



Patrick Green QC

# Contents

Economic Torts, Misfeasance & Conspiracy Claims .....	1
Employment .....	2
Representative Cases .....	2
Employee Patent Compensation .....	3
Representative Cases .....	3
EU .....	3
Representative Cases .....	4
MTIC Fraud .....	4
Representative Cases .....	4
Privacy, Breach of Confidence, Breach of Fiduciary Duty & Restraint of Trade .....	5
Representative Cases .....	5
What the directories say .....	5
Appointments .....	6
Publications .....	6
Memberships .....	6
Education .....	6
Awards & Recognitions .....	6



## Patrick Green QC

"Hugely bright, immensely enthusiastic and utterly charming ..." "... a lateral, strategic and outside-the-box thinker who works well with instructing solicitors."

- Chambers UK 2020

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Call 1990  
Silk 2012

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Patrick Green regularly appears in the Supreme Court, Court of Appeal and the High Court in a variety of cases, spanning commercial law and civil fraud, EU, investment treaty arbitration, judicial review, employee patent compensation, tax and, occasionally, employment and levy law.

Notable appearances in the Supreme Court include:

- *R (Miller & Others) v Secretary of State for Exiting the European Union [2017] UKSC 6* – the ‘Gina Miller’ case concerning whether legislation or Parliamentary consent was required for the government to notify under Art.50.
- *Micula v Romania UKSC 2018/0177* – as to the right to enforce an ICSID arbitration award said (by the EU Commission) to conflict with State aid rules and whether the UK is bound under EU law to put itself in breach of prior international obligations under the ICSID Convention.
- *Shanks v Unilever PLC & Others [2019] UKSC 45* an employee patent compensation case, as to whether or not Unilever’s size is such that a benefit from patent licensing of more than £20 million is therefore not ‘an outstanding benefit’ entitling the inventor of the leading diabetic home testing technology to any compensation.

He has been an accredited mediator since 1997 and co-founded the mediation organisation ResoLex, based at the IDRC in Fleet Street. He continues to lecture at the LSE and internationally on mediation and negotiation where he was a Visiting Fellow between 2005 and 2012.

## Economic Torts, Misfeasance & Conspiracy Claims

Complex cases, often involving cross-over between various areas of law, contract, tort (especially misrepresentation and deceit), breach of confidence and breach of fiduciary duty.

### Representative Cases

- *Stirling Mortimer Global Property Ltd v ELS International Lawyers LLP & Ors (various)*
- *Jackson v Thompsons Solicitors (A Firm) & Ors [2013] EWHC 2578 (QB)*
- Ongoing financial services conspiracy class action.
- *Kyrri Royle & Ors v Oldham & Ors [2007] EWCA Civ 1504*

- *Weeks v Governors of Fitzwimarc School & Essex County Council*, 2005, QB

## Employment

A range of leading employment cases in a variety of areas, including whistleblowing, discrimination and restraint of trade, including several in the Court of Appeal or above.

### Representative Cases

- *Clarke v Abertawe Bro Morgannwg University (ABMU) Health Board*  
Pending – whistleblowing nurse.
- *Pan v Portigon (formerly WestLB) CA 2014*  
Discrimination, constructive dismissal, Burns/Barke.
- *The Hospital Medical Group v Westwood [2012] EWCA Civ 1005, CA*  
'Worker'.
- *Autoclenz Ltd v Belcher & Ors [2011] UKSC 41*  
Leading case on employment and worker status/sham contracts.
- *Jones v Neath Port Talbot, CA, 2011*  
Liability of LEA for dismissal.
- *CITB v Beacon Roofing Ltd, CA, 2011*  
'Purpose' of contract, levy scope.
- *Shanks v Unilever [2010] EWCA Civ 1283 (leading employee patent compensation case); IPO (0170375) 2013; Ch Div (Patents Court) 2014*
- *Neary v Hertfordshire County Council, CA, [2009] EWCA Civ 1190 (relief from sanctions and appellate jurisdiction)*
- *Jackson v Computershare Investor Services Plc, [2007] EWCA Civ 1065 (TUPE and post-transfer benefits)*
- *ABC News International Inc v Gizbert UKEAT/0160/06*  
Journalist refusing to go to Iraq.
- *Pinnington v City and Council of Swansea and Governing Body of Ysgol Crug Glas School [2005] EWCA Civ 135 (), CA*  
Whistleblowing detriment.

# Employee Patent Compensation

Patrick Green appeared for Professor Shanks in the only employee patent compensation case to go the Court of Appeal twice and now the Supreme Court. On Wednesday, 23 October 2019 the Supreme Court handed down a landmark judgment, *Shanks v Unilever PLC & Others* [2019] UKSC 45, awarding retired Professor Ian Shanks £2 million as a fair share of the “outstanding benefit” which Unilever received from his invention in 1982 of the capillary fill diabetes testing device since used by many millions of people all over the world.

For more details please see the alert [here](#).

