



Icescape Ltd v Ice-World BV

Icescape are very pleased to announce a total victory in our legal battle in the Patents Court against Ice-World, Europe's largest temporary ice rink supplier.

Icescape had previously leased Ice-World's temporary ice rink equipment for use in its own business until 2015, when it decided to design and manufacture its own improved ice-rink system.

In the autumn of 2015 Ice-World alleged through its Dutch lawyers that Icescape's design would infringe its European Patent 14627555 B1 for a "Cooling member for a mobile ice rink" (the "**Patent**"). The Patent underpinned Ice-World's own ice rinks which were hitherto a market leading design.

Icescape wrote to Ice-World's Dutch lawyers denying that they infringed the Patent, and sent them full details of the new rink design. As nothing further was heard from Ice-World, Icescape's new ice rinks were then manufactured, installed and operated around the UK at over twenty sites during the 2015-2016 winter season.

The dispute between both Icescape and Ice-World exploded in May 2016 after Ice-World formed a new Dutch subsidiary called Ice-World UK BV, which proceeded to issue a large number of threatening letters signed by Ice-World's Managing Director, Steven Bottema, to Icescape's customers and others in the UK. The intention was clearly to seriously damage, or destroy Icescape's business, whilst potentially hiding behind this new shell company.

Ice-World's letters alleged that the ice rinks Icescape's customers had hired, infringed their Patent and they threatened them with legal action including large claims for damages should they use Icescape's ice rinks in the future. Ice-World demanded that Icescape itself should undertake not to supply any of its rinks to anyone in the future and demanded an immediate payment of over €1m in damages.

The contracting season for temporary ice rinks typically occurs between May and September of each year. The effect of Ice-World's threatening letters was simply catastrophic with customers cancelling contracts, demanding indemnities and many even refusing or being unable to do business with Icescape.

Proceedings were issued by Icescape in the Patents Court on 3 June 2016 against Ice-World International BV, Ice-World UK BV and both companies' managing director, Steven Bottema. An order for an expedited trial was granted by Mr. Justice Arnold on 4 July 2016 and the action proceeded to trial on 14-16 December 2016.

The proceedings issued against Ice-World sought a declaration of non-infringement concerning the Patent with regard to Icescape's own ice rink. A declaration of invalidity in respect of the Ice-World Patent and an order for its revocation, and an injunction with regard to Ice-World's groundless threats with an order for the payment of damages by Ice-World for losses suffered by Icescape as a consequence of their actions.

Judgment was handed down in the Patents Court on 23 January 2017. Icescape won the action and succeeded on every single aspect of its claim including the revocation of Ice-World's own patent.

At the disposal hearing at the Patents Court on 10 February 2017, the Judge refused Ice-World leave to appeal against his judgment. Ice-World were also ordered to publicise this judgement on the pages of their websites until the end of September 2017 setting what we believe to be legal precedent for such a period. He also ordered that Ice-World pay Icescapes significant legal costs.

The Judge also ordered an enquiry as to damages, which will be a further hearing to assess the level of damages and associated costs that Ice-World will have to pay Icescape as compensation for their actions.

The judgment stands as a complete vindication of Icescape's position, the new Icescape design has proved to be innovative and is believed to be the best and most efficient temporary Ice Rink system available in the market today.

A full copy of the judgement can be found [HERE](#)