

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
INTELLECTUAL PROPERTY LIST

BETWEEN:

easyGroup Limited

Claimant

-and-

Easy Life (a Firm)

Defendant

PARTICULARS OF CLAIM

A. The Claimant

- 1 The Claimant is a limited company incorporated under the laws of England and Wales with company number 04060333 and registered address at 168 Fulham Road, London SW10 9PR, United Kingdom (“**UK**”).
- 2 The Claimant is the private investment vehicle of Sir Stelios Haji-Ioannou (“**Sir Stelios**”), the well-known entrepreneur and founder of the airline easyJet (“**easyJet**”).
- 3 The Claimant owns, runs and/or licences numerous brands of a large number of enterprises in a broad range of businesses, all of which trade under a name comprising of the word “easy” followed by a word or words appropriate to their field of operation. Those businesses are referred to herein as “**the Easy Family**”. For the reasons set out further below, the trade of those businesses has led to the Claimant owning the Easy Family of Marks Reputation (as defined at paragraph 30 below). For reasons of proportionality, not all businesses said to comprise the Easy Family are particularised herein.

B. The Claimant’s Marks

- 4 The Claimant is the registered proprietor of, amongst many others, the following UK trade marks (together, “**the Claimant’s Marks**”):

- 4.1 UK trade mark number UK00003532904 for the series of word marks “easylife” and “Easylife” (“**the Easylife Mark**”), filed on 14 September 2020 and registered on 19 August 2022 for *inter alia* the following in Class 35 (“**the Easylife Registered Services**”):

“retail services including on-line retailing, retail services conducted by mail order, all connected with the sale of ... burners, ... ornaments, ... pictures and paintings, picture frames, ...household implements, containers and utensils, ... tableware,...audio-visual equipment, musical instruments, CDs, DVDs, ... clothing, footwear, headgear”; and

- 4.2 UK trade mark number UK00002016785 for the word mark “EASYJET”, filed 5 April 1995 and registered as of 4 October 1996, in a range of classes (“**the easyJet Mark**”) including (“**the easyJet Registered Services**”):

“Transportation of goods, passengers and travellers by air; arranging of transportation of goods, passengers and travellers by land; travel agency and the provision of tourist services; consultancy and advice relating to all the aforesaid services.”

- 4.3 UK trade mark number UK00002253812 for the livery of an easyJet aircraft, filed 22 November 2000 and registered as of 17 May 2002, in a range of classes including the easyJet Registered Services (the **easyJet Livery Mark**):



- 4.4 UK trade mark number UK00002325440A for a series of word marks for "EASYMUSIC" (the "**easyMusic Mark**"), filed 4 March 2003 and registered as of 1 October 2004, in a range of classes including:

"Information relating to entertainment, provided on-line from a computer database or the Internet; entertainment services provided on-line from a computer database or the Internet; entertainment services."



- 5 Copies of the UKIPO register extracts showing each of the Claimant's Marks can be found at **Annex 1** attached hereto.
- 6 In July 2022, the Claimant acquired the Easylife Mark from Easylife Limited ("**the Licensee**"). Prior to the filing date of the Easylife Mark, the Licensee and its predecessor had used "EASYLIFE", including immaterial variants such as "Easylife", since the year 2000 in relation to Easylife Registered Services. The Licensee has continued to use the Easylife Mark subsequent to July 2022 in respect of the Easylife Registered Services with the consent of the Claimant, as set out in paragraph 19 below.

C. Reputation and enhanced distinctiveness of the Claimant's Marks
easyJet Mark and the easyJet Livery Mark

- 7 Since at least 1995, easyJet has provided the easyJet Registered Services throughout the UK (and the EU) under and by reference to the easyJet Mark on a substantial scale. The easyJet Livery Mark was and is still used by easyJet on the outside of some of its aircraft. The easyJet Mark and the easyJet Livery Mark has been used at all times by or with the consent of the Claimant.
- 8 In the premises, and by reason of and demonstrated by the facts and matters set out below at paragraph 9, the easyJet Mark and the easyJet Livery Mark benefit from a substantial reputation in the UK in respect of the aforementioned services.

PARTICULARS

9 Pending the provision of disclosure and evidence the Claimant will rely upon the following facts and matters:

9.1 easyJet is the largest UK airline by numbers of passengers carried, and the second largest in the EU. Prior to the COVID-19 pandemic, easyJet carried more than 88.5 million passengers across Europe each year, on over 979 routes in 33 countries from 156 airports. In November 2000, easyJet was floated on the London Stock Exchange.

9.2 In the years from 1995, until the year ending 30 December 2020 the following numbers of journeys have been made by passengers on easyJet flights:

Year/Period	Journeys	Year/Period	Journeys
1995	30,000	01.02.20-31.01.11	50.32 million
1996	420,000	01.02.11-31.01.12	55.46 million
1997	1.14 million	01.02.12-31.01.13	59.35 million
1998	1.88 million	01.02.13-31.01.14	61.48 million
1999	3.67 million	01.02.14-31.01.15	65.35 million
2000	6 million	01.02.15-31.01.16	70.08 million
2001	7.66 million	01.02.16-31.01.17	74.92 million
2002	11.4 million	01.02.17-31.01.18	82.05 million
01.02.03-31.01.04	21.26 million	01.02.18-31.01.19	88.71 million
01.02.04-31.01.05	26.12 million	01.02.19-31.01.20	90.84 million
01.02.05-31.01.06	30.53 million	01.02.20-31.01.21	47.94 million
01.02.06-31.01.07	33.93 million	06.04.21-05.04.22	20.40 million
01.02.07-31.01.08	38.42 million	29.09.21-30.09.22	69.7 million
01.02.08-31.01.09	44.66 million	1.10.22-31.03.23	33.1 million
01.02.09-31.01.10	46.38 million		

