

Lifestyle Equities CV and another (Respondents) v Amazon UK Services Ltd and others (Appellants)

Case ID: 2022/0108

Case summary

Issue

This appeal concerns the application of EU and UK trade mark law to the cross-border marketing and sale of goods on the internet. The question for the Supreme Court is: Where goods marketed and sold on a foreign website are identical to goods for which trade marks are registered in the EU or UK, in what circumstances would the marketing and selling of such goods infringe the EU/UK trade marks?

Facts

The respondents (together, "**Lifestyle**") are the owners and exclusive licensees of a number of UK and EU trade marks relating to the "BEVERLY HILLS POLO CLUB" brand (the "**UK/EU Marks**"). Corresponding trade marks in the USA are owned by a commercially unrelated entity, which produces goods identical to those for which Lifestyle's trade marks are registered in the UK and EU (the "**USA Branded Goods**").

Lifestyle claims that the appellants (together, "**Amazon**") have infringed its rights in the UK/EU Marks by marketing and selling the USA Branded Goods to UK/EU customers via their USA website. In particular, Lifestyle argues that Amazon's advertisement and offer for sale of the US Branded Goods on the USA website "targeted" consumers in the UK/EU, in contravention of relevant UK and EU trade mark laws. Lifestyle claims in addition that, even if the marketing of the USA Branded Goods were not targeted at consumers in the UK/EU, Amazon nonetheless infringed Lifestyle's rights in the UK/EU Marks by selling and delivering the goods through its USA website to consumers in the UK/EU.

The High Court dismissed Lifestyle's claims, concluding that the listings of the USA Branded Goods on Amazon's USA website were not targeted at consumers in the UK/EU. The Court of Appeal overturned this decision and granted an injunction against Amazon. Amazon now appeals to the UK Supreme Court.

Judgment appealed

[\[2022\] EWCA Civ 552](#)

Parties

Appellant(s)

- (1) Amazon UK Services Ltd
- (2) Amazon Export Sales LLC
- (3) Amazon.com Inc
- (4) Amazon Europe Core SARL
- (5) Amazon EU SARL

Respondent(s)

- (1) Lifestyle Equities C.V.
- (2) Lifestyle Licensing B.V.

Appeal

Justices

Lord Hodge, Lord Briggs, Lord Hamblen, Lord Burrows, Lord Kitchin

Hearing start date

15 November 2023

Hearing finish date

16 November 2023

Watch hearing

15 November 2023 [Morning session](#) [Afternoon session](#)

16 November 2023 [Morning session](#)