



# Claim Form

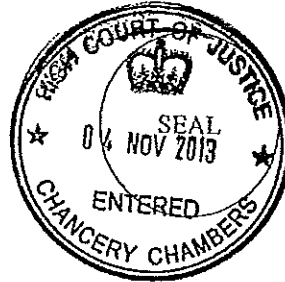
IN THE HIGH COURT OF JUSTICE  
CHANCERY DIVISION  
ROYAL COURTS OF JUSTICE

ASSIGNED MASTER \_\_\_\_\_  
ALL CORRESPONDENCE TO BE ADDRESSED TO THE COURT MANAGER

	<i>for court use only</i>
Claim No.	HC13B04781
Issue date	4-11-13

Claimant(s) name(s) and address(es) including postcode

Cartier International AG  
Hinterbergstrasse 22,  
Postfach 61,  
6312 Steinhausen,  
Switzerland



Defendant(s) name and address(es) including postcode

Nominet UK  
Minerva House,  
Edmund Halley Road,  
Oxford Science Park,  
Oxford  
OX4 4DQ

Brief details of claim

The Claimant is the proprietor of UK Trade Mark registration No. 642791 for CARTIER, which is registered in respect of "Jewellery, articles not included in other classes, made of precious metal or coated therewith precious stones clocks, and watches" in Class 14.

The Defendant operates the domain name registry for all .uk domain names.

The Claimant claims an injunction requiring the Defendant to remove from its domain name registry (de-tag and lock) various domain names that resolve to websites that infringe the Claimant's CARTIER mark, and further or other relief.

Value

The Claimant's claim is a non-monetary claim.

You must indicate your preferred court for hearings here (see notes for guidance)

Royal Courts of Justice

Defendant's name and address for service including postcode  
See above

Amount claimed	
Court fee	465.00
Solicitor's costs	TBA
Total amount	TBA

Offices within the Royal Courts of Justice, Strand, London WC2A 2LL

are open between 10am and 4.30pm Monday to Friday.

When sending correspondence, please address to relevant office (see top right) and quote the claim number.

Claim No.

Does, or will, your claim include any issues under the Human Rights Act 1998?  Yes  No

Particulars of Claim (attached) ~~XXXXXXXXXX~~

**Statement of Truth**

~~XXXXXXXXXX~~ (The Claimant believes) that the facts stated in these particulars of claim are true.

\* I am duly authorised by the claimant to sign this statement

Full name \_\_\_\_\_

Name of claimant's solicitor's firm Edwards Wildman Palmer UK LLP

signed Nra Boller

position or office held Partner

~~XXXXXXXXXX~~ (Claimant's solicitor)

(if signing on behalf of  
firm or company)

\*delete as appropriate

Edwards Wildman Palmer UK LLP

Dashwood  
69 Old Broad Street  
London  
EC2M 1QS

744 LONDON CITY  
020 7353 7377

Claimant's or claimant's solicitor's address to  
which documents or payments should be sent (if  
different from overleaf including (if appropriate)  
details of DX, fax or e-mail.

IN THE HIGH COURT OF JUSTICE  
CHANCERY DIVISION  
INTELLECTUAL PROPERTY

BETWEEN:

CARTIER INTERNATIONAL AG

(a company incorporated under the laws of Switzerland)

Claimant

-and-

NOMINET UK

Defendant

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PARTICULARS OF CLAIM

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1. The Claimant operates in the United Kingdom through Cartier Limited, with registered offices at 175-177 New Bond Street, London W1S 4RN. The Claimant was incorporated in England and Wales on 22 July 1919, and has been trading as the CARTIER brand through this legal entity continuously since that date.
2. The Claimant is the registered proprietor of the following UK Trade Mark (the "Trade Mark"):
  - (a) UK Trade Mark Registration No. 642791 CARTIER which is registered in respect of "Jewellery, articles not included in other classes, made of precious metal or coated therewith precious stones clocks, and watches" in Class 14.
3. The Trade Mark has been in force at all material times. A copy of the registration is annexed hereto as Annex A.