9.3 From 2004 to 2021 the annual turnover of easyJet has been as follows:

Year/Period	Revenue	Year/Period	Revenue
2004/2005	£1.34 billion	2013/2014	£4.53 billion
2005/2006	£1.62 billion	2014/2015	£4.69 billion
2006/2007	£1.80 billion	2015/2016	£4.67 billion
2007/2008	£2.36 billion	2016/2017	£5.05 billion
2008/2009	£2.67 billion	2017/2018	£5.90 billion
2009/2010	£2.97 billion	2018/2019	£6.38 billion
2010/2011	£3.45 billion	2019/2020	£3 billion
2011/2012	£3.85 billion	2020/2021	£1.45 billion
2012/2013	£4.26 billion	2021/2022	£5.76 billion

9.4 In the years from 2007 to 2020, the sums of money spent by easyJet on marketing have been the following:

Year	Marketing Spend	Year	Marketing Spend
2007	£47 million	2014	£103 million
2008	£45.5 million	2015	£102 million
2009	£38.1 million	2016	£107 million
2010	£35 million	2017	£122 million
2011	£52 million	2018	£143 million
2012	£104 million	2019	£157 million
2013	£101 million	2020	£107 million

9.5 easyJet promotes its business from the website to which the domain names easyjet.co.uk and easyjet.com are pointed (“the easyJet Website”). The easyjet.co.uk domain was registered before August 1996 and the easyjet.com domain was registered on 25 March 1997. The easyJet Website allows the booking of flights and other travel services, provides information about excursions at flight destinations, and provides other information for tourists. The easyJet Website has received over a billion visits since 2010 and receives more than 100 million page views each month despite the success of easyJet’s mobile ‘app’. Further statistics showing the website traffic to the easyJet Website from 2011 are set out in the table below, which shows the total number of users visiting the easyJet Website and total number of page views:

Year	Users	Page Views
2011	122,774,951	1,290,544,781
2012	181,066,443	1,384,003,741
2013	182,844,400	1,622,460,308
2014	204,695,807	1,832,629,963
2015	208,363,085	1,625,290,017
2016	168,943,682	1,435,611,431
2017	86,917,538	919,258,176

9.6 Of those page views between 2011 and 2016, 3,797,300,717 page views were from the UK.

9.7 easyJet’s mobile ‘app’ had by 2018 been downloaded more than 28.5 million times.

9.8 easyJet is, and has since 1999, been the subject of the ITV Studio's production "Airline". Well over 200 episodes following easyJet have been broadcast.

9.9 Since 2000, easyJet has been listed as a business 'Superbrand' as judged by the independent Business Superbrands Council. The Superbrands' website (www.uk.superbrands.com) describes this accolade as follows:

"Superbrand status is awarded for quality, reliability and distinction by a combination of an expert council, and business executives or consumers voting on a comprehensive list of consumer and business-to-business brands. The Superbrands Annual explores the history, development and achievements of some of the nation's leading brands, showcasing why they are well-regarded and providing valuable insights into each brand's strategy and proposition. The Superbrands organisation identifies and pays tribute to exceptional brands throughout the world."

9.10 From the outset, easyJet has provided advertising and retail services to third parties to a substantial degree, including (a) by enabling third parties to advertise their businesses to its passengers via easyJet's in-flight magazine "easyCome easyGo", later renamed "easyRider"; (b) since at least 10 December 2000 by enabling third parties to advertise their businesses via the easyJet.com website; and (c) since 2011 advertising third party products available for purchase on board flights at <https://buyonboard.easyjet.com>.

9.11 Between 1998 and 2015, the majority of easyJet aircraft had the following livery:



9.12 In 2015, easyJet amended the aircraft livery as follows, with the aim that 50% of its aircraft would be updated by 2017:



The majority of the fleet had been updated by 2022, although some aircraft still used the previous livery as shown in paragraph 9.11 above.

- 10 At all material times the aforesaid services have been provided by easyJet Airline Company Limited (“**EACL**”) (being the company that operates and has at all times operated easyJet), with the consent and licence of the Claimant. In particular, the Claimant granted an exclusive licence to EACL to use the easyJet Mark, under an exclusive licence granted in 2010 and registered with the UK Intellectual Property Office on 2 March 2010. Prior to the grant of that licence, the Claimant granted EACL an exclusive licence to use the easyJet Mark under an exclusive licence granted in November 2000.
- 11 Save where otherwise specified, or where the context demands, references herein to acts undertaken by the Claimant include acts undertaken by easyJet and / or EACL.
- 12 By reason of the aforesaid use, the easyJet Mark and the easyJet Livery Mark had, prior to the commencement of the acts complained of herein, come to indicate in the UK to members of the relevant trade and public the services of the Claimant, or those of or connected with a member of the Easy Family, or otherwise the subject of some commercial arrangement involving the Easy Family, and none other.

easyMusic Mark

- 13 In 2004 “easyMusic” was launched as part of the Easy Family by a website available at www.easymusic.com which sold music downloads. Working with a licensee called Wippit, the service contained both copyleft and copyright music. Copyleft music, some of it free, was sourced largely from unsigned artists allowing them to showcase their music for free. The copyright service involved re-selling the Wippit catalogue at prices from 25p per song. easyMusic was taking on the market leader Apple iTunes.

