



Claim No IL-2019-000050

IL-2019-000050

**IN THE HIGH COURT OF JUSTICE**  
**BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES**  
**INTELLECTUAL PROPERTY LIST (ChD)**

**Before: The Hon Mrs Justice Bacon**

**Date: Monday 25<sup>th</sup> April 2022**

**BETWEEN:**

**EASYGROUP LTD**

**Claimant**

- and -

**(1) NUCLEI LIMITED T/A EASY OFFICES**

**(2) PATHWAY IP SARL**

**(a company incorporated under the laws of Luxembourg)**

**(3) REGUS GROUP LIMITED**

**(4) IWG PLC**

**(a company incorporated under the laws of Jersey)**

**Defendants**

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**ORDER**

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**UPON** the Court having made a costs management order pursuant to CPR r 3.15 by order of Master Kaye dated 30 September 2020 (the "**CMC Order**")

**AND UPON** the Court having made a further costs management order pursuant to CPR 3.15 by order of Master Kaye dated 26 January 2021 (the "**Disclosure Order**")

**AND UPON** the Court exercising its jurisdiction as an EU Trade Mark Court with respect to the EU Marks (as defined in this Order) pursuant to the transitional provisions of Schedule 2A of the Trade Marks Act 1994

**AND UPON** the trial of the claim and counterclaim before Mrs Justice Bacon on 7–10 and 13–15 December 2021

**AND UPON** hearing further submissions on 4 March and 8 April 2022

**AND UPON** the Court giving judgment in the action on 13 April 2022 (the “**Judgment**”)

**AND UPON** hearing Counsel for the Claimant, Simon Malynicz QC and Counsel for the Defendants, Mark Vanhegan QC, at a consequential hearing which took place on 25 April 2022

**AND UPON** reading the evidence recorded on the court file as having been read

**AND UPON** the Claimant undertaking by counsel:

- (1) permanently to remove from the Claimant’s website at <http://www.easy.com> by no later than 4pm on 25 April 2022 the article entitled "Mark Dixon's Regus ordered by the High Court to pay £65,000 in costs over EASY branding dispute to Sir Stelios" dated 17 January 2019; and
- (2) by 4pm on 26 April 2022 to take all reasonable steps to search for and permanently to delete from any of the websites under the Claimant’s control, including without limitation the websites at (i) <http://www.easy.com> (ii) <http://www.easy.co.uk> and (iii) <http://www.easyoffice.co.uk>, any references to any of the Defendants, whether by referring to them as brand thieves or otherwise.

**AND UPON** the Court declaring that the adjournment of the form of order hearing had been made on 8 April 2022 until the date of this order

**IT IS DECLARED THAT:**

1. The Defendants have not infringed UK registered trade mark numbers 2,289,502 (“**UK502**”) or 2,313,528A (“**UK528**”) (together, the “**UK Marks**”) or either of them.
2. The Defendants have not infringed EU trade mark numbers 2,907,509 (“**EU509**”) or 11,624,376 (“**EU376**”) (together, the “**EU Marks**”) or either of them.

**AND IT IS ORDERED THAT:**

**The claims**

3. The Claimant's claims for trade mark infringement of the UK Marks, the EU Marks and each of them are dismissed.

**The counterclaims**

4. The Defendants have judgment on their counterclaim to revoke UK502, UK528, EU509 and EU376 and each of them.
5. The Defendants' counterclaim to invalidate the said marks is dismissed.

**Revocation**

6. The Claimant shall take all necessary steps to cause the registrations of the UK Marks and each of them to be expunged from the UK register of trade marks with effect from the following dates:
  - a. UK502, with effect from 6 December 2007; and
  - b. UK528, with effect from 12 September 2008 ("*providing facilities for exhibitions and conferences; room rental for exhibitions*" in class 43) and from 31 December 2017 ("*hire of temporary office space; rental of meeting rooms*" in class 43).
7. The Claimant shall take all necessary steps to cause the registrations of the EU Marks and each of them to be expunged from the EU register of trade marks with effect from the following dates:
  - a. EU509, with effect from 30 June 2009 ("*providing facilities for exhibitions and conferences; room rental for exhibitions*" in class 43) and from 31 December 2017 ("*rental of offices, leasing of office space, letting of office space* in class 36; *hire of temporary office space; rental of meeting rooms* in class 43); and
  - b. EU376, with effect from 31 July 2018:
    - i. Advertising; business management; business administration; office functions; professional business consultancy; business management assistance services; business management consultancy; business information and business inquiries services; outsourcing services; office administration services; office management services; provision of serviced

offices; rental of office machines and equipment; advisory, consultancy and information services relating to all the aforesaid services (all in class 35);