4. Further, or in the alternative, the Claimant is (and at all material times has been) the owner of a substantial goodwill and reputation in the United Kingdom in the names or marks incorporated in the Trade Mark.

#### PARTICULARS

- (a) the Claimant has advertised and sold its goods and services under and by reference to the Trade Mark in the United Kingdom for over one hundred (100) years;
  - (b) the Claimant opened its New Burlington Street boutique in 1902 and its New Bond Street boutique in 1909. It has since those dates advertised and sold watches in the United Kingdom under and by reference to the Trade Mark;
  - (c) over the last five (5) years the Claimant's turnover relating to watches sold by reference to the Trade Mark in the United Kingdom was in excess of two hundred and sixty six (266) millions of Euros. Worldwide turnover for these years was approximately eight (8) billion Euros; and
  - (d) over the last five (5) years the Claimant has spent multiple millions of Euros advertising watches in the United Kingdom (and hundreds of millions of Euros advertising worldwide) under and by reference to the Trade Mark.
5. In the premises, the use of the Trade Mark has at all material times denoted to members of the United Kingdom public the Claimant's products and services and those of none other.
  6. The Trade Mark has a reputation as a result of the use made of it by the Claimant. The Claimant relies on the particulars set out at paragraph 4 above.
  7. Annex B identifies websites (the "Websites") that have offered for sale, and/or sold, in the United Kingdom watches under or by reference to the Trade Mark. Annex B sets out, for each Website, the following:

- (a) its domain name;
- (b) the name (if any) and terrestrial address (if any) of its purported operator (the "Operator");
- (c) whether or not the given terrestrial address corresponds with a real location;
- (d) the date on which the pages of the Website relied upon were screen-captured;
- (e) the precise use of the Trade Mark on the Website complained of; and
- (f) page references to Annex C identifying the material relied upon in support of the contentions set out in (a)-(e) above.

8. Annex C contains:

- (a) screenshots of various pages of the Websites; and
- (b) the WHOIS search results for the domain names of the Websites.

9. Prior to the issue of the Claim Form herein, the Operators (and each of them) have infringed the Trade Mark by, without the consent of the Claimant, using in the course of trade a sign that is identical to the Trade Mark in relation to goods or services that are identical with those for which the Trade Mark is registered:

#### PARTICULARS

Prior to disclosure or Further Information herein, the Claimant relies upon:

- (a) the facts and matters set out in Annexes B & C.

10. In the alternative, prior to the issue of the Claim Form herein, the Operators (and each of them) have infringed the Trade Mark by, without

the consent of the Claimant, carrying out acts that constitute use in the course of trade of a sign where because the sign is similar to the Trade Mark and is used in relation to goods or services identical with or similar to those for which the Trade Mark is registered, there exists a likelihood of confusion on the part of the public, which includes the likelihood of association with the Trade Mark:

#### PARTICULARS

Prior to disclosure or Further Information herein, the Claimant relies upon:

- (a) the facts and matters set out in Annexes B & C.
11. Further or in the alternative, prior to the issue of the Claim Form herein, the Operators (and each of them) have infringed the Trade Mark by, without the consent of the Claimant, carrying out acts that constitute use in the course of trade of a sign that is identical with, or similar to, the Trade Mark where the Trade Mark has a reputation in the United Kingdom and the use of that sign being without due cause takes unfair advantage of, or is detrimental to, the distinctive character or the repute of the Trade Mark. In particular the Claimant avers that such use lessens the capability of the Trade Mark to distinguish the Claimant's goods and services from those of others in the minds of members of the public.