- 14 Between 2008 – 2010 www.easymusic.com offered music CDs for sale from the leading music artists at the time. Between 2010 – 2015 www.easymusic.com was used to promote the Easy Family. Between 2016 – 2021 it offered karaoke music service in collaboration with the Karaoke Channel.
- 15 Today, easyMusic is a website providing information relating to music entertainment industry, offers other music entertainment services and also, via its partnership with Amazon, offers Amazon Music memberships. Screenshots of the website are available at **Annex 2**.
- 16 By reason of the aforementioned use, the easyMusic mark benefits from a substantial reputation in the UK in respect of the services at paragraph 4.4.

Easylife Mark

- 17 The Easylife Mark has been used extensively in the UK in relation to *inter alia* online retailing, and retailing conducted by mail-order, in connection to the sale of various types of goods including but not limited to clothing such as socks, underwear and t-shirts, and music-related items such as headphones, radios, music systems and CD-players. The Easylife Mark has been used at all times by or with the consent of its proprietor.
- 18 In the premises, and by reason of and demonstrated by the facts and matters set out below at paragraph 19, as at the date of filing the Easylife Mark benefitted from acquired and enhanced distinctiveness and a substantial reputation in the UK in respect of the aforementioned services. At all times since the date of filing, the Easylife Mark has retained its acquired and enhanced distinctiveness, and reputation, owing to continuing use in respect of the Easylife Registered Services.

PARTICULARS

- 19 Pending the provision of disclosure and evidence the Claimant will rely upon the following facts and matters:
- 19.1 The Licensee is one of the UK's largest catalogue retailers, founded in 2004 by Gregory Caplan ("**Mr Caplan**"), who remains its sole director.

- 19.2 In the early 1990s, Mr Caplan began importing goods for sale in the UK and buying advertising space in several popular mail-order catalogues. By mid-decade his trading business, Gregory Caplan Enterprises Limited, was turning over more than £2 million per annum. On 17 February 2000, Mr Caplan acquired the domain name www.easylifeonline.com, and on 21 March 2020 he set up a new trading company called www.easylifeonline.com Limited.
- 19.3 In 2004 Mr Caplan consolidated and restructured his businesses. On 12 January 2004 he acquired the domain name www.easylifegroup.com, which was put to use shortly thereafter. On 3 September 2004, the Licensee was set up under its original name, Easylife Group Limited, a subsidiary company to which all of Mr Caplan’s businesses and business assets were then transferred. In August 2005 www.easylifeonline.com Limited changed its name to Easylife Holdings Limited (“**the Holding Company**”).
- 19.4 Since 2004, the Licensee has used the Easylife Mark:
- 19.4.1 on mail order catalogues;
 - 19.4.2 on the Licensee’s website accessed via the domain name set out in the preceding sub-paragraph and/or (from 2021) www.easylife.co.uk;
 - 19.4.3 on instruction manuals provided with goods ordered from the aforementioned catalogues and/or website;
 - 19.4.4 on packaging used when supplying the aforementioned goods; and
 - 19.4.5 on some of the aforementioned goods themselves.
- 19.5 Since 2000, the Easylife Mark has appeared on two types of mail order-catalogue:
- 19.5.1 smaller 32-page catalogues inserted into national and local newspapers; and,
 - 19.5.2 larger catalogues of up to 108 pages, with a more extensive product offering, sent directly by the Licensee or its predecessor to the customers on its database.

19.6 As regards each type of easylife-branded catalogue:

19.6.1 The number of smaller catalogues increased from around 50 million a year in 2005/2006 to roughly 150 million in 2010/11. In total, the Licensee estimates having inserted roughly 1 billion of these catalogues in the 23 years since trading began.

19.6.2 The number of larger catalogues increased from a few hundred thousand at the start, to 500,000 in 2005/6 and between 4 and 5 million in 2010/11. In total, the Licensee estimates having sent out over 100 million of these catalogues to date.

19.7 From the outset, customers were able to purchase items being sold under or by reference to the Easylife Mark by filing in and posting back an order form found at the back of each catalogue. In most cases it was also possible to place orders by calling a telephone number provided in the catalogue. The Licensee or its predecessor could expect to receive roughly 3 orders per 1000 smaller catalogue inserts, and 15-30 orders per 1000 larger catalogues sent directly to customers.

19.8 In the period 2006-2015, the Licensee was turning over approximately £15 million per year. In the period 2016-2021, this figure rose to an average of approximately £37 million:

Year	Total Turnover	Attributable to UK market
2005 (68-day period to 31.12.05)	£3,040,967	N/A
2006	£14,166,487	14,091,250
2007	£15,262,735	N/A
2008	£16,077,172	£16,057,975
2009	£15,228,234	£15,202,346
2010	£16,761,784	£16,552,261
2011	£16,213,941	£16,005,703
2012	£14,861,687	£14,764,901
2013	£14,917,528	£14,852,217
2014	£14,422,888	£13,909,208
2015	£19,156,479	N/A

Year	Total Turnover	Attributable to UK market
	(£17,789,170 from sales)	
2016	£28,835,271 (£27,044,271 from sales)	£28,830,993
2017	35,448,047 (£32,010,889 from sales)	£34,778,910
2018	33,455,730 (£30,060,086 from sales)	£33,003,207
2019	£36,573,997 (£34,677,587 from sales)	£36,452,517
2020	£51,631,296 (£50,614,687 from sales)	£51,612,061
2021	£37,799,408 (£35,935,608 sales)	£37,799,408

19.9 Annual turnover figures for the Holding Company show a similar increase:

Year/Period	Turnover	Year/Period	Turnover
2000-2009	N/A	2016	£29,601,911
2010	£16,761,784	2017	£35,473,771
2011	£16,213,941	2018	£33,455,730
2012	£14,861,687	2019	£36,573,997
2013	£14,971,321	2020	£51,631,296
2014	£14,451,391	2021	£37,799,408
2015	N/A		

19.10 As shown in the table at **Annex 3**, the sale of music-related items such as music systems, CD cases, radios and cassette players between 2004 and 2020 generated sales of over £4,549,909. On average, this equates to over £280,000 annual revenue from the sale of music-related items alone.

