



[Case No: ]



~~IN THE HIGH COURT OF JUSTICE~~  
~~CHANCERY DIVISION~~

MR JUSTICE **PETER SMITH**

~~Between: \_\_\_\_\_ Plaintiff~~

**IN THE HIGH COURT OF JUSTICE  
CHANCERY DIVISION  
INTELLECTUAL PROPERTY  
Before: Mr Justice Peter Smith  
Date: 2<sup>nd</sup> July 2010**

~~and~~

~~Defendant~~

IN THE MATTER OF AN INTENDED ACTION

BETWEEN:

**ASSOCIATED NEWSPAPERS LIMITED**

Applicant

- and -

**ALL PERSONS RESPONSIBLE FOR THE PUBLICATION AND/OR  
DISTRIBUTION OF THE SO-CALLED "SPOOF" METRO ON 2<sup>ND</sup> JULY  
2010**

Respondents

**ORDER**

**PENAL NOTICE**

**IF YOU THE RESPONDENT DISOBEY THIS ORDER YOU (AND IN THE  
CASE OF A CORPORATE RESPONDENT: YOUR DIRECTORS) MAY BE  
HELD TO BE IN CONTEMPT OF COURT AND LIABLE TO  
IMPRISONMENT OR TO BE FINED OR YOUR ASSETS MAY BE SEIZED**

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## **IMPORTANT**

### **Notice to the Respondent**

**You should read the terms of this Order and the Guidance Notes very carefully.  
You are advised to consult a solicitor as soon as possible**

This Order prohibits you from doing certain acts and requires you to do certain things.

If you disobey this Order you may be found guilty of contempt of Court and may be sent to prison or fined. In the case of a Corporate Respondent, it may be fined, its Directors may be sent to prison or fined or its assets may be seized.

**Counsel for the Applicant made an application to the Judge who heard the application.**

**The Judge accepted the undertakings which were given by the Applicant's Counsel on behalf of the Applicant and which are recorded in the Schedule at the end of this Order**

**As a result IT IS ORDERED that:**

1. Until 10.30 am on Monday 5<sup>th</sup> July 2010 (“**the return date**”):
  - 1.1. The Respondents must not publish or distribute in any way (including by way of the Internet) any publication which purports to be “Metro” or any other publication of the Applicant.
  - 1.2. The Respondents must take all steps as are within their power, as soon as possible, to make inaccessible to the public any online publication which purports to be “Metro” or any other publication of the Applicant.
2. The Respondents upon service of this Order upon them (so far as they are able) must immediately inform the Applicant's Solicitors (and confirm in writing) the name, address and contact details of all persons responsible for the publication and/or distribution of any publication which purports to be “Metro” or any other publication of the Applicant, including the persons having control of the website [www.metro.co.uk](http://www.metro.co.uk)
3. The return date shall be before Mr Justice Peter Smith sitting in Court 61 of the Royal Courts of Justice at 10.30 am on Monday 5<sup>th</sup> July 2010.
4. Time for service of the application notice for the return date shall be abridged to enable it to be heard at 10.30 am on Monday 5<sup>th</sup> July 2010.
5. Costs reserved.

## **INTERPRETATION OF THIS ORDER**

6. If there is more than one Respondent:
  - (a) unless otherwise stated, references in this order to 'the Respondent' mean both or all of them; and
  - (b) this Order is effective against any Respondent on whom it is served or who is given notice of it.
7. A Respondent who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
8. A Respondent which is not an individual which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

## **PARTIES OTHER THAN THE APPLICANT AND RESPONDENT**

9. **Effect of this order:** It is a contempt of court for any person notified of this order knowingly to assist in or permit a breach of this order. Any person doing so may be imprisoned, fined or have their assets seized.

## **COMMUNICATIONS WITH THE COURT**

10. All communications to the court about this order should be sent to: Room TM 505, Royal Courts of Justice, Strand, London WC2A 2LL quoting the case number. The telephone number is 0207 947 6754. The out of hours number is 020 7947 6000. The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday.

## **APPLICANT'S SOLICITORS**

11. The Applicant's Solicitors are Bird & Bird LLP (Reference: KJS), 15 Fetter Lane, London EC4A 1JP, Telephone: 020 7415 6000, email:

Katharine.stephens@twobirds.com. The out of hours number is 07711 014 375.

## **SCHEDULE**

### **Undertakings given to the Court by the Applicant.**

12. If the Court later finds that this order has caused loss to any Respondent and that that Respondent should be compensated for that loss, the Applicant will comply with any order that the Court may make.
  
13. The Applicant will:
  - 13.1. Make and file with the Court a witness statement confirming the substance of what the Applicant's Counsel told the Judge hearing this application by 10am on Monday 5<sup>th</sup> July 2010.
  
  - 13.2. Issue a claim form claiming appropriate relief and an application notice for the return date by 10.30 am on Monday 5<sup>th</sup> July 2010.
  
  - 13.3. Serve this Order by a Solicitor of the Supreme Court together with a copy of the note produced at this hearing and a note of this hearing.

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**CHANCERY DIVISION**

**INTELLECTUAL PROPERTY**

**Before: Mr Justice Peter Smith**

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**ORDER**

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(Reference: KJS),  
15 Fetter Lane,  
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**Solicitors for the Applicant**