

# BENJAMIN FITZMAURICE



COUNSEL | CALL 2005 (AUSTRALIA) & 2024 (ENGLAND & WALES)  
ADMITTED TO THE HIGH COURT OF AUSTRALIA AND  
STATE SUPREME COURTS OF VICTORIA AND TASMANIA

*"Benjamin is a legal strategist that thinks outside the box, across multi-jurisdictions. He sees all angles of a problem and provides commercial advice that is targeted and pragmatic."*

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Benjamin Fitzmaurice is a globally experienced Counsel at Forum Chambers, with a multi-jurisdictional practice spanning the UK, Switzerland, Australia, Hong Kong, Europe and Singapore. He specializes in a wide range of areas, including commercial litigation, arbitration, intellectual property, media and defamation, insolvency and sports law.

Benjamin offers tailored legal solutions to clients across diverse sectors, drawing on his deep expertise in both contentious and non-contentious matters. His practice includes advising on complex cross-border issues and providing strategic counsel to businesses navigating international legal landscapes, Benjamin also has acted for a number of HNW individuals and family offices.

In addition to his litigation practice, Benjamin is a skilled mediator and alternative dispute resolution (ADR) practitioner, with substantial experience in arbitration involving multi-jurisdictional disputes.

## AREAS OF EXPERTISE

### ARBITRATION

Benjamin is a highly regarded advocate with extensive experience representing clients in arbitration proceedings involving cross-border issues. His practice spans a wide range of commercial sectors, sports business and international trade.

Benjamin acts in arbitrations governed by major institutional rules, including ICC, ASA, LCIA, SIAC, HKIAC, and UNCITRAL, as well as ad hoc proceedings. Known for strategic precision and persuasive advocacy, Benjamin advises clients through all stages of the arbitral process—from pre-dispute strategy and jurisdictional challenges to merits hearings and enforcement of awards.

Benjamin regularly handles complex, high-value disputes involving cross-border elements, multilingual evidence, and multiple governing laws. Benjamin also has experience in arbitration-related court proceedings, including applications for interim relief, anti-suit injunctions, and challenges to awards.

*Recent matters:*

- Successful anti-suit injunction in Singapore with respect to Lichtenstein proceedings – claim CHF2m+
- Pharmaceutical distribution business damages claim involving Moroccan and Swiss domiciled parties – claim USD\$8m

**COMMERCIAL LITIGATION**

Benjamin is an experienced commercial litigator with a focus on complex disputes and transactions, including those with a cross-border element. He regularly appears as Counsel in international arbitrations, representing clients in high-stakes matters across various sectors.

Benjamin specializes in handling intricate contractual disputes, particularly where breaches of fiduciary duties or trade-related issues are at the heart of the conflict. His deep understanding of commercial law allows him to navigate these challenges with precision and insight.

Known for his pragmatic, common-sense approach, Benjamin tailors his strategies to align with each client's unique risk profile and business objectives. He is adept at crafting litigation strategies that not only reflect a client's attitude towards risk but also maximize the likelihood of achieving favourable outcomes. Whether pursuing litigation or seeking alternative dispute resolution, Benjamin's focus remains on delivering results that protect his clients' interests and drive business success.

*Notable Commercial Litigation cases:*

- Acting for HNW Swiss family in multi-jurisdictional dispute concerning trusts and investments
- Acting on behalf of a notable Hong Kong brand house concerning a joint-venture and licensing dispute involving a global footwear brand
- Acting on behalf of a global car manufacturer concerning misleading and deceptive trade practices and breaches of competition and consumer law.
- Acting for a telecommunication company concerning breach of trade secrets
- Acting non-conforming lender concerning breach of trade secrets and Barnes v Addy claim concerning market competitor
- Acting for internet company against national domain name authority concerning breach of contract and unconscionable conduct
- Acting for national IT company in oppression claim
- Acting for telecommunication company in oppression claim
- Acting for agricultural company in contract claim for specific performance and estoppel
- Acting for Moroccan firm in pharmaceutical dispute and claim for damages
- Acting for Hong Kong firm in joint-venture dispute with large Japanese Sake company

## INJUNCTIONS

Benjamin excels in securing and defending against injunctive relief, and urgent interlocutory matters leveraging his ability to quickly assess the facts and draft compelling legal arguments under tight deadlines. His responsiveness and skill in managing high-pressure situations enable him to deliver timely, effective results for clients seeking urgent remedies or defending against immediate threats to their business interests.

*Notable Injunctions cases:*

- Successful ex parte injunction in a large data theft and trade secret matter
- Acting for HNW Swiss family in Anti-Suit injunction
- Acting on behalf of land trust in special leave application concerning Native Title
- Acting on behalf of national telecommunication company – Norwich order
- Acting on behalf of internet company seeking Norwich orders and interlocutory injunctive relief for the preservation of information and from use of confidential information
- Acting on behalf of non-conforming seeking discovery of documents the subject of a waiver of legal professional privilege
- Acting for US company seeking subpoena of documents via a letter of request
- Acting on behalf of company seeking to set aside a subpoena as abusive process

## INSOLVENCY

Benjamin an experienced advocate in insolvency litigation and regularly appears in the High Court and County Court including representing creditors and debtors in bankruptcy and winding-up petitions, applications to set aside statutory demands, and disputes concerning the enforcement of debts and insolvency-related remedies. He is also instructed in ancillary applications involving validation orders and issues arising in the context of voluntary arrangements, administrations, and receiverships.

