



IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
INTELLECTUAL PROPERTY ENTERPRISE COURT

(SITTING AS A EUROPEAN UNION TRADE MARK COURT)

BEFORE HER HONOUR JUDGE MELISSA CLARKE

DATED: 12TH OCTOBER 2016

BETWEEN:

(1) EASYGROUP LIMITED

(2) EASYJET AIRLINE COMPANY LIMITED

Claimants

-and-

(1) PREMIER AIRWAYS LIMITED

(a company incorporated under the laws of India)

(2) MR UMAPATHY PINAGHAPANI

Defendants

ORDER

PENAL NOTICE:

If you the within-named PREMIER AIRWAYS LIMITED and MR UMAPATHY PINAGHAPANI do not comply with this order you may be held to be in contempt of court and you (or any of your directors) may be imprisoned or fined, or your assets may be seized.

UPON the Claimants' application dated 04 July 2016 (the "**Application**"),

AND UPON reading the second witness statement of Mark Kramer dated 4 July 2016, the witness statement of Krishnan Premchandrar dated 20 June 2016 and the witness statement of Durai Chandrasekar dated 17 June 2016,

AND UPON the Court being satisfied that valid service of the Claim Form and Particulars of Claim had been effected upon the Defendants,

AND UPON the First Defendant and Second Defendant having failed to file an acknowledgment of service or a defence within 23 days of service of the Particulars of Claim being the relevant period set by Order of His Honour Judge Hacon dated 16 May 2016,

AND UPON reading the Court file,

AND UPON hearing from Stephanie Wickenden for the Claimants,

IT IS ORDERED THAT:

- 1 There be judgment in default for the Claimants' claim against the First Defendant.
- 2 There be judgment in default for the Claimants' claim against the Second Defendant.
- 3 The First Defendant's use of signs comprising "EASYAIR" on www.linkedin.com/company/premier-airways-limited and www.facebook.com/Premier-Airways-Limited-428045390688656 and the Second Defendant's use of signs comprising "EASYAIR" within the www.easyair1.com domain name amount to infringement or threatened infringement of European Union trade mark No. 1,232,909 and United Kingdom trade mark No, 2,271,732 and passing off.
- 4 The First Defendant (whether acting by its directors, officers, servants, agents or otherwise) and the Second Defendant (whether acting by himself, his employees, servants, agents, or otherwise) must not, and must not authorise or procure another person (whether natural or legal), to:
 - 4.1 infringe European Union trade mark No. 1,232,909 in the European Union; and/or
 - 4.2 infringe United Kingdom trade mark No, 2,271,732 in the United Kingdom; and/or
 - 4.3 pass off any entity or business or goods as being of or connected to or associated with the First Claimant or the Second Claimant.
- 5 The Second Defendant (whether acting by himself, his employees, servants, agents, or otherwise) must transfer forthwith, or must take forthwith all such steps to facilitate the transfer of, the domain name easyair1.com to the First Claimant.
- 6 The Defendants must deliver up and forfeit to the Claimants any material, articles or documents that are in the power possession custody or control of the Defendants the use of which would be a breach of the injunctions at paragraph 3 above.
- 7 The Defendants must disseminate and publish the judgment at their own expense.
- 8 The costs of the Claim, including the costs of this Application are summarily assessed in the sum of £22,935 to be paid to the Claimants by the Defendants
- 9 The Claimants will serve this Order on the Defendants. This Order shall be validly served on the First and Second Defendants if personally served on the Second Defendant pursuant to the laws of Delaware, USA at 1239 N Farmview Drive, Dover, Delaware 19904, USA.

A copy of this Order will be provided to the serving party Stephenson Harwood LLP at

1 Finsbury Circus, London EC2M 7SH