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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 International Studies University

### 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 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; Panel of Emergency Arbitrators; List of Arbitrators), SCIA, SHAC 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.

### Rankings

*"An advocate who always grabs the judge's attention and never fails to sell the case in the most persuasive manner possible"* – The Legal 500 Asia Pacific Guide 2021 (Hong Kong Bar – Commercial disputes)

*"Excellent: user-friendly and diligent, he is responsive and tech-savvy"* – The Legal 500 Asia Pacific Guide 2021 (Hong Kong Bar – Intellectual property)

*"... attracting commendation for his thorough mastery of the discipline, his persuasive advocacy and an attentiveness to detail that makes him particularly "excellent for registry work"* – Chambers Global 2020 (Intellectual Property in China)

Recognised as a Leading Junior, Commercial Disputes and Intellectual Property (The Legal 500 Asia Pacific Guide, 2024), and Intellectual Property (Chambers and Partners, Hong Kong Bar, 2023).

### Appointments

Council Member, Bar Council, Hong Kong Bar Association (2024)

Member, Hong Kong Bar Association Committee on Intellectual Property

**Selected cases**

## Reported decisions

- *CRB (a firm) v Mark Richard Charlton Sutherland* [2024] 1 HKLRD 106 (action for solicitors' fees; summary judgment; application to amend defence and counterclaim; negligence)
- *Stephen Mark Drimmer v Hongkong Seiyō International Co Ltd* [2023] 1 HKLRD 373 (first instance appeal – security for costs)
- *Mary Kay Inc v Zhejiang Tmall Network Co Ltd* [2021] 5 HKC 30 (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)
- *China NPL Holdings Pte Ltd v Mo Haidan* [2021] 1 HKLRD 344; [2021] 2 HKC 97 (Court of Appeal) (conflict of laws - appeal from order discharging Mareva injunction based upon PRC judgments)
- *Bank of India v Gimajasa & Ors* [2021] 3 HKC 387 (trial – guarantee of banking facilities)
- *Essilor Manufacturing (Thailand) Co Ltd v G Doulatram and Sons (HK) Ltd & Ors* [2021] 3 HKC 167 (application for payment out of money paid into court to discharge proprietary and Mareva injunctions)
- *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 née S v HKL (No 1)* [2013] 5 HKLRD 117 (application to set aside dispositions of shares in husband's alter ego company)
- *SLA née 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

- *X-Spot Global Limited v Huobi Global Limited* (HCIP 36/2023, 8 December 2023) (trade mark infringement – cryptocurrency; interlocutory injunction; application to stay for arbitration and to set aside service out of the jurisdiction)
- *Yao-Hua Kang v Joe-Hsiang Lin* (HCA1926/2020, 18 November 2022) (first instance appeal; costs of withdrawn application for summary judgment; whether the plaintiff knew or ought to have known the defendant had a credible defence; specific performance – discretion to withhold remedy where the plaintiff has no legitimate interest in the information sought (citing *White & Carter (Councils) Limited v McGregor* [1962] AC 413)
- *Mary Kay Inc v Zhejiang Tmall Network Co Ltd* (Court of Appeal, CAMP 301/2021, 15 March 2022) (application for leave to appeal against order to set aside service out and granting leave 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)
- *JML-Craft Pty Ltd v China Ping An Insurance (Hong Kong) Co Ltd* (HCCT 27/2021, 24 May 2021) (application for interlocutory injunction restraining the surety from making payment under an on-demand bond)
- *Essilor Manufacturing (Thailand) Co Ltd v G Doulatram 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* (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* (HCMP1162/2016, 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)