
Usman Tariq

Advocate
Year Of Call: 2011



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Practice Areas

Administrative & Public Law
Alternative Dispute Resolution
Banking, Finance and Pensions
Civil Liberties, Human Rights & EU Law
Commercial Dispute Resolution
Company
Competition, Procurement and Regulation
Information Technology
Intellectual Property
Media and Information Law
Professional Liability
Public Inquiries, FAI's and Tribunals
Real Estate Litigation
Restructuring/Insolvency

Court and Tribunal Experience

Usman has appeared at all levels of the Scottish court system from the Sheriff Courts to the UK Supreme Court. He has substantial tribunal experience, including appearing in the Scottish Solicitors Disciplinary Tribunal and the UK Intellectual Property Office.

The nature of his practice means that he is routinely instructed in interim applications (such as interim interdict or suspension) requiring his urgent attention in the Court of Session. These can range from ex parte interim hearings on the same day to complex contentious hearings where caveats are engaged. He has developed an expertise in breach of interdict and contempt of Court hearings and regularly appears in

Practice Profile

"He is extremely bright, very sharp and very personable. He is a star of the future." (Chambers and Partners UK Bar Guide 2018, Commercial Dispute Resolution)

"He has an excellent legal mind and is very good at finding arguments, but he's also very good with clients". (Chambers 2018, Commercial Dispute Resolution)

"He is very user-friendly, up to speed with everything, and he's got a real understanding of the area of law". (Chambers 2018, Intellectual Property)

"He has considerable experience on his feet". (Legal 500 2017, Intellectual Property, Information Technology and Media).

Usman Tariq is an Advocate specialising in commercial and public law. He is a graduate of the Universities of Glasgow and Cambridge. He is appointed as a Standing Junior counsel to the UK Government. He has appeared at all levels of the Scottish court system, including the UK Supreme Court. He was awarded the title of "Advocate of the Year" at the Law Awards of Scotland 2017. He was named the Legal 500's Junior of the Year 2019 for the Scottish Bar at the Legal 500's UK Awards 2019.

Usman has appeared at all levels of the Scottish court system, including the UK Supreme Court. He is regularly engaged in the Court of Session (both Outer House and Inner House) and frequently appears in its Commercial Court.

Since calling to the Bar, he has been instructed in litigation and advisory work across the commercial spectrum. His expertise includes contractual disputes, intellectual property, insolvency, company law, banking disputes, property law and professional negligence. Chambers 2018 describes him as a "well-regarded



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these type of hearings in the Court of Session.

Qualifications/Education

- 2008 – LL.M in Commercial Law, University of Cambridge
- 2007 – Diploma in Legal Practice, Glasgow Graduate School of Law
- 2006 – LL.B (First Class Honours), University of Glasgow
- 2002 – Hutchesons' Grammar School, Glasgow.

Memberships/Appointments

- **Appointments**
 - 2016 to present – Member of the Faculty of Advocates Equality and Diversity Committee.
- 2015 to present – Standing Junior to the Advocate General for Scotland.
- 2014 to present – Member of the Faculty of Advocates Disciplinary Investigation Committee.
- 2011 to 2016 – Member of the Ampersand Management Committee.
- 2011 to present – Member of the Glasgow Legal 40 which is a mentoring network for students in the Diploma in Legal Practice established by the University of Glasgow comprising of forty of its alumni.
- 2011 – Called to the Bar having devilled to Sean C. Smith QC, Neil R. Mackenzie and Ronaldo A. Renucci.
- 2010 – Qualified as a Solicitor and Notary Public having trained at Pinsent Masons LLP with experience in commercial litigation, intellectual property, commercial property, construction and procurement.

Awards

- Young Achiever of the Year at the Scottish Asian Business Awards 2012.
- Academic Achievement award at the Pride of Pakistan awards.
- Faculty of Advocates' Lord Reid scholarship 2010/2011 awarded annually to the outstanding candidate to the Bar.
- "Advocate of the Year" at the Law Awards of Scotland 2017
- Junior of the Year 2019 for the Scottish Bar at the Legal 500's UK Awards 2019

junior with broad experience across a range of high-value commercial and contractual disputes" who "elicits praise for his strong work ethic and approachable style during cases". He regularly appears on behalf of the Advocate General for Scotland in judicial reviews in the Court of Session.

A significant area of his practice is intellectual property disputes. The Legal 500 (2017) ranks him as a top tier leading junior counsel for IP, IT and Media disputes at the Scottish Bar. He is also ranked as a leading junior counsel for IP disputes in the Chambers and Partners UK Bar Guide 2018. Chambers describes him as a "junior counsel with a highly active IP practice, who demonstrates acumen in such areas as design rights, trade mark disputes and passing off matters" and who "impresses with his role in high-profile IP matters". He acts on behalf of PPL and PRS, the bodies responsible for the licensing of music in the UK, and Sky PLC in their IP enforcement work in the Court of Session. He has gained substantial experience in interim interdicts, breach of interdicts and contempt of Court hearings as a result. He acted for the successful respondent in the first substantive appeal under the Trade Marks Act 1994 from the UK Intellectual Property Office to the Court of Session in [CCHG Ltd t/a Vaporized v Vapouriz Ltd](#). He is one of the few Scottish counsel who has experience of conducting proceedings in the UK Intellectual Property Office. An example of his work before the UK Intellectual Property Office is the case of [Robert Wilson v Enviromax Ltd](#) in which he acted for the successful defender in entitlement proceedings in relation to a patent. He is particularly interested in cases involving IT and acted for the successful defenders and respondents in [Worbey v Campbell](#), a dispute over ownership of apps.