- ii. real estate affairs; real estate management services; leasing of real estate; rental of offices; rental of office space; rental of commercial property; advisory, consultancy and information services relating to all the aforesaid services (all in class 36);
- iii. temporary accommodation; rental of meeting rooms; hotel services for the provision of facilities for exhibitions, conferences and seminars; providing facilities for exhibitions, seminars and conferences; room rental for exhibitions, seminars and conferences; hire of temporary office space; rental of office furniture; reservation services for temporary office space, meeting rooms, facilities for exhibitions, seminars and conferences, rooms for exhibitions, seminars and conferences; information, advisory and consultancy services for all the aforesaid services (all in class 43).

8. Save that the Claimant shall be under no obligation to comply with the requirements set out in paragraphs 6 and 7 of this Order, pending any application by the Claimant for permission to appeal to the Court of Appeal and if permission is granted pending the determination of any ensuing appeal by the Claimant to the Court of Appeal.

### **Publication of judgment**

9. The Claimant shall publish or cause to be published a statement in the form of the Schedule to this Order on the websites accessible at (i) <http://www.easy.com>, and (ii) <http://www.easy.co.uk> for a period of 3 months from the date of this order. The said statement shall be made available on the "Shareholder news" page of the said websites.
10. Save that the Claimant shall be under no obligation to comply with the requirements set out in paragraph 9 above, pending the final determination of the appeal by the Claimant to the Court of Appeal, for which permission is granted in paragraph 15 below.
11. The parties have liberty to apply to the court to vary the terms of the stay set out in paragraph 10 above.

## Costs

12. The Claimant shall pay to the Defendants 85% of their costs of and occasioned by the claim and counterclaim, (save for those costs already the subject of the order of Nugee J dated 10 March 2020), on the standard basis, such costs to be the subject of a detailed assessment if not agreed.
13. The Claimant shall pay interest to the Defendants upon the said costs as follows:
  - a. Insofar as the Defendants have paid any of the said costs to their solicitors before the date of this Order, at a rate of 2 per cent from the date of such payment by the Defendants until 25 April 2022; and
  - b. From 26 April 2022, at the judgment rate until payment is received by the Defendants (whether by way of payment on account of costs or otherwise).

## Interim payment

14. The Claimant shall make to the Defendants an interim payment of £929,224.67 on account of the Defendants' costs.
15. The interim payment due under paragraph 14 of this Order shall be paid to the Defendants' solicitors by no later than 4pm on 16 May 2022.

## Permission to appeal

16. The Claimant is granted permission to appeal on the issues of infringement and honest concurrent use.
17. The deadline to make any application for permission to appeal to the Court of Appeal in relation to the Judgment is hereby extended to 4pm on 9 May 2022.
18. The Defendants are refused permission on the issue as to whether this Court retains jurisdiction to grant permission to appeal in relation to the Judgment, ("**the Jurisdiction Issue**").
19. The deadline to make any application for permission to appeal to the Court of Appeal in relation to the Jurisdiction Issue is 21 days from the date of this order.

**Service of the Order**

20. The Claimant shall serve this Order upon the Defendants.

The court has provided a sealed copy of this order to the serving party: Stephenson Harwood LLP, 1 Finsbury Circus, London EC2M 7SH (Ref: 01-55-05988).

## SCHEDULE

On 13 April 2022, the High Court of England and Wales dismissed claims for trade mark infringement brought by easyGroup against Nuclei Ltd relating to its trade under the brand “EASY OFFICES” and <http://www.easyoffices.com/>, and revoked the easyGroup trade marks on grounds of non-use insofar as the easyGroup alleged that the marks had been infringed by Nuclei.

easyGroup relied on four UK and EU trade marks for the name “EASYOFFICE” in different forms. The Court concluded that Nuclei’s use of the “EASY OFFICES” signs did not infringe any of the easyGroup trade marks and that the infringement allegations made by easyGroup were therefore unjustified.

A copy of the court’s Judgment is available here [*hyperlink to BAILII version*] and the court’s final order made on 25 April 2022 is located here [*hyperlink to this order*].