Benjamin is known for his clear, commercially focused advocacy and his ability to navigate complex procedural and substantive issues within insolvency proceedings.

## INTELLECTUAL PROPERTY

Benjamin is a seasoned Intellectual Property (IP) Counsel with 25 years of experience representing multinational and regional clients across Europe, Australia, Asia, and the UK. He specializes in navigating complex IP matters, focusing particularly on patents and designs, trademark disputes, copyright and licensing issues, and image rights protection.

Benjamin appears regularly in the Intellectual Property List, Patents Court, Media and Communications List and the Intellectual Property Enterprise Court.

*Brands acted for and against:*

- Nike
- NFL Properties
- Under Armour
- Adidas
- Parka London
- SKINS -sports compression
- Kim Kardashian, SKIMS
- ISKO – largest denim producer
- PONY – footwear
- Boob Armour

*IP experience:*

- Patent – enforcement and defence
- Trade Secrets – enforcement, injunctions and defence
- Trademark – enforcement and defence, passing off, conspiracy to injure (tort), cancellation actions and injunctions
- Licensing – enforcement and contractual disputes
- Copyright – enforcement and defence of claims
- Media and Image Rights – enforcement, injunctions and defence

*Recent matters include:*

- Successful ex parte injunction in a large data theft and trade secret matter
- Successful enforcement against Nike for trademark infringement
- Successful opposition against Major League Baseball in UK and EU
- Global trademark enforcement and settlement discussions against Kim Kardashian's brand, SKIMS
- Global trademark dispute (including passing off) against the Fraser Group plc (trademark oppositions, cancellation actions)
- Successful appeal (with French Counsel) in the EU General Court (appeal from cancellation action– EUIPO)
- Licensing and transaction dispute concerning a global footwear brand (M&A and trademarks – England, Asia, Australia)

*Notable historical cases:*

- Counsel in Australia's largest (at the time) trade secret infringement case (acting for the largest sub-prime lender)

- Mediation of military IP infringement case
- Counsel in large passing off dispute concerning copycat product in Lidl
- Counsel in defence of competition law breach against leading car manufacturer
- International libel prosecution – sub-prime lending industry

## MEDIATION

Benjamin is an experienced mediator who facilitates confidential negotiations to help parties reach mutually acceptable settlements.

His approach is especially valued in commercial contexts for its speed, cost-effectiveness, flexibility, and ability to preserve business relationships. Mediation is widely used to resolve disputes involving contracts, partnerships, joint ventures, intellectual property, construction, finance, and international trade.

Courts and regulatory bodies are increasingly encouraging commercial mediation as an efficient method of dispute resolution that reduces legal costs and minimizes business disruption.

Benjamin conducts mediations in English, both in person and online, using established video conferencing platforms.

### *Recent matters:*

- Large cross-border dispute property and commercial dispute between English and Pakistan interests
- Large and complex IP and commercial dispute, London – trademark and passing off claims in multi-jurisdiction dispute in the sports retail and distribution sector – USD\$2m+
- Military hardware manufacturer, shareholder dispute, Australia – founder members dispute in manufacturing, distribution and sales of nationally important military hardware – AUD\$8m
- Internal company dispute between shareholders and directors, IT company, Australia – founding members dispute concerning operations of national IT company – AUD\$5m
- Competition and consumer law dispute between car manufacturer and government agency, Australia – misrepresentation in advertising and planned reparations and remedial processes AUD\$1m
- Joint venture dispute, London – dispute between joint partners of global lifestyle brand concerning operations USD\$16m

## SPORTS LAW

Benjamin has represented sports federations, athlete unions, individual athletes, and media organizations on a wide range of issues, including name, image, and likeness (NIL) matters, contractual disputes, appeals, and intellectual property-related issues. His experience spans both litigation in court and arbitration, providing comprehensive legal solutions for clients in the sports and media sectors.

#### *Notable Sports Law cases:*

- Acting for sports brands in sponsorship disputes with sports properties – clubs, teams and associations
- Olympic and Commonwealth Games Selection appeals (prosecution, defence and as a Panel Member)
- Acting for both companies and athletes in image and media rights disputes involving name, image and likeness
- Acting for athlete union with respect to group claim for freedom of association
- Acting for athlete and associations in appeals from disciplinary matters
- Ethics and Disciplinary Committee Member for the International Skateboard Federation
- Acting for professional cycling teams in contractual disputes with sponsors and suppliers

#### **QUALIFICATIONS**

- Bachelor of Laws – University of Tasmania
- Graduate Certificate of Legal Practice – University of Tasmania
- Masters of International Trade Law with distinction honours – Cumbria University

#### **ADMISSIONS**

- Admitted to the Honourable Society of the Middle Temple, London
- High Court of Australia 1999
- Federal Court of Australia 1999
- Supreme Court of Tasmania 1999
- Supreme Court of Victoria 2001
- Member of the Australian Olympic and Commonwealth Games Selection Appeal Panel 2005

#### **PROFESSIONAL BODIES**

- Commercial Bar Association (ComBar)
- Chancery Bar Association (ChBA)
- Intellectual Property Bar Association (IPBA)
- Swiss Arbitration Association
- Australia – United Kingdom Chamber of Commerce
- Anglo-Australian Lawyers Society (UK Chapter)
- British Association of Sports Law
- Australia and New Zealand Sports Law Association