCIA and AIAC. Sebastian is a Domain Name Panelist with WIPO, FORUM, HKIAC, ADNDRC and AIAC, rendering decisions in both English and Chinese.

Sebastian was admitted to practice as a solicitor in Victoria, Australia in 1998 and in Hong Kong in 2003. Prior to being called to the bar, he was a partner in an international law firm.

Sebastian is a fluent Putonghua speaker.

Selected cases

Reported decisions

- *Re Fortune King Trading Ltd (in Liquidation)* [2020] 3 HKC 429 (appeal against liquidators' rejection of proof of debt)
- *Arboit (Liquidator) v Hu Yan* [2018] 4 HKLRD 213 (Court of Appeal) (summary judgment – conversion and unjust enrichment)
- *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)
- *Ling Leung Kit Hing & Anor v Russell James Worth & Ors* [2017] 6 HKC 167 (Court of Appeal) (appeal from order striking out statement of claim – water leakage)

- *Arboit (Liquidator) v Hu Yan* [2017] 5 HKLRD 768 (summary judgment – conversion and unjust enrichment)
- *Secretary for Justice v Chun Ngai Jewellery Design Co Ltd (No 2)* [2017] 2 HKLRD 1114 (interpleader appeal – recovery of diamond)
- *Secretary for Justice v Chun Ngai Jewellery Design Co Ltd (No 1)* [2017] 1 HKLRD 536 (interpleader– recovery of diamond)
- *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)
- *SLA neé S v HKL (No 1)* [2013] 5 HKLRD 117 (application to set aside dispositions of shares in husband's *alter ego* company)
- *SLA neé S v HKL (No 2)* [2013] 5 HKLRD 125 (ancillary relief application, including application for concurrent liability against the husband's *alter ego* company – decision of the UK Supreme Court in *Prest v Petrodel Resources Ltd and others* [2013] UKSC 34 applied)
- *Chor Ki Kwong David v Lorea Solabarrieta Cheung* [2013] 2 HKLRD 95; [2013] 5 HKC 525 (breach of confidence – interlocutory injunction)
- *Arko Ship Leasing Ltd v Winsmart International Shipping Ltd* [2013] 2 HKLRD 121 (shipping – application to vacate trial date)
- *Frey Wille GmbH & Co KG v Complex Industrial Co Ltd* [2012] 4 HKLRD 814 (Court of Appeal) (copyright infringement – appeal from summary judgment)
- *I-Registry Ltd v John Corner, LLC* (WIPO Case No. LRO2013-0015, 8 August 2013)
- *Del Monte Corporation v Del Monte International GmbH* (WIPO Case No. LRO2013-0001, 29 July 2013) (Presiding Panelist)

Unreported decisions

- *Essilor Manufacturing (Thailand) Co Ltd v G Goulatram and Sons (HK) Ltd & Ors* (HCA 392/2020, 23 September 2020) (application for payment out of money paid into court to discharge proprietary and Mareva injunctions; application to strike out statement of claim)
- *Nagravision SA v Zhuhai Gotech Intelligent Technology Co Ltd & Ors* (HCIP 29/2019, 2 July 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)
- *Essilor Manufacturing (Thailand) Co Ltd v Wong Kam Wai (Trading as Sun Wai Lok HK International Company) & Ors* (Court of Appeal, CACV 71/2020, 21 May 2020) (appeal against refusal to continue proprietary and Mareva injunctions when the return date had not taken place due to the General Adjourned Period, led by Bernard Man SC)
- *Ferrari North America, Inc v Changhon International Energy Co Ltd* (HCA 852/2017, 25 September 2019) (summary judgment against second tier recipients – CEO fraud: unjust enrichment)
- *Kouk Chung Fai v Global Ltd* (HCLA 1/2019, 25 September 2019) (application for leave to appeal against order refusing transfer of proceedings from the Labour Tribunal)
- *Ian Richard Carver Cullen v Kaisilk Development Ltd* (HCA 584/2017, 12 September 2019) (trial – contract)

