



NICHOLAS GIBSON

MAIN AREAS OF PRACTICE:

Arbitration
Competition and Regulation
Commercial and Corporate Law
Crime and Regulatory
EU Law
Fraud, Financial and Business
Crime
Human Rights
Public Law
Public and Private International
Law
Sports Law
Tax Law
Telecommunications

Solicitor 2004
Called to the Bar 2009

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uk

Nicholas's sectoral telecoms and technology expertise is a natural extension of his experience in competition, EU and commercial law. His regulatory telecoms practice is a particular strength, having been instructed in five successive appeals against price controls set by Ofcom under the Communications Act 2003, including successfully defending the Competition Commission against challenges in both the CAT and the Court of Appeal. Nicholas's telecoms and technology practice also includes acting for both private and State parties in commercial disputes and in the context of Ofcom investigations under Competition Act 1998 and Communications Act 2003.

Recent and notable examples of his experience in this area of practice include those set out below.

Unlockd Ltd and others v Google Ireland Ltd and others (2018) Acting (with Rhodri Thompson QC) for an innovative tech start-up suing Google for abuse of its dominant position in relation to Google Play and AdMob products and related applications for interim injunctive relief and regarding jurisdiction.

Advising a leading US tech company (2018) Advising unled on possible claims for breach of EU competition law in the context of trademark proceedings.

Complaint from Thus Plc and Gamma Telecom Limited against BT about alleged margin squeeze in wholesale call pricing (2013) Representing BT (with Rhodri Thompson QC) in Ofcom's investigation into an alleged breach of Chapter II of the Competition Act 1998 and Article 102 TFEU (abuse of a dominant position), leading to Ofcom concluding that BT's conduct did not constitute an abuse of its dominant position and that there were therefore no grounds for action.

Everything Everywhere and others v Office of Communications (MCT appeals) (2012-2013) Representing the Competition Commission unled before the Competition Appeal Tribunal in joined appeals by Everything Everywhere and other parties against Ofcom's 2011 Wholesale Mobile Voice Call Termination Statement, advising in relation to the Commission's determination of the questions referred to it and defending that determination (as junior to Michael Bowsher QC) against challenges on judicial review grounds before the Tribunal and on appeal to the Court of Appeal. Details of the case are available via the Tribunal's website here.

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DIRECTORIES' RECOMMENDATIONS

HERE'S WHAT THEY SAY:

"Highly regarded and tenacious."
(Chambers & Partners 2019,
Telecoms)

"Picks up a heavy workload."
"Provides good commercial,
pragmatic advice." (Chambers &
Partners 2017, Telecoms)

"Carved a name for himself in the
telecoms sector", "very hands-on,
very friendly and very approachable"
(Chambers & Partners 2015,
Telecoms)

"Paperwork is excellent" and good to
have in court "when you have a
difficult case to present" (Chambers
& Partners 2014, Telecoms)

Recall Support Services Ltd v Secretary of State for Culture, Media and Sport (2013) Defending (as junior to Philip Moser QC) the Secretary of State against a Francovich damages claim in the Chancery Division, in which the operators of GSM gateways (a device incorporating SIM cards issued by mobile network operators) alleged that a restriction on such devices under UK law constituted a serious breach of EU law, and advising on Article 102 (refusal to supply) issues arising in the context of causation.

TalkTalk and Sky v Office of Communications; BT v Office of Communications (LLU/WLR appeals) (2013) Representing the Commission unled before the Competition Appeal Tribunal in appeals by TalkTalk and Sky and by BT against Ofcom's 2012 Local Loop Unbundling and Wholesale Line Rental Statement, and subsequently advising (with Kieron Beal QC) in relation to the Commission's determination of the questions referred to it.

Verizon and Vodafone v Office of Communications (BCMR/LLCC appeal) (2013) Representing BT (with Daniel Beard QC) as intervener in a joint appeal by Verizon and Vodafone against Ofcom's 2013 Business Connectivity Market Review ("BCMR") and Leased Lines Charge Control ("LLCC") Statement, and subsequently appearing for BT in hearings before the Competition Commission in the Commission's determination of the questions referred to it by the Tribunal.

Arqiva Limited and others v Everything Everywhere Limited and others (2011) Appearing unled for Hutchison 3G (UK) Limited ("3") in the Technology and Construction Court in a contractual dispute between certain mobile network operators ("MNOs") and the group of companies who provided sites for their mobile network equipment, and advising 3 in relation to the MNOs' subsequent appeals to the Court of Appeal.

TalkTalk v Office of Communications; BT v Office of Communications (WBA appeals) (2011) Representing the Commission unled before the Competition Appeal Tribunal and otherwise advising the Commission in appeals by TalkTalk and by BT against Ofcom's 2011 Wholesale Broadband Access Statement, including advice in relation to the Commission's determination of the questions referred to it in BT's appeal.

Cable & Wireless UK v Office of Communications (PPC appeal) (2010) Legal adviser to the Competition Commission on a reference from the Competition Appeal Tribunal in the appeal by Cable & Wireless against Ofcom's 2009 Leased Line Charge Control Statement, liaising with expert advisers on economics and accountancy issues, and leading the preparation of the Commission's determination of the questions referred to it. Also instructed as junior counsel (to David Unterhalter SC) for the Commission in BT's subsequent challenge on judicial review grounds; BT withdrew its challenge prior to trial.

SanDisk Corp v Koninklijke Philips Electronics NV and others (2007) Acting for a group of major European technology companies in an action for alleged breach of competition law in the Chancery Division, including a challenge to the jurisdiction of the English courts under the "Brussels" Regulation 44/2001/EC.

Nicholas is regulated by the Bar Standards Board and accepts instructions under Standard Contractual Terms. To find out more information on this and the way we work at Matrix, including our fee transparency statement, please see our [service standards](#).