19.11 Although it has always been possible to place orders online, online sales initially amounted to approximately 5% of total orders received. They now equate to approximately 25-30% of total orders each year.

19.12 The Claimant owns a large portfolio of domain names, 38 of which are associated with the Easylife Mark (see **Annex 4**). Of those 38 domain names, all but 2 begin with the word “easylife” or “easy-life”.

D. Easy Family of Marks and Easy Family of Marks Reputation

20 The development of the Easy Family is shown on the website hosted at the domain easyhistory.info. The fourth edition of “easyHistory” was published in November 2022 in printed form and launched via a link to an electronic version at easyhistory.info. A copy of easyHistory is attached at **Annex 5**. For the reasons set out further below, the trade of the Easy Family, since at least 1995, has led to the Claimant owning the Easy Family of Marks Reputation, as later defined herein at paragraph 30. The Claimant relies upon all information in easyHistory to support the existence of the Easy Family. For the avoidance of doubt, only the Claimant’s Marks are alleged to be infringed in this claim, but the existence of the Easy Family of Marks Reputation (as defined below at 30) is relied upon as increasing the risk of confusion or damage to the Claimant’s Marks is further set out below.

PARTICULARS OF EASY FAMILY OF MARKS REPUTATION

21 The Claimant has since at least 1995 made extensive use within its business of names that commence with the name “easy” followed by a word or words alluding to the key goods and/or services offered under that name.

22 From around the time of its incorporation, the Claimant has owned the trade mark rights utilised and/or generated by such businesses in the Easy Family. By way of example, the Claimant relies on the reputation in the easyJet and easyMusic Marks (as particularised above), “easyHotel” and “easyCar”:

22.1 **easyHotel**: Since at least 2005, and with the consent of the Claimant, easyHotel Limited has provided accommodation services under and by reference to the mark “EASYHOTEL”. Such services have been provided on a substantial scale throughout the UK (and the EU).

22.2 In September 2004, the website at www.easyhotel.com went live. On 8 June 2005, booking went live for guests wishing to stay at the first easyHotel at 14 Lexham Gardens, Kensington, London W8. The opening of this hotel generated

substantial press coverage with articles appearing on 2 August 2005 in a number of publications, including The Times. There are at least 21 hotels operated under the mark “EASYHOTEL” in the UK.

- 22.3 Very substantial annual turnover has been achieved under the mark “EASYHOTEL” in each year since 2004, as evidenced in the table below:

Year	Revenue	Year	Revenue
2004/2005	£189.031	2012/2013	£2.64 million
2005/2006	£714,452	2013/2014	£3.54 million
2006/2007	£805,594	2014/2015	£5.54 million
2007/2008	£4.99 million	2015/2016	£6.02 million
2008/2009	£5.7 million	2016/2017	£8.42 million
2009/2010	£8.76 million	2017/2018	£11.25 million
2010/2011	£11.16 million	2018/2019	£17.55 million
2011/2012	£1.32 million	2019/2020	£12.16 million

- 22.4 **easyCar:** Since at least 2000, and with the Claimant’s consent, the services of rental and hire of vehicles and various information services related to car rental have been provided under and by reference to the name and mark “EASYCAR”. Such services have been provided on a substantial scale throughout the UK (and the EU).

- 22.5 There are at least 11 locations from which rental and hire of vehicles is offered under the name and mark “EASYCAR” in the UK.

- 22.6 Very substantial annual turnover has been achieved under the name and mark “EASYCAR” in the UK and EU in each year since 2006. In particular, between 2006 and 2018, the annual turnover of rental and hire of vehicles provided under the name and mark “EASYCAR” was the following:

Year	Revenue	Year	Revenue
2006	£11,760,000	2013	£7,995,000
2007	£20,100,000	2014	£8,795,000
2008	£26,700,000	2015	£16,137,000
2009	£26,200,000	2016	£18,551,000
2010	£23,990,000	2017	£18,312,000
2011	£15,100,000	2018	£15,821,000
2012	£9,560,000		

22.7 In the years from 2006 to 2018, the sums of money spent on marketing the rental and hire of vehicles provided under the name and mark “EASYCAR” have been the following:

Year	Expenditure	Year	Expenditure
2006	£987,000	2013	£348,000
2007	£1,914,000	2014	£757,000
2008	£2,727,000	2015	£624,000
2009	£2,079,000	2016	£1,041,000
2010	£1,828,000	2017	£1,043,000
2011	£600,000	2018	£994,000
2012	£362,000	2019-2022	N/A

23 The Claimant promotes (and has at all material times promoted) the Easy Family via a website at www.easy.com (“**the easy.com Website**”). In particular:

23.1 the easy.com Website promotes most, if not all, of the businesses in the Easy Family, and provides a portal for them on the internet;

23.2 Since around 2000 until 2020, the easy.com Website continuously offered a free web-based email service to users with an email address in the format [name]@easy.com. From 2020, email users were migrated to an email address with the format [name]@easymail.org.

