

Judgement issued today 12 January 2018 on the case that Yannick Pons, owner of Viva Street, started against **easyGroup.**

Embargoed until 1030am 12/1/18

easyJet founder and owner of the EASY family of brands, Sir Stelios Haji-Ioannou, has expressed his partial satisfaction at the outcome of a High Court case brought by French businessman, Mr Yannick Pons against his company easyGroup Ltd. Sir Stelios said : “We went to court to protect our brand rights and we scored some significant points for the future protection of the EASY family of brands”.

1. Earlier today Mr Justice Arnold at the High Court in London rejected Mr Pons’s claim that easyGroup was making unlawful threats against him on intellectual property matters to do with services. The judge found It was entirely lawful for Sir Stelios to protect his brand. So the legal letters sent to Mr Pons’ about the use of certain variants of the EASY brand were within the law. easyGroup regularly sends out such letters to third parties and it will continue to do so in order to protect its brand. As a result of this decision Yannick Pons also lost on his claim for substantial damages (he estimated in excess of £1m in his own witness statement) to be paid to him by easyGroup.
2. The judge also made it clear that the mere passage of time, without easyGroup issuing formal legal proceedings against the alleged brand thieves, does not stop easyGroup from pursuing its legal rights again in the future against the same third parties. The defence used by many alleged brand thieves that “they have been doing it for a long time and they have not been sued by easyGroup yet” is not a good defence in law. This is commonly known amongst lawyers as the “acquiescence defence”. easyGroup is delighted that it won on the “acquiescence” point. Many other alleged brand thieves have been waiting on guidance by the court on this point which clearly went in easyGroup’s favour.
3. Last but not least the Judge agreed with easyGroup that it has formed the “easy family of brands” which has been legally in existence since at the latest 2009 but arguably as early as 2000. So again for the purposes of enforcing its brand rights against third parties easyGroup now has another powerful weapon in its arsenal known as the “family of brands” argument. In general the existence of the “easy family of brands” increases likelihood of confusion when someone else is using the easy prefix.
4. The rest of the judgement which is 169 pages long is complex. The findings we finely balanced and depend entirely on the specific facts relating to Yannick Pons. Other alleged brand thieves cannot rely on the same finding because their circumstances are different from those of Yannick Pons. easyGroup believes certain of the Judge’s findings on the specific matters relating to easyRoommate etc. and Yannick Pons are wrong. **easyGroup will take the matter to appeal and beyond in order to safeguard its intellectual property rights.**

Sir Stelios said: “Although today was not an outright victory, I am very pleased with the first three findings that will make it legally possible for us to stop other brand thieves in the future.

In summary this case found:

1. Our legal letters against Yannick Pons were lawful.
2. The passage of time without issuing formal legal proceedings does not affect our rights
3. We own a “family of marks” since, at the latest, 2009 and probably since 2000.”

The Viva Street business of Yannick Pons:

Following the conclusion of the trial in front of Mr Justice Arnold, it has emerged that one of Mr Pons’ other businesses – Viva Street - has been involved in significant negative publicity at least twice in the last few weeks.

easyGroup believes these new facts reinforce the tarnishing of the EASY family of brands because of the cross-promotion of Viva Street with easyroommate etc. Profits from Viva Street have in effect been funding the litigation against easyGroup.

1)The first case is best understood by reading the Daily Mail story on it dated yesterday 11th of Jan 2018

<http://www.dailymail.co.uk/news/article-5258671/Three-thugs-forced-schoolgirl-14-prostitution.html>

Three thugs who forced a schoolgirl, 14, into prostitution and made her have unprotected sex with 30 ‘clients’ after advertising naked pictures of her online are jailed for 18 years

- **Jake Cairns, 21, Jack McNally, 21 and Brandon Sharples, 20, held victim captive**
- **The trio advertised her services online after making her pose naked for photos**
- **Defendants were all found guilty of facilitating the sexual exploitation of a child**
- **Sharples, of Coventry, and McNally, of no fixed address, jailed for five years each**
- **Cairns also guilty of arranging child exploitation and sending indecent images**
- **He was handed an eight year prison sentence at Birmingham Crown Court**

A court heard the trio advertised her services online after making her pose naked for photos and pretended she was 18-years-old on adult escort site Viva Street.

Read more: <http://www.dailymail.co.uk/news/article-5258671/Three-thugs-forced-schoolgirl-14-prostitution.html#ixzz53t47Pn5S>

Separately on 22nd December 2017, Vivastreet was criticized by Judge Robert Altham at Preston Crown Court when passing judgement against a human trafficking gang.

The Judge said : "No-one, including those who make a profit from Vivastreet, could have been left in any doubt prostitution services were being offered" as he sentenced a nine-man Romanian gang, headed by Razvan Mitru, to lengthy prison terms. (A tenth man was acquitted back in October during the case that has been widely reported in NW England.)

Media coverage:

http://www.lancashiretelegraph.co.uk/NEWS/15788032.Pimp_who_placed_ads_on_Viva_Street_website_had_27_000_in_bank_account/

<http://www.dailymail.co.uk/news/article-5206739/Romanian-gang-jailed-25-years-trafficking-women.html>

<https://www.lep.co.uk/news/crime/human-traffickers-who-exploited-romanian-women-as-sex-workers-across-lancashire-are-caged-1-8923752>.

http://www.lancashiretelegraph.co.uk/News/15790267.PICTURES_Human_trafficking_gang_jailed_for_touting_11_women_for_prostitution/

Notes for editors:

1) The intellectual property case between Sir Stelios and Mr Pons was initiated in 2015 by Mr Pons as an “unjustified threats” action against easyGroup Ltd concerning trademarks. After two and a half years of legal wrangling the Judge was asked by easyGroup to stop Mr Pons from using the “easy” brand to procure customers for his temporary accommodation services businesses across about 10 European countries. This will now be decided on appeal. Sir Stelios has had a long standing policy goal to prevent the unauthorised use of the “easy” brand within markets currently served by his “easy” family of trademarks. The lawsuit also named Mr Pons’ Jersey, CI incorporated off-shore holding company with the non-descript name “W3”. It emerged in evidence during the trial that Yannick Pons and some of his co workers collect tax free dividends of about £12m from the Viva Street business via their Jersey Channel Islands company. It is bizarre that Yannick Pons still wants to keep his financial information which was disclosed at trial confidential and away from the public eye even after the judgement has been issued. End