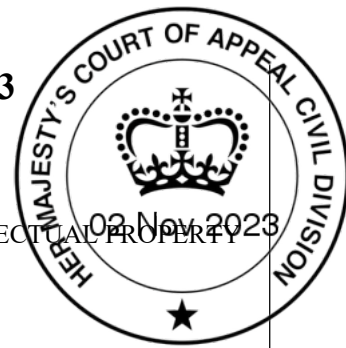




THURSDAY 02 NOVEMBER 2023



IN THE COURT OF APPEAL

ON APPEAL FROM BUSINESS AND PROPERTY COURTS, INTELLECTUAL PROPERTY
LIST (CHD)
MRS JUSTICE BACON

IL-2019-000050

CA-2022-000868

BEFORE LORD JUSTICE ARNOLD
LORD JUSTICE NUGEE
SIR CHRISTOPHER FLOYD

ON PAPER

Application No.

CA-2022-000868

B E T W E E N

EASYGROUP LTD

CLAIMANT /
APPELLANT

- and -

1. NUCLEI LIMITED T/A EASY OFFICES
2. PATHWAY IP SARL
3. REGUS GROUP LIMITED
4. IWG PLC

DEFENDANT /
RESPONDENTS

UPON reading the Appellant's notice and amended grounds of appeal sealed on 17 May 2022 against the Order of The Hon Mrs Justice Bacon dated 25 April 2022 (the "**Final Order**")

AND UPON the Respondents' application for permission to appeal sealed on 20 July 2022

AND UPON reading the first Respondents' notice and amended grounds sealed on 31 August 2022, the second Respondents' notice and grounds sealed on 9 March 2023, and the Appellant's Respondent's notice and grounds sealed on 19 September 2023

AND UPON hearing Simon Malynicz KC and Stephanie Wickenden for the Appellant and Mark Vanhegan KC and Jaani Riordan for the Respondents on 10 and 11 October 2023

AND UPON considering the written and oral submissions of the parties

AND UPON the Court indicating, following the conclusion of oral submissions on the Appellant's appeal on 11 October 2023, that it had decided to dismiss the appeal such that it was unnecessary to hear or determine the matters raised in the Respondents' application for permission to appeal, the first and second Respondents' notices or the Appellant's Respondents' notice.

IT IS ORDERED THAT:

1. The appeal be dismissed.
2. The Appellant pay the Respondents' costs of the appeal, to be the subject of detailed assessment on the standard basis if not agreed, together with interest thereon at the following rates:
 - 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 the date of this Order
 - b. From the date of this Order, the judgment rate of 8 per cent until payment is received by the Defendants.
3. The Appellant pay the Respondents on account of the costs ordered to be paid in paragraph 2 above in the sum of £300,000 by 4.30pm 14 days from the date of this Order.
4. The stays directed in paragraphs 8 and 10 of the Final Order shall cease to have effect upon the earlier of (i) the determination of any application for permission to appeal to the Supreme Court (and, if permission is granted, the determination of any ensuing appeal); and (ii) if no such application is made, 21 days after the date of this Order, save that the statement referred to in paragraph 9 of the Final Order should be in the form of the Schedule to this Order.
5. This Order shall be served by the Appellant upon the Respondents.

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 High Court’s Judgment is available here [*hyperlink to BAILII version*] and the High Court’s final order made on 25 April 2022 is located here [*hyperlink to order*]

easyGroup appealed the High Court's decision. On 27 October 2023, the Court of Appeal dismissed the appeal, upholding the High Court's conclusions that Nuclei had not infringed easyGroup's trade marks, and that the easyGroup trade marks should be revoked on grounds of non-use.

A copy of the Court of Appeal's judgment is available here [*hyperlink to BAILII version*].

BY THE COURT