

Richard Colbey

Languages

- Basic French and Spanish

Memberships

- London Common Law and Commercial Bar Association

Interests

Travel, photography, football (Watford FC), cricket, tennis and most sports.

Intellectual Property

Advise on allegations of breach of copyright, trademarks, patents and other intellectual property rights.

Related cases of interest

Beever v Beaver (2012) (David Richards J) — Injunction to restrain passing off of hair products.

Elvis Presley Enterprises v JP Memphis (2010) — Resisting order for delivery up of goods held by alleged violator of copyright in the Elvis Presley estate.

B v Harrods (2008) — Obtained substantial payout for violation of design rights in artisan potters' products.

Personal Injury

Particular interest in food poisoning, CFS/ME cases and contractually based claims relating to personal injuries such as Permanent Health Insurance.

Related cases of interest

C v UMUN (2012) — Substantial settlement shortly before trial in case where it was alleged by insurer that it was not liable to pay as CFS was a mere "functional disorder".

J v Aviva (2011) — Payment under a PHI policy to a teacher who suffered serious IBS but whom insurers initially contended could still work in a classroom.

B v Swiss Life (2007) — Obtained substantial settlement on an employment related PHI policy after first commencing



Year of Call: 1984

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successful proceedings against employer for assignment of benefit of the policy.

Roberts v First Choice Holidays (2005) (Sheffield County Court) — Payment of £35,000 compensation to victim of severe food poisoning on a cruise.

Doyle v Rhone-Poulenc Rorer 141 (1997) Sol Jo 764 (QBD) — Whether food poisoning covered by personal accident insurance policy.

Sargent v GRE 1997 (The Times) 25 April 1997 (CA) — Meaning of “unable to follow any occupation” in personal accident insurance policy.

Property

General advice on property matters, including Inheritance Act claims and other instances of breakdown of family and matrimonial relations. Will consider instructions in family, divorce and children cases.

Related cases of interest

Laskar v Laskar [2008] 2 FLR 589 (CA) — Correct approach to equitable ownership of property bought jointly by mother and daughter.

Winter v TCC [2007] 2 All ER 343 (CA) — Principles to be applied when awarding costs after application to discharge or vary restrictive covenant.

Pinnell v Annison [2005] All ER (D) 458 — Construction of a will where testator had incorrectly named his sister.

Wong v Benn [1992] CLY 618 — Whether correct reason need be given to rescind conveyancing contract.

Commercial

General commercial work particularly obtaining emergency injunctive relief. Richard has done a number of cases involving exemption clauses .

Related cases of interest

Regus v Epcot Solutions [2009] 1 All ER (Comm) 586 (CA) — Validity of a clause exempting owners of serviced office block from liability.

R (on the application of Kelly) v Liverpool Crown Court & Wirral Borough Council [2006] LLR 343 — Crown Court and High Court had erred in rejecting applicant’s appeal against refusal of taxi licences. Believed to be first successful Court of Appeal appearance by directly instructed counsel.

Director of the Assets Recovery Agency v Green (2005) The Times 27/02/06 (Sullivan J) — Decision that in civil proceedings under the Proceeds of Crime Act 2005 the Director had to at least identify specific types of unlawful conduct.



Expo Fabrics v Naughty Clothing [2003] CA LTL 21/7/2003 —
Validity of exemption clauses standard in the cloth supply
industry.

FSS v Johnson [1998] IRLR 382 (CA) — Validity of restrictive
covenant.

Ypsilanti v Moussaieff (1995) MoS 19 Feb (Kennedy J) —
Ownership of “priceless” diamond.

