

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
INTELLECTUAL PROPERTY ENTERPRISE COURT
BEFORE: MS. PAT TREACY (SITTING AS A JUDGE OF THE CHANCERY DIVISION)
DATED: 28 JULY 2022

BETWEEN:

(1) Alan Williams Entertainments Limited
(2) Mr Alan Williams

Claimants

-and-

(1) Mr Mick Clarke
(2) Mr John Richardson
(3) Mr Steve Innes Etherington

Defendants

ORDER

PENAL NOTICE

This order prohibits you, Mick Clarke, John Richardson, and Steve Etherington, from doing certain acts and requires you to do certain other acts. You should read it carefully.

If you disobey this order you may be held to be in contempt of court and imprisoned or fined, or your assets may be seized.

Any other person who knows of this order and does anything which helps or permits the above mentioned persons to breach the terms of this order may also be held to be in contempt of court and may be imprisoned, fined or have their assets seized.

UPON the trial of the issues of liability set out in the directions of His Honour Judge Hacon dated 19 January 2022

AND UPON the hand down of the Judgment on 13 July 2022

AND UPON the parties setting out statements of their position regarding the consequential relief

IT IS DECLARED THAT:

1. The Defendants have passed off their services and goods as those of the Claimants by carrying out the acts particularised at paragraph 34 of the Amended Particulars of Claim (“**the APoC**”) and by their use of “*the Rubettes*”.
2. The registered UK trademark “The Rubettes” number UK00003348207 (“**the UK TM**”) is (and always has been) invalid.

AND IT IS ORDERED THAT:

INJUNCTIONS

3. The Defendants and each of them (whether acting by themselves, their servants or agents, or otherwise howsoever) are forbidden from:
 - (a) Trading under:
 - (i) The sign “the Rubettes”; and
 - (ii) The Logo identified at paragraph 34(i) of the APOCso as to pass off their goods and services as those of the Claimants;
 - (b) Trading under a sign that denotes their band is the official successor of the Rubettes band which played between 1974 and 1980, including without limitation “the Real Rubettes”, “the Original Rubettes” or “the Official Rubettes”; or

- (c) Authorising, procuring causing, assisting or enabling any other person to do the acts set out in the previous subparagraphs.
4. The Defendants shall, by 4pm on 22 August 2022:
- (a) Inform in writing the following persons about the results of these proceedings and this order: all event promoters, performance venues, music publishers, record companies, and music streaming services with whom the Defendants have traded under a sign that would breach the injunctions in paragraph 3 above.
 - (b) Instruct in writing the same persons referred to in the previous subparagraph to change all promotional material related to the Defendants such that it will no longer breach the injunctions in paragraph 3 above.

SERVICE OF THE ORDER

The Court has provided a sealed copy of this Order to the serving party:

Aston Bond Law Limited, Windsor Crown House, 7 Windsor Road, Slough, SL1 2DX

Solicitors for the Claimants