#### PARTICULARS

Prior to disclosure or Further Information herein, the Claimant relies upon:

- (a) paragraphs 4 and 6 herein are repeated hereunder; and
  - (b) the facts and matters set out in Annexes B & C.
12. Further, or in the further alternative, prior to the issue of the Claim Form herein, the Operators (and each of them) have in the course of trade passed off and/or have attempted, threatened, and/or enabled or assisted

others, to pass off their goods and/or services, not being services of the Claimant, or services associated with or connected with the Claimant, as and for such services by using in relation thereto the Trade Mark and/or marks deceptively similar thereto:

#### PARTICULARS

Prior to disclosure or Further Information herein, the Claimant relies upon:

- (a) the facts and matters set out in Annexes B & C.
13. The Claimant has thereby suffered, and continues to suffer, loss and damage.
  14. It is not possible, or in the alternative it is impractical, for the Claimant to pursue the Operators:

#### PARTICULARS

- (a) to the best of the Claimant's knowledge and belief, the Operators (and each of them) are located in the People's Republic of China (the "PRC");
- (b) it is not possible to serve an unknown person (whether legal or real) in the PRC;
- (c) the identity of the legal or real person who are the Operators (and each of them) are unknown;
- (d) in some cases the given address the Operators is false or unknown; and
- (e) in the premises, it is impossible to serve the person or persons who are responsible for the Websites and/or it is impossible/impractical to enforce any order made against such person or persons.

15. The Defendant (hereafter "Nominet") operates (and at all material times has operated) the domain name registry (the "DNR") for all .uk domain names. A website utilising a .uk domain name cannot be accessed via its domain name without Nominet's participation and consent and, in particular, without the domain name's appearance in the DNR.
16. In the premises, if a domain name is removed from the DNR (by the process of "de-tagging and locking"), an Operator will not be able to use the domain name to point to any website unless and until the domain name is put back in the DNR ("re-tagged").
17. Each of the Websites has a .uk domain name and is therefore registered with Nominet and its domain name appears in the DNR.
18. On 22 October 2013 the Claimant wrote to Nominet providing a copy of these pleadings (including the Annexes hereto) and requested that Nominet take steps (all of which are within its power) to de-tag and lock the .uk domain names complained of. A copy of that letter is annexed hereto as Annex D.
19. In the premises, since no later than 22 October 2013 Nominet has:
  - (a) been on notice of the acts of trade mark infringement and passing off complained of herein;
  - (b) been aware of circumstances which would have led a diligent economic operator to realise that the Operators were offering for sale, and/or selling, goods that were infringing a trade mark and/or otherwise unlawful; and
  - (c) has allowed the acts complained of herein to continue.
20. In the premises, the Claimant is entitled to (and claims), an order pursuant to Section 37(1) Senior Courts Act 1981 and/or Article 11 of Directive 2004/48/EC (the "Enforcement Directive") and/or the Court's inherent jurisdiction, that Nominet de-tag and lock the Websites (and each of them).



AND the Claimant claims:

- (1) An injunction requiring Nominet to remove from its Domain Name Registry (de-tag and lock) the following domain names: *highqualitywatches.co.uk*; *cheapwatchuk.co.uk*; *shareswissgoods.org.uk*; *shareswissgoods.co.uk*; *watcheslol.co.uk*; *buytopwatches.co.uk*; *irisweb.co.uk*; *perfectwatches.co.uk*; *cheapsalewatches.co.uk*; *shop-4-watches.co.uk*; *wowatch.co.uk*; and *mywatchesonline.co.uk*; and
- (2) Further or other relief.

GEOFFREY PRITCHARD

STATEMENT OF TRUTH

The Claimant believes that the facts set out in these Particulars of Claim are true.

Signed: .....*Nicholas Bolter*.....

Name: NICHOLAS BOLTER

Position: Partner, Solicitor to the Claimant

SERVED this            day of    2013 by Edwards Wildman Palmer UK  
LLP, Dashwood, 69 Old Broad Street, London EC2M 1QS, Solicitors to the  
Claimant.