

Dear Sir

**Re www.wildlifewatchingsuppliesuk.co.uk and
www.ukwildlifewatchingsupplies.co.uk (“the Domain Names”)**

We act for Kevin Keatley Limited trading as Wildlife Watching Supplies. Our client is a well-known wildlife photographer and operates a website under the domain name www.wildlifewatchingsupplies.co.uk.

Our client registered that domain name in January 2000 and has had an active website since that date designing and selling products associated with wildlife watching. It has traded under the name Wildlife Watching Supplies since 1992. Furthermore, the domain name www.wildlifewatchingsupplies.com was registered on behalf of our client in 2001 and resolves to the same website.

Our client's website has been heavily promoted and publicised and is very successful. Our client has expended considerable sums on promotion. Our client's business and website has also been publicised in articles and in numerous books and publications, notably Photography Monthly, Outdoor Photography, Practical Photography, BBC Wildlife, Birdwatching and Digital SLR Photography, plus forums and blogs, where it is typically referred to by its trading name “Wildlife Watching Supplies”.

There are many websites recommending our client's website and a high number of unique visitors accessing our client's website in a typical month.

In these circumstances, there can be no doubt that our client has established a substantial reputation and goodwill under the name " Wildlife Watching Supplies " and the domain name www.wildlifewatchingsupplies.co.uk.

Although, it might have been said that the name is descriptive, it is well established that descriptive names and other indications can become distinctive through use, so that they are protected by the law of passing off.

We note that the Domain Names were registered in December 2009 and February 2010 and have used them since for a website which offers very similar products to those of our client and uses very similar designs, design names and text to those used by our client.

As is evident from the reference on website to which the Domain Names go to another website at www.stealthwildlife.co.uk which runs under the “Stealth Wildlife” banner. That seems to be a perfectly good trading style and it is evident that your registrations which differ from our client's merely by virtue of the insertion of “uk” and your subsequent use of the Domain Names was bound to cause confusion with our client's business, and was an attempt to cash in on the success, publicity and reputation of our client's website.

Your use of the Domain Names and the terms ‘wildlife watching supplies’ constitutes passing off.

In these circumstances, our client is entitled to an injunction to restrain any further use as well as damages, product recalls or an account of profits in respect of the wrongful use and reimbursement of its legal costs. Our client is also entitled to procure transfer of the Domain Name either through legal proceedings or proceedings under the applicable dispute resolution policy.