

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION

MR JUSTICE HEWISON

CLAIM NO: HC10C01228

DATED: WEDNESDAY 19TH DAY OF JANUARY 2011

BETWEEN:

CONTRADO IMAGING LIMITED

CLAIMANT

AND

(1) MAURO PAPAGNO

(2) GEDAM SRL

DEFENDANTS



**ORDER FOR JUDGMENT IN DEFAULT OF
ACKNOWLEDGEMENT OF SERVICE OR DEFENCE**

IMPORTANT:-

NOTICE TO DEFENDANTS

1. This Order prohibits you from doing the acts set out in this Order. You should read it carefully. You are advised to consult a Solicitor as soon as possible.
2. If you disobey this Order you may be found guilty of Contempt of Court and any of your Directors may be sent to Prison or fined and you may be sent to Prison or fined or your assets may be seized.



UPON THE CLAIMANT'S APPLICATION made by way of Application Notice dated 15 November 2010;

AND UPON HEARING Counsel for the Claimant;

AND UPON READING the Particulars of Claim, the Witness Statement of Nathaniel Young, the Affidavit of Nathanael Young and the aforementioned Application Notice;

The Defendants being in default of Acknowledgement of Service and/or Defence;

IT IS ORDERED THAT:-

THE INJUNCTION

1. The Defendants must not whether (in the case of the First Defendant) acting by himself, his servants, agents or otherwise howsoever or whether (in the case of the Second Defendant) acting by itself, its servants, agents or otherwise howsoever, do any of the following acts, that is to say:
 - a. Reproduce, translate, adapt or possess in the course of business the Claimant's Source Code, or authorise or procure others to do the same; and/or
 - b. Otherwise infringe the copyright in the Claimant's Source Code or authorise or procure others to do the same; and/or
 - c. Use or disclose the Claimant's Source Code or authorise or procure others to do the same; and/or
 - d. Use or disclose the Claimant's confidential information relating to order handling, production and delivery systems and mechanisms; business methods; product, marketing and pricing information; and development projects or authorise or procure others to do the same; and/or
 - e. Otherwise act in breach of confidence.



DELIVERY UP

2. The Defendants must within 28 days of this Order at their own cost deliver up or destroy on oath all infringing goods, materials, and articles the possession or distribution of which in the course of trade would be contrary to the foregoing injunction.

INQUIRY AS TO DAMAGES

3. There be an inquiry as to damages or, at the Claimant's option, an account of profits for copyright infringement, breach of contract and misuse of confidential information.
4. The Defendants shall pay the Claimant all sums found due upon the holding of the said inquiry or account, together with interest.
5. The Claimant shall have liberty to apply for directions in relation to the aforesaid inquiry or account of profits.

COSTS

6. The Defendants shall pay to the Claimant its costs of and incidental to this Claim down to and including the Judgment, to be the subject of a detailed assessment if not agreed.

Interpretation of this Order

1. In this Order the words "he" "him" or "his" include "she" or "her" and "it" or "its".
2. Where there are two or more Defendants then (unless the contrary appears):
 - (i) References to "the Defendant" mean both or all of them;
 - (ii) An Order requiring "the Defendant" to do or not to do anything requires each Defendant to do or not to do it.

SERVE THIS ORDER
7 THE CLAIMANT DO SERVE THIS ORDER



The Effect of this Order

1. A Defendant 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.
2. A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.



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 ~~DRAFT~~ ORDER

THE COURT SENT THIS ORDER + SEALED COPIES FOR SERVICE TO. -

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St Albans
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Ref: NY/Contrado

 SUMMONS FOR THE CLAIMANT

ENTERED: AJ POOLIE - CHANCERY ASSOCIATE

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