

IN THE HIGH COURT OF JUSTICE  
CHANCERY DIVISION  
INTELLECTUAL PROPERTY ENTERPRISE COURT

CLAIM NUMBER IP13M05063

Before Mr Justice Birss  
17 November 2014



BETWEEN:

OMNIBILL (PTY) LIMITED

Claimant

and

- (1) [REDACTED] XXX LIMITED (in liquidation)  
(2) MR ROBERT ASHLEY CARTER

Defendants

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**Draft FINAL ORDER**

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UPON THE CLAIM having been tried before Mr Justice Birss on 6 October 2014

AND UPON judgment having been handed down on 17 November 2014

AND UPON HEARING counsel for the Claimant and counsel for the Second Defendant

**IT IS DECLARED THAT:**

- (a) The Defendants and each of them have infringed the Claimant's copyright in the Works (as defined in the Particulars of Claim);
- (b) The First Defendant is legally responsible for the website [www.\[REDACTED\].xxx](http://www.[REDACTED].xxx) (the "Website") and entitled to ownership thereof.

**IT IS ORDERED THAT:**

**Injunction**

1 The First and Second Defendants and each of them (in the case of the First Defendant, whether acting by its directors, officers, employees, agents or otherwise howsoever or, in the case of the Second Defendant, whether acting by himself or through agents or otherwise howsoever) must not do the following acts or any of them:

- (a) Copy, or communicate to the public in the United Kingdom copies of, the Works or any substantial part thereof without the licence of the Claimant;
- (b) otherwise infringe the Claimant's copyright in the Works.

### **Delivery Up**

- 2 Within 14 days of the date of this Order, the Defendants, at their own expense, must deliver up to the Claimant's solicitors all items in their possession, power, custody or control, the use or distribution of which would be a breach of the injunction set forth in paragraph 1 (save insofar as such materials form part of the pleadings in the action and are used solely for the purposes of the action).

### **Enquiry as to Damages or Account of Profits**

- 3 There shall be an inquiry as to damages or, at the Claimant's option, an account of profits for infringement of copyright, and payment by the Defendants to the Claimant of all sums found due together with interest thereon pursuant to s35A of the Senior Courts Act 1981 and/or the equitable jurisdiction of the Court, at such rate and for such period as the Court sees fit.
- 4 The Claimant has permission to apply for further directions in the said inquiry or account within four months of the date of this order. If no application is made in that time the enquiry or account shall be stayed.

### **Costs**

- 5 The sum of £15,000 paid into court by the Claimant by way of security for the Second Defendant's costs, pursuant to the Order of His Honour Judge Hacon dated 19 September 2014, shall be released and returned to the Claimant together with any interest accrued thereon.
- 6 The Defendants shall within 28 days of the date of this Order pay to the Claimant its costs of this action in the sum of £49,015.

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ORDER

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The Court sent sealed copies of this Order  
to:

Solicitors for the Claimant

Stevens & Bolton LLP  
Wey House  
Farnham Road  
Guildford  
Surrey, GU1 4YD

Dx 2423 Guildford 1  
Ref: TEL.OFP.DM.0209.0001

Solicitors for the Second Defendant

Greenwoods Solicitors LLP  
Monkstone House  
City Road  
Peterborough  
PE1 1JE

Dx 12599 Peterborough 4  
Ref: ANW/EGP1/1

Order sealed by Glorisa Osei (glorisa.osei@hmccts.gsi.gov.uk)