- *Withers (a Firm) v Antonia Basile also known as Antonia Basile Wilson* (HCMP 1162/2016, 4 February 2019) (application for leave to tax solicitors' bills – first instance appeal)
- *Haribo Ricqles Zan v Nippon Taisun (HK) Limited* (Ricolos: trade mark opposition decision, 31 January 2019)
- *D, A v SJG* (FCMP 143/2016, 21 August 2018) (application by the mother for costs of proceedings under the *Guardianship of Minors Ordinance*)
- *Sheraton International, Inc. v Staywell Hospitality Group Pty Ltd* (HCMP 2566/2017, 3 August 2018) (PARK REGIS: trade mark opposition appeal)
- *Withers (a Firm) v Antonia Basile also known as Antonia Basile Wilson* (HCMP 1162/2016, 18 April 2018) (application for leave to tax solicitors' bills)
- *Print Rite (A&J) Ltd v Wobbleworks, Inc.* (HCMP 90/2017, 21 December 2017) (application for declaration of non-infringement of registered design)
- *Re Kam Toys & Novelty Manufacturing Limited* (Court of Appeal) (CACV 67/2017, 13 November 2017) (insolvency - unfair preference)
- *WSS v DKPA* (FCMC 9725/2012, 31 October 2017) (judgment – ancillary relief trial)
- *Sheraton International, Inc. v Staywell Hospitality Group Pty Ltd* (PARK REGIS: trade mark opposition decision, 19 October 2017)
- *Ferrari North America, Inc v Changhon International Energy Co Ltd* (HCA852/2017, 29 June 2017) (substantive hearing of *Mareva* injunction application – CEO fraud)
- *Re Fortune King Trading Limited* (HCCW 432/2012, 19 May 2017) (insolvency - resulting trust)
- *Re Kam Toys & Novelty Manufacturing Limited* (HCMP 1908/2016, 9 February 2017) (insolvency - unfair preference)
- *D, A v SJG* (FCMP 143/2016, 22 December 2016) (application for interim financial support under the *Guardianship of Minors Ordinance* – *de facto* relationship)
- *Ling Leung Kit Hing & Anor v Russell James Worth & Ors* (HCA 8/2015, 28 January 2016) (first instance appeal from order striking out statement of claim – water leakage)
- *Loke Mun Yee Teresa v Loke Ka Ming Stephen & Anor* (HCMP 1952/2014, 4 September 2015) (civil contempt)
- *SCF v VJD* (FCMC 9340/2014, 21 August 2015) (maintenance pending suit and interim maintenance)
- *ME v A-MG* (FCMC 9947/2012, 13 May 2015) (costs arising from ancillary relief application)
- *WSS v DKPA* (FCMC 9725/2012, 25 July 2014) (preliminary issues hearing regarding beneficial interest in matrimonial property)
- *Gemological Institute of America, Inc v Gemology Headquarters International, LLC* (GEMOLOGY HEADQUARTERS INTERNATIONAL: trade mark opposition decision, 19 May 2014)
- *Snap-On Incorporated* (SNAP-ON: trade mark registrability hearing decision, 16 January 2014)
- *Taihan Electric Wire Co Ltd v Lee Chi Yuen Arctic & Ors* (HCA 454/2013, 17 December 2013) (commercial fraud - strike-out)

- *Taihan Electric Wire Co Ltd v Lau Siu Ming & Ors* (HCA 1687/2011, 7 November 2013) (breach of unless orders)
- *Taihan Electric Wire Co Ltd v Lee Chi Yuen Arctic & Ors* (HCA 454/2013, 1 November 2013) (inter partes *Mareva* injunction, led by Charles Manzoni SC)
- *Lo Pui Fan v Hongkong United Dockyards Ltd* (HCPI 171/2011 30 October 2013) (application to stay proceedings for arbitration – application for leave to appeal to the Court of Appeal, led by Charles Manzoni SC)
- *China National Gold Group Corporation v HK China Gold Co Ltd* (HCA 88/2013, 22 October 2013) (trade mark infringement and passing off – application to set aside judgment in default of defence)
- *Taihan Electric Wire Co Ltd v Lee Chi Yuen Arctic & Ors* (HCA 454/2013, 8 October 2013) (disclosure of settlement agreement)
- *China National Gold Group Corporation v China (HK) Gold Group Shares Limited* (HCA 699/2013, 17 September 2013) (trade mark infringement and passing off – summary judgment)
- *Taihan Electric Wire Co Ltd v Lee Chi Yuen Arctic & Ors* (HCA 454/2013, 10 September 2013) (cross-examination of deponent on *Mareva* injunction application)
- *Aesthetics Architecture Pty Ltd v Main Crown Enterprises Limited* (HCA 483/2012, 29 August 2013) (appeal – application to set aside default judgment)
- *Taihan Electric Wire Co Ltd v Lee Chi Yuen Arctic & Ors* (HCA 454/2013, 5 July 2013) (inspection of documents referred to in affirmation)
- *Lo Pui Fan v Hongkong United Dockyards Ltd* (HCPI 171/2011, 29 July 2013) (application to stay proceedings for arbitration)
- *Elbee Pty Ltd v Kabushiki Kaisha Cozy Corporation* (DREAM BABYS: trade mark opposition decision, 16 May 2013)
- *SBE Licensing, LLC v Hyde Lyndhurst Ltd t/a HYDE* (HCA 1358/2011, 10 August 2012) (trade mark infringement – summary judgment)
- *Frey Wille GmbH & Co KG v Complex Industrial Co Ltd* [2011] HKEC 1620 (copyright infringement – summary judgment)
- *Gary Bruce Solomon v NTG Limited* (HCCW 86/2011, 10 October 2011) (winding-up)
- *Wal-Mart Stores, Inc v Wal-Mart Production Limited* (HCA 1285/2008, 8 October 2008) (passing off – default judgment)