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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, cryptocurrency, white collar fraud, insolvency, company, employment, matrimonial finance, and costs/taxation matters.

Sebastian is a Fellow of CI Arb 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

"Sebastian is able to digest voluminous authorities and educate the court on the correct law, where opponents have attempted to mislead the court. He has the rare ability to change the mind of judges" – The Legal 500 Asia Pacific Guide 2025 (Hong Kong Bar – Commercial Disputes)

"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)

Recognised as a Leading Junior, Commercial Disputes and Intellectual Property (The Legal 500 Asia Pacific Guide)

Appointments

Council Member, Bar Council, Hong Kong Bar Association

Council Member, Legal Aid Services Council

Member, Hong Kong Bar Association Committee on Intellectual Property

Member, Hong Kong Bar Association Standing Committee on Welfare and Sports

Selected cases

Reported decisions

- *Techtronic Product Development Ltd v Fauteux, Denis Gaston* [2024] 2 HKLRD 737 (application for leave to appeal and for an interim stay – trade secrets and confidential information, injunctions, leave to make collateral use of documents disclosed under ancillary disclosure orders)
- *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 Seiyo 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 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)

Selected arbitration matters

- Emergency Arbitrator (HKIAC Rules 2024): Application for interim relief (mandatory injunction)
- Sole Arbitrator (HKIAC Procedures for the Administration of Arbitration under the UNCITRAL Arbitration Rules 2015): Software dispute
- Respondent's Counsel (HKIAC Rules 2024): Cryptocurrency and intellectual property dispute
- Sole Arbitrator (HKIAC Rules 2018): Software licensing dispute
- Sole Arbitrator (HKIAC Rules 2018): Cryptocurrency trading dispute
- Claimant's Counsel (CIETAC Rules): IT dispute concerning payment of rebates
- Co-Arbitrator (HKIAC Rules 2018): Software licensing dispute
- Emergency Arbitrator (HKIAC Rules 2018): Application for interim relief (*Mareva* injunction)
- Sole Arbitrator (UNCITRAL Rules 2013)
- Sole Arbitrator (ICC Rules): Dispute relating to implementation of Cloud based IT services
- Sole Arbitrator (HKIAC Rules 2013): 5 references
- Claimant's Counsel (HKIAC Rules 2013): 2 references
- More than 900 domain name decisions handed down to date (in both English and Chinese), as sole panelist, presiding panelist, or co-chair

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)