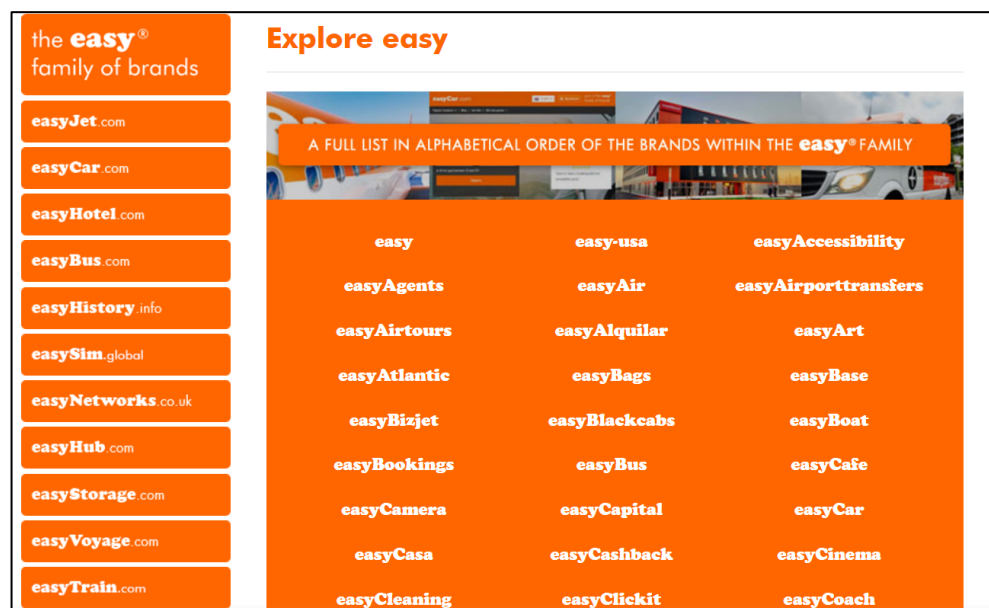
23.3 the easy.com Website online portal has in some recent years had the following access statistics (where available):

Year	Page Views	Sessions	Users
2006	2,991,047	N/A	N/A
2007	2,821,562	N/A	N/A
2008	2,702,837	N/A	N/A
2009	2,386,312	N/A	N/A
2010	2,483,776	N/A	N/A
2011	2,448,341	N/A	N/A
2012	3,904,709	1,911,146	754,514
2013	3,327,116	1,729,272	676,179
2014	3,128,506	1,717,423	772,055
2015	3,305,865	1,919,335	1,028,415
2016	3,349,887	1,553,990	642,966
2017	3,444,337	1,729,951	737,106
2018	1,712,288	971,755	543,451
2019	828,835	631,097	490,916

Year	Page Views	Sessions	Users
2020	989,047	738,610	597,914
2021	670,903	523,026	448,160
2022	589,131	438,715	380,471

23.4 Since around September 2000 banner advertising has been sold which appears at the bottom of the easy.com interface.

24 Each brand within the Easy Family will typically use (i) a lower case 'e' in easy; (ii) no space between 'easy' and the second word; and (iii) a Cooper Black font in white lettering on an orange background (the “Orange Livery”):



However, the Orange Livery is not the only get-up used by the Easy Family, as some brands, for example the Licensee, use different colour combinations and black and white text.

25 The Claimant has taken out advertising campaigns in nationwide newspapers to educate the public that the goods and services provided under marks which are part of the Easy Family of Marks (defined below at paragraph 29) are the services of the Claimant or are alternatively licensed by the Claimant. Considering the cost of printing in colour, many of the advertisements used black and white when referring to a brand within the Easy Family.

26 The Claimant has taken out advertising campaigns on London black cabs and on posters at Central London Underground stations. In particular, in 2016 the Claimant

undertook poster advertising of a large number of its trade marks. The advertising on London black cabs by the Claimant was evidenced, and its impact enhanced, by media reports including, in particular, a report published by M2 PressWIRE on or around 26 August 2015 and entitled “*LTA Brings easyGroup to the Streets of London*”, which gave information about several businesses operated or licensed by the Claimant under the Easy Family of Marks (as later defined herein).

27 The Claimant takes a full page advert in each edition of the easyJet in-flight magazine to advertise the Easy Family and the Easy Family of Marks (as later defined herein).

28 The Claimant has promoted the goods and services of some members of the Easy Family to customers of other Easy Family businesses, such that those customers have come to understand that the Claimant owns a family of brands whereby each brand includes the word “easy” followed by a word alluding to the key goods and/or services offered under that name are businesses operated or licensed by the Claimant. This has included in particular the uses set out in the preceding subparagraphs herein and, without limitation, the following uses (see screenshots and other images found at **Annex 6**):

28.1 the services offered by easyJet, Easylife, easyHotel (and many other brands) have been advertised on the easy.com Website;

28.2 links to the websites of businesses within the Easy Family are provided on the easy.com Website;

28.3 the website of several of the Easy Family businesses, for example the easyCar website homepage, contains a notice informing the reader that the business operating that the website is “*part of the ‘easy’ family of brands*”;

28.4 at locations where services of the Easy Family are offered, for example the easyHotel in Croydon, posters advertising other Easy Family businesses are displayed; and

28.5 the “EASYGROUP” name or mark, owned by the Claimant, is also promoted in connection with all of the businesses connected with the Claimant, in that it appears on stationery used by the Claimant, including on business cards used by Sir Stelios, and through its own website reached via the domain name easy.co.uk.

29 In the premises, and in particular by reason of the use of the marks indicated herein (but excluding prior to 21 July 2022 the Easylife Mark and other marks acquired from the Licensee), and the promotion of those marks or some of them as a family of marks as set out above, the Claimant was the owner of a family of marks each beginning with the word “easy” with a second and/or third word relating to the goods or services offered under that mark (“**the Easy Family of Marks**”).

