



GRAND COURT OF THE CAYMAN ISLANDS

CIVIL DIVISION

CAUSE NO. OF 2022 ()

BETWEEN:

JRC INVESTMENTS LTD

Plaintiff

AND

JOHN WATLER

Defendant 1

CEDRIC GIDARISINGH

Defendant 2

TICKETSPLUS

Defendant 3

WRIT OF SUMMONS

TO: John Watler of 49 Tarpon Circle, Pointdexter Road, George Town, Grand Cayman;
 and Cedric Gidarisingh of #13 Yellow Stone, Savannah, Newlands, Bodden Town, Grand Cayman;
 and TicketsPlus, 49 Tarpon Circle Poindexter Road, George Town, Grand Cayman;

This Writ of Summons was issued by Ogier, Attorneys-at-Law for the Plaintiff, whose address for service is:
 89 Nexus Way, Camana Bay, Grand Cayman KY1-9009, Cayman Islands

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within 14 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495, George Town, Grand Cayman KY1-1106, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 22nd day of December 2022.

NOTE - This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

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PARTICULARS OF CLAIM

- 1 The Plaintiff, trading as EventPro, manages a business collaborating with the providers of in person entertainment to promote and provide ticketing services for those entertainment services. As part of this service the Plaintiff maintains and publishes on its website Terms & Conditions, a Merchant Agreement and a Privacy Policy. The Plaintiff also uses precise legal wording in the tickets produced as part of this service. Altogether the **Works**.
- 2 The Works are original literary work created on a work for hire basis by S Shivaprasad, Senior Partner of Lexgeon Global Legal Solutions, in December 2016 during the course of his engagement by the Plaintiff. All copyright was assigned to the Plaintiff and a copyright notice and statement was included on the Plaintiff's website that all material was protected by copyright.
- 3 The First and Second Defendants, trading as TicketsPlus, provide similar services within the Cayman Islands. The trade name TicketsPlus has been included as the Third Defendant to complete the action.
- 4 The Defendants have infringed the Plaintiff's copyright by copying and communicating to the public variations of the Works without the licence of the Plaintiff.

Particulars

Pending disclosure the Plaintiff will rely on the following facts and matters:

Governing Documents

- 5 That, in relation to the Plaintiff's Terms and Conditions, Merchant Agreement and Privacy Policy (the **Governing Documents**), the Defendants:
 - (a) Copied the Governing Documents;
 - (b) Published the Governing Documents in substantially the same form; and
 - (c) Entered into agreements with event providers and website visitors utilising the terms of the Governing Documents.

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- 6 The profits derived from the Defendants' agreements with event providers on the basis of the Governing Documents would not have been realised but for the unauthorised copying, publishing and utilisation of the Governing Documents.
- 7 The Defendants' business is in direct competition with the Plaintiff's business. The profits derived from the Defendants' agreements with event providers, or a portion thereof, would otherwise have accrued to the Plaintiff but for the Defendants' misuse of the Governing Documents.
- 8 Alternatively the Plaintiff is entitled to a reasonable level of royalties on each agreement the Defendants entered into on the basis of the Governing Documents, with reference to:
- (a) the complexity of the legal framework granted by the Governing Documents and wrongly relied upon by the Defendants;
 - (b) the number of agreements the Defendants wrongly entered into on the basis of the Governing Documents (including event providers and website visitors); and
 - (c) the value derived therefrom.
- 9 Alternatively the Plaintiff is entitled to a reasonable level of subscription fee for the period of the Defendants' misuse of the Governing Documents, with reference to:
- (a) the complexity of the legal framework granted by the Governing Documents and wrongly relied upon by the Defendants;
 - (b) the number of agreements the Defendants wrongly entered into on the basis of the Governing Documents (including event providers and website visitors); and
 - (c) the value derived therefrom.
- 10 The Defendants' unauthorised copying, publishing and utilisation of the Governing Documents was flagrant. The wording was almost identical (and in one instance, the Defendants had failed to amend the Plaintiff's address in the version of the Governing Documents which they had published).
- 11 The Defendants have accrued significant benefit from the unauthorised copying, publishing and utilisation of the Governing Documents in having the benefit of a complex

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legal framework for their business which they would otherwise not have had the benefit of, and the business deriving therefrom.

- 12 Where the unauthorised copying, publishing and utilisation of the Governing Documents was flagrant and the Defendants have accrued benefit therefrom, the Plaintiff is entitled to additional damages from the Plaintiffs.

Tickets

- 13 The tickets that the Plaintiff issues in relation to its events include terms and conditions on the face of the ticket (the **Tickets**). The majority of terms and conditions appearing on the face of the Defendants' tickets are in substantially the same form as the Tickets.

- 14 In relation to the Tickets, the Defendants:

- (a) Copied the Tickets;
- (b) Published its own tickets in substantially the same form as the Tickets; and
- (c) Relied on the terms of the Tickets in its provision of ticketing services and in realising profit from consumers in selling those tickets on behalf of event organisers.

- 15 The profits derived from the Defendants' provision of ticketing services would not have been realised but for the unauthorised copying of the Tickets.

- 16 As set out above, the Defendants' business is in direct competition with the Plaintiff's business. The profits derived from the Tickets, or a portion thereof, would otherwise have accrued to the Plaintiff but for the Defendants' misuse of the Tickets.

- 17 Alternatively the Plaintiff is entitled to a reasonable level of royalties on each event involving the unauthorised copying, publishing and utilisation of the Tickets, with reference to:

- (a) the complexity of the Tickets;
- (b) the number of events in which the Tickets have been utilised; and
- (c) the value derived therefrom.

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18 Alternatively the Plaintiff is entitled to a reasonable level of subscription fee for the period involving the unauthorised copying, publishing and utilisation of the Tickets, with reference to:

- (a) the complexity of the Tickets;
- (b) the number of events in which the Tickets have been utilised; and
- (c) the value derived therefrom.

Events

19 The Defendants provided promotion and ticketing services in relation to the following events, in respect of which the Plaintiff and Defendants were in direct competition (and the Plaintiff reserves its rights to amend this list following disclosure):

- (a) Life is Good;
- (b) Pan Di Deck;
- (c) Beer Vibes;
- (d) Celebrity Fridays;
- (e) Soca Intro;
- (