Recent press coverage includes:

- BBC News
- The Independent
- The Guardian
- The Times
- The Telegraph
- Daily Mail
- World Intellectual Property Review

This is a highly specialised area of practice. Patrick has also been instructed in other such cases.

## Representative Cases

- *Shanks v Unilever PLC & Others* [2019] UKSC 45  
An employee patent compensation case, as to whether or not Unilever’s size is such that a benefit from patent licensing of more than £20 million is therefore not ‘an outstanding benefit’ entitling the inventor of the leading diabetic home testing technology to any compensation.  
Supreme Court Judgment October 2019

## EU

Cases before the UK courts, the CFI and the ECJ, involving points of EU law. These obviously include mainly domestic law cases, with significant EU law points arising in areas such as product safety and consumer protection, medical devices regulation, personal injury, VAT, working time and discrimination.

Representative Cases

- *Fair Deal v Commission of The European Union* (T-713/16).
- *Earthshine v. HMRC, FTT(Tax), 2010-11* (VAT, MTIC fraud) UT 2013
- *R (JBOL) v. Health Protection Agency, 2011*, Admin and CA (IVD Directive and guidance for microbiological sampling and culture)
- *Masdar (UK) Ltd v. Commission of the European Communities (Case C-47/07 P)* (ECJ – non-contractual liability of EU Commission) 16 December 2008

## Judicial Review

- CITB v. Beacon Roofing Ltd, CA, 2011 ('purpose' of contract, levy scope)
- R (JBOL) v. Health Protection Agency, 2011, Admin and CA (IVD Directive and guidance for microbiological sampling and culture)
- R (Hertfordshire County Council) v. Hammersmith & Fulham London Borough Council, CA, 2011 (LA responsibility for mental health after-care services)
- Clarke v. Cardiff University, Admin, 2009 (judicial review of BVC exam result)

## Representative Cases

- *R (Miller & Others) v Secretary of State for Exiting the European Union [2016] EWHC 2768 (Admin) & [2017] UKSC 5*  
Representing members of an organization in 18 EU Members States (both in Divisional Court and in Supreme Court) in challenge regarding the Secretary of State's power to give notification under Article 50 TEU.
- *Earthshine v HMRC, FTT(Tax), 2010-11 (VAT, MTIC fraud) UT 2013*
- *R (JBOL) v Health Protection Agency, 2011, Admin and CA*  
IVD Directive and guidance for microbiological sampling and culture.
- *Masdar (UK) Ltd v Commission of the European Communities (Case C-47/07 P)*  
ECJ – non-contractual liability of EU Commission.
- *CITB v Beacon Roofing Ltd, CA, 2011*  
'Purpose' of contract, levy scope.
- *R (JBOL) v Health Protection Agency, 2011, Admin and CA*  
IVD Directive and guidance for microbiological sampling and culture.
- *R (Hertfordshire County Council) v Hammersmith & Fulham London Borough Council, CA, 2011*  
LA responsibility for mental health after-care services.
- *Clarke v Cardiff University, Admin, 2009*  
Judicial review of BVC exam result.

## MTIC Fraud

VAT cases concerning alleged Missing Trader or Carousel VAT fraud.

## Representative Cases

- *Earthshine v HMRC, FTT(Tax), 2010-11, UT 2013*  
VAT, MTIC fraud.

# Privacy, Breach of Confidence, Breach of Fiduciary Duty & Restraint of Trade

Drafting, advice, urgent injunctive relief and contested trials in this area, which includes both employment and privacy cases.

## Representative Cases

- *AFEX LTD v. IFX & Abbassi* [2010] EWHC 1178 (Ch)
- *WXY* (2011) QB

Cases of interest in other fields include

- *British Assessment Board v UKAS* 2013
- *Saxton v. Sec of State for Transport*, 2009, CA and Lands Tribunal, (injurious affection of land and damages)

## Representative Cases

- *AFEX LTD v IFX & Abbassi* [2010] EWHC 1178 (Ch)
- *XY* (2011) QB

## What the directories say

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"A true lateral thinker, willing to explore new angles with an ability to convince the judge to push the boundaries of employment law."

*Legal 500 2020*

'A smooth silk who is perfect for the most challenging and demanding of clients.'

*Legal 500 2019*

"He has creative arguments and is a persuasive advocate."

*Chambers UK 2019*

'An excellent and commercial tactician.'

*Legal 500 2018*

"He thinks very quickly on his feet, and his presentation and manner in court are first class."

*Chambers UK 2018*

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## Appointments

- Fellow of the Royal Society of Arts
- Queen's Counsel (2012)
- Fellow of London School of Economics (2005-2012)
- Chartered Institute of Arbitrators (2005)
- CEDR Accredited Mediator (1997)

## Publications

- Halsbury's Laws, Vol 37, Practice & Procedure
- Manual of Employment Appeals

## Memberships

- ALBA
- COMBAR
- ELA
- ELBA
- HSLA

## Education

- Pegasus Scholar (Bermuda & USA) (1995)
- Bar Scholar to the EC Commission (DG IV) (1992)
- BA (Law) Cantab (1989)

## Awards & Recognitions