30 In the premises, the Claimant is and has been since at least prior to the commencement of the acts complained of herein, the owner of a substantial reputation throughout the UK in a family of marks comprising the word “easy” where used as part of a composite mark wherein the mark begins with the word “easy” and is followed by a second and/or third word relating to the goods or services offered under the mark (“**the Easy Family of Marks Reputation**”).

31 Further, the Claimant is and has been, since at least prior to the commencement of the acts complained of herein, the owner of a substantial reputation throughout the UK in the Orange Livery.

32 By reason of the Easy Family of Marks Reputation, the Orange Livery and the use of the Claimant’s Marks as aforesaid, members of the public recognise that the Claimant’s Marks indicate the Claimant and that each of those marks, or at least two of them, comprise a family of marks containing shared distinctive elements. Any of such shared distinctive elements comprising the Easy Family of Marks Reputation or Orange Livery, when present in a third party mark, are more likely to make the relevant public assume that the third party mark is part of that family.

E. The Defendant

33 The Defendant is a British indie music group formed in 2017 as a partnership at will between band-members Murray Matravers, Oliver Cassidy, Sam Hewitt, Lewis Alexander Berry and Jordan Birtles.

34 Since 2018 the Defendant has been signed to Island Records, a well-known multinational record label owned by Universal Music Group N.V. (“**UMG**”). The Defendant is in the business of performing live music (“**Live Music Services**”) and the sale of the Defendant’s Goods (as defined below at 40), including branded clothing.

35 The Defendant’s trading name is and at all material times has been “Easy Life”, and has been used by the Defendant in immaterial variants such as “EASY LIFE”, “Easy Life”, “easy life” and “easylife” (together, “**the Defendant’s Sign**”).

The 2021/2022 – Life's a beach tour

36 In 2021 and 2022, the Defendant promoted its 'Life's a beach' tour, consisting of Live Music Services and the sale of merchandise falling within Defendant’s Goods (as defined below at 40), using the following promotional poster (the "**Airplane Poster**"):



the figurative sign pictured on the T-shirt below and the Claimant shall seek relief in respect of all such goods at trial.



Use of the Defendant's Sign

39 The Defendant operates a website which makes use of the Defendant's Sign ("**the Defendant's Website**") (see screenshots taken 3 March 2023 at **Annex 7**). The Defendant's Website is accessed via the domain name www.easylifemusic.com, which was first registered on or around 30 March 2015, and is currently owned by Universal Music Operations Limited, a UK company with registered number 00950138 which is also part of UMG.

40 Since at least May 2020, the Defendant has promoted, advertised, offered and/or sold the following goods to the general public under or by reference to the Defendant's Sign online via the Defendant's Website (specifically its online shop at <https://shop.easylifemusic.com/>), online via its Facebook page, and also at live events ("**the Defendant's Retail Services**"):

- t-shirts, sweatshirts, socks, hats and scarves (including the goods referred to at paragraph 38 above "**the Clothing Goods**"); and,
- other miscellaneous items such as lighters, mugs, posters and table mats ("**the Miscellaneous Goods**"),

(collectively, "**the Defendant's Goods**").

41 The Defendant's Goods all make use of the Defendant's Signs on the goods themselves and/or on labels affixed to them. Pending disclosure and any Part 18 requests, the Claimant relies upon the following:

- 41.1 On 24 February 2023, the Defendant performed at a pop-up event in Shoreditch in London, at which the Clothing Goods and at least some of the Miscellaneous Goods were offered for sale to the general public together with limited edition items of clothing produced in collaboration with an Amsterdam-based retailer called La Fam, at least some of which also made use of the Defendant's Sign (see at pages 1-16 of **Annex 8** photographs taken at the event, together with screenshots of the social media pages of the Defendant, La Fam and various people in attendance).
- 41.2 On 25 February 2023, the Defendant performed live at Alexandra Palace, below an illuminated version of the Defendant's Sign. The Clothing Goods and at least some of the Miscellaneous Goods were on sale at that event (see at pages 17-26 of **Annex 8** photographs taken at the event).
- 41.3 On 23 August 2023, the Defendant performed live in Oxford. The Clothing Goods were on sale at the event (see at pages 27-31 of **Annex 8** photographs taken at the event, together with screenshots of the social media pages of the Defendant). Such clothing Goods offered for sale included the following t-shirt:



F. Trade mark infringement

- 42 The Defendant has, from the dates specified in the above paragraphs, supplied the Defendant's Goods, the Live Music Services and the Defendant's Retail Services, and/or offered and/or threatened to supply the same, in the UK under or by reference

to the Defendant's Sign, the easyLife Figurative Sign and the Airplane Sign. Such use of the Defendant's Signs has been in the course of trade and without the Claimant's consent.

Figurative and Airplane Signs – Infringement of easyJet, easyJet Livery and easyMusic

Marks under section 10(3)

43 The easyLife Figurative Sign and Airplane Signs are each similar to each of the easyJet Mark, easyMusic Mark and the easyJet Livery Marks. Further, the easyJet Livery Mark, easyJet Mark and the easyMusic Marks each have a reputation in the UK (as set out above at paragraphs 7-12 and 13-16 respectively, and including a reputation in the easyJet Mark used in the Orange Livery). Owing to the said similarity, aforesaid reputations in each of the easyJet Mark, easyMusic Mark and the easyJet Livery Marks and the easy Family of Marks Reputation, the relevant public will form a link when presented with the aforementioned use of the easyLife Figurative Sign and Airplane Sign which, without due cause, takes unfair advantage of and/or is detrimental to the repute of the Claimant's Marks.