A substantial proportion of his work relates to personal and corporate insolvencies. He has acted for liquidators, administrators, judicial factors, trustees and those subject to insolvency proceedings. He represented the successful appellant before the UK Supreme Court in the case of the [Henderson \(Liquidator of Letham Grange Development Co Ltd\) v Foxworth Investments Ltd](#). He acted for the successful liquidator in [Paton \(Liquidator of Ricky \(Martin\) Racing Ltd\) v Martin](#) which was a rare action brought against a company's directors for wrongful trading. He was instructed for the Liquidator of [Heather Capital Ltd](#), a hedge fund with investments exceeding \$400 million before its collapse, in several actions arising from the fraudulent diversion of investor funds to third parties.

Usman is the founder of the [Scottish Ethnic Minority Lawyers Association \(SEMLA\)](#) which is the first group focusing on the mentoring, networking and support of ethnic minority lawyers in Scotland. SEMLA is jointly supported by the Law Society of Scotland and the Faculty of Advocates. He is on the Scotland leadership group of [Mosaic Network](#) which is a mentoring initiative



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Scottish Junior of the Year 2019

Legal 500 UK Awards 2019

Selected Cases

[Henderson v Foxworth Investments Limited and another \(UK Supreme Court\) 2014 S.C. \(U.K.S.C.\) 203](#)

Acted for the successful appellant in the UK Supreme Court. This case concerned an alleged gratuitous alienation under section 242 of the Insolvency Act 1986. The UK Supreme Court gave guidance on the role of the appellate court in reviewing a trial judge's findings of facts. This case remains a leading authority on this area of law.

[Liquidator of Heather Capital Limited v Levy & McRae and Others \(Inner House, Court of Session\) \[2017\] S.L.T. 376](#)

Acted for the successful claimer in the Inner House of the Court of Session. This is a high-profile liquidation of a hedge fund with investments exceeding \$400 million before its collapse. The Liquidator is pursuing cases against law firms who are alleged to have acted for Heather Capital in transactions where funds were diverted as part of a wider fraudulent scheme on investors. The Court considered the issue of prescription including for breach of trust and sections 6(4) and 11(3) of the Prescription and Limitation (Scotland) Act 1973.

[BN Rendering Ltd v Everwarm Ltd \(Outer House, Court of Session\) \[2018\] CSOH 45](#)

Acted for the successful defender in the Outer House of the Court of Session. This was a Debate on the jurisdiction of the Scottish court to enforce an Adjudicator's decision in a dispute between Scottish domiciled parties. The defender argued that there was no jurisdiction because of a clause in the construction contract prorogating exclusive jurisdiction to the English court. The Court held that the jurisdiction clause was enforceable as the defender could demonstrate the pursuer's specific consent to the clause; and that the clause should be construed to include actions for the enforcement of an adjudication award.

[Worbey v Campbell \(Inner House, Court of Session\) \[2017\] CSIH 49](#)

Acted for the successful defenders and respondents in the Outer House and Inner House of the Court of Session. This case was a dispute over ownership of dating apps. The Courts considered the law of partnership and determined that the pursuers had failed to establish that a partnership had been formed for the development and exploitation of the apps.



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[CCHG Ltd t/a Vaporized v Vapouriz Ltd \(Outer House, Court of Session\) \[2017\] S.L.T. 908](#)

Acted for the successful respondent the Outer House of the Court of Session in an appeal against the decision of the UK Intellectual Property Office invalidating the appellant's trade mark. This case is understood to be the first substantive appeal under the Trade Marks Act 1994 from the UK Intellectual Property Office to the Court of Session. The Court considered the approach that a Scottish Court should take to an appeal of this nature and the general principles of trade mark law.

[Sky plc and Sky UK Ltd v Robert Stewart \(Outer House, Court of Session\) \[2017\] CSOH 141](#)

Acted for the successful petitioners in a Proof on a breach of interdict and contempt of Court in the Outer House of the Court of Session. The breach of interdict was caused by a broadcast of a football match featuring the petitioners' copyright works to the public without the relevant licence.

[Chalmers v Chalmers \(Inner House, Court of Session\) 2016 S.C. 158](#)

Acted for the successful reclaimer before the Inner House of the Court of Session. The Court held that a disposition of property to which a husband had taken title in his wife's name without her knowledge, on which her signature had been forged when transferring it to their son, was a nullity and there was no basis for the Lord Ordinary in exercising his discretion to refuse decree of reduction on equitable grounds.

[Liquidator of Ricky Martin \(Racing\) Ltd v Martin and Others \(Sheriff Court\) 2016 G.W.D. 27-495](#)

Acted for the successful liquidator in a 6 days proof on whether directors of a betting company should be held liable under the wrongful trading provision in section 214 of the Insolvency Act 1986. This is one of the first actions under section 214 of the 1986 Act in Scotland.

[Wilson v Enviromax Ltd \(UK Intellectual Property Office\) BL O/403/15](#)

Acted for the successful defender in "entitlement proceedings" under section 37 of the Patents Act 1977 in respect of a patent relating to an additive for central heating systems invented by the pursuer but held in the name of the defender. The UK Intellectual Property Office sat in Glasgow for this case.