PARTICULARS OF UNFAIR ADVANTAGE

44 In support of the foregoing allegation of unfair advantage, pending disclosure and/or provision of further information pursuant to CPR Part 18 the Claimant will rely upon:

44.1 The reputation owned by the Claimant in the easyJet Mark, easyMusic Mark and the easyJet Livery Marks is substantial, and further enhanced as a result of the Easy Family of Marks Reputation.

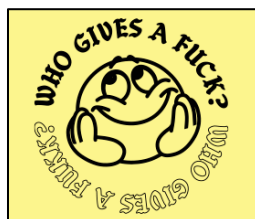
44.2 Owing to the scale of the reputation in easyJet as at the time the Defendants were formed, and owing to the deliberate referencing in the Airplane Poster and on the Clothing Goods, the Defendants are evidently aware of that reputation.

44.3 The Defendant evidently chose to use the easyLife Figurative Sign and Airplane Signs despite being well aware of the easyJet Mark's reputation and/or the Easy Family of Marks Reputation, so as to exploit the said reputations and to profit from that exploitation. The Claimant infers those signs were chosen deliberately to create a link with the easyJet Mark, easyMusic Mark and the easyJet Livery Marks or one or more of them.

- 44.4 Owing to the strength of the reputation in the aforesaid marks, in particular the easyJet Mark and the easyJet Livery Mark, the Defendant knew and intended that the use of the easyLife Figurative Sign and Airplane Signs would capture the attention of consumers.
- 44.5 By wrongly creating a link with the Claimant, the Defendant benefits from an association with that positive view and vast brand recognition, regardless of whether the link was intended to be provocative or humorous. Such benefit is unfair because it arises from the Defendant's deliberate acts, and because it constitutes riding on the coat tails of the valuable reputation of the easyJet Mark, easyMusic Mark and the easyJet Livery Marks, including the value in their investment, communication and advertising functions, and/or Easy Family of Marks Reputation.

PARTICULARS OF DETRIMENT TO REPUTE

- 45 In support of the foregoing allegation of detriment, and the fact of the link(s) identified in paragraph 43 above, pending disclosure and/or provision of further information pursuant to CPR Part 18 the Claimant will rely upon:
- 45.1 Use of the Defendant's Sign in respect of the promotion, advertising and/or sale of the record "who gives a f**k?" risked damaging and may have damaged the repute of the Claimant's Marks and each of them on account of the expletive used in the title in both censored and uncensored form, for example the following image, which is included in **Annex 8** at page 38, and was posted on the Defendant's Facebook page under or by reference to the Defendant's Sign on 13 July 2020:



- 45.2 Use of the Defendant's Sign in circumstances in which the Claimant has no control over the quality or values associated with the Defendant's Goods risks

damaging the reputation of the easyJet Mark, easyMusic Mark and/or the easyJet Livery Mark.

- 45.3 Conduct of the Defendant at TRSNMT Festival 2022, which was reported in a Daily Record article from 11 July 2022, risked damaging and may have damaged the repute of the easyJet Mark, easyMusic Mark and the easyJet Livery Mark, and each of them on account of Mr Matravers repeatedly shouting profanities and political slurs to the general public, for example (as reported) “Fuck”, “Fuck the Tories”, “You’re all crazy cunts” and “you’re all crazy motherfuckers”.
- 45.4 Conduct of the Defendant at a live performance at Glasgow’s O2 Academy in February 2023, which was reported in the Daily Record newspaper on 12 February 2023, risked damaging and may have damaged the repute of the easyJet Mark, easyMusic Mark and the easyJet Livery Marks and each of them on account of Mr Matravers “getting so drunk” on whisky that he had to be “carried offstage by bandmates”, resulting in the performance being abandoned. The aforementioned article notes that the Defendant subsequently posted on Twitter that they had done “a disservice”.
- 45.5 Conduct of the Defendant at a live performance at Oxford’s O2 Academy in August 2023, in which a member of the band encouraged the audience to “stay behind and take ketamine with them”. Members of the audience were also wearing the Clothing Goods with the easyLife Figurative Sign affixed, further exacerbating the link and detriment.
- 45.6 Use of the Defendant’s Sign in circumstances in which the Claimant has no control over such use or over the conduct of the Defendant gives rise to a serious risk of damage to the repute of the easyJet Mark, easyMusic Mark and the easyJet Livery Mar or one or more of them, in the event of negative publicity being generated by the conduct of the Defendant.
- 46 In the premises, the Defendant has infringed the easyJet Mark, easyMusic Mark and the easyJet Livery Mark and each of them under section 10(3) of the Act.

Defendants' Sign – Infringement of Easylife Mark under s.10(1),(2) and (3)

47 The Defendant's Sign is identical, or alternatively highly similar, to the Easylife Mark. "easylife" is visually, aurally and conceptually identical to the Easylife Mark.

48 The Defendant's Retail Services are identical to the following within the Easylife Registered Services, namely "*online-retailing[...]*connected with the sale of... *tableware, ... CDs, ... clothing, footwear, headgear, ... socks...*", alternatively highly similar to all of the Easylife Registered Services.

49 The Defendant's Goods are highly similar to the Easylife Registered Services in that they include items which are identical or alternatively highly similar to those in connection to which the Easylife Registered Services are provided (see screenshots of the Defendant's Website at pages 9-26 of **Annex 7**; and photographs taken at live events on 24 and 25 February 2023 at pages 1-12 and 17-21 of **Annex 8**). Such items include:

49.1 T-shirts, hoodies and scarves, which fall under the category of "clothing".

49.2 Baseball caps, which fall under the categories of "headgear" and/or "clothing".

49.3 Socks, which fall under the categories of "footwear" and/or "socks".

49.4 Posters, which are highly similar to "pictures and paintings".

49.5 Place-mats and mugs, which are identical to "tableware".

49.6 CDs (identical to "CDs").

49.7 Vinyl recordings and cassette recordings, which are highly similar to "CDs".

50 The relevant public consists of members of the general public.

51 By reason of the aforesaid identity or similarity between the Defendant's Sign and the Easylife Mark, there exists a likelihood of confusion on the part of the public in the UK (either at the point of sale or post sale).

52 In the premises, the Defendant has infringed the Easylife Mark under section 10(1) (to the extent identity of goods/services is alleged above at paragraphs 52 and 53), alternatively (2)(a) and/or section 10(2)(b) of the Trade Mark Act 1994 ("**the Act**").

Further and in the alternative, the Defendant has used the Defendants Signs in relation to the Defendant's Goods, which are identical or highly similar to the Easylife Mark, in the course of trade without the Claimant's consent. Further, the Easylife Mark has a reputation in the UK (as set out above at paragraphs 17-19 and 7-12) and owing to the said similarity and reputation, the relevant public will form a link when presented with the aforementioned use of the Defendant's Sign which without due cause takes unfair advantage of and/or is detrimental to the repute of the easylife Mark.

PARTICULARS OF DETRIMENT TO REPUTE

53 The Defendant used the Defendant's Signs on Clothing Goods and Miscellaneous Goods in combination with the phrase 'Who Gives a Fuck'. Pending disclosure, examples include:



The detriment is further increased, in circumstances where consumers could be confused post sale of the Clothing Goods and/or Miscellaneous Goods

54 In the premises, the Defendant has infringed the Easylife Mark under sections 10(1) and/or 10(2) and/or 10(3) of the Act.

Further use of the Defendant's Sign: infringement of easyJet and easyMusic Marks pursuant to s.10(3)

55 Further and in the alternative, the Defendant has used the Defendants Sign, which are similar to the easyJet and easyMusic Marks in the course of trade without the Claimant's consent, in relation to the Live Music Services. The easyJet and easyMusic Marks have a reputation in the UK (as set out above and including a reputation in the easyJet Mark used in the Orange Livery) and owing to the said similarity, reputation

and the easy Family of Marks Reputation, the relevant public will form a link when presented with the aforementioned use of the Defendant's Sign which without due cause takes unfair advantage of and/or is detrimental to the repute of the easyJet and easyMusic Marks.

56 Such link is increased as a result of the Defendant's use of the easyLife Figurative Sign and Airplane Sign in conjunction with the Defendant's Sign, as set out above at paragraphs 36 to 38.

PARTICULARS OF UNFAIR ADVANTAGE

57 Paragraph 44 is repeated.

PARTICULARS OF DETRIMENT TO REPUTE

58 Paragraphs 45 and 53 are repeated.

G. Relief

59 By reason of the Defendant's acts of infringement, as set out above, the Claimant has suffered and/or is likely to suffer loss and damage. The Claimant is entitled to and will seek an enquiry as to damages or, at its option, an account of profits.

60 Unless restrained by the Court, the Defendant threatens and intends to continue such acts of infringement, whereby the Claimant will suffer further loss and damage.

61 The Claimant is not currently aware of all acts of infringement by the Defendant but at trial shall seek to rely on and claim relief in relation to all such acts.

62 As a consequence, the Claimant is not presently able to estimate the financial value of this claim, but considers that it will be substantial. The Claimant will seek a split trial of liability and quantum, with disclosure after the liability phase to enable it to make an informed election between its remedies of an account of profits or an enquiry as to damages. The Claimant undertakes to and will pay the appropriate court fee for the financial relief that it will seek through the later accounts of profits or inquiry as to damages upon the commencement of such inquiry or account of profits.

63 The Claimant is entitled to and claims interest on all sums found to be due to it pursuant to section 35A of the Senior Courts Act 1981, or under the Court's equitable jurisdiction, once any such election as to an account or enquiry has taken place.

AND the Claimant claims

- (1) A declaration that the Claimant's Marks or either of them have been infringed by the Defendant.
- (2) An injunction restraining the Defendant howsoever acting, doing, authorising or procuring the following acts of any of them:
 - (a) using the Defendant's Sign in the course of trade in relation to the Defendant's Goods or Retail Services; and
 - (b) otherwise infringing the Claimant's Marks.
- (3) An order for delivery up or destruction upon oath, at the Claimant's election and at the Defendant's own cost, of all articles in the Defendant's possession, power, custody or control, the keeping and/or disposal of which would breach any element of the injunction at paragraph (2) above.
- (4) At the Claimant's election, an inquiry as to the damage or an account of profits caused by the Defendant's acts of trade mark infringement, together with an order for payment of all sums found due to the Claimant.
- (5) Interest applied to all sums found to be due to the Claimant, pursuant to section 35A of the Senior Courts Act 1981 and/or to this Court's inherent jurisdiction, being at such rate and for such period as the Court sees fit.
- (6) Costs.
- (7) Further or other relief.

6 September 2023

STEPHANIE WICKENEN

STEFANO BRASCHI

STATEMENT OF TRUTH (easyGroup Limited v Easy Life (a Firm))

The Claimant believes that the facts stated in these Particulars of Claim are true. The Claimant also understands that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth. I am duly authorised by the Claimant to sign this statement.

Signed: 

Full name: Robert Matthew Jacob

Position: Partner

Date: 6 September 2023

Served on by Stephenson Harwood LLP of 1 Finsbury Circus London EC2M 7SH (reference 01-58-06048), solicitors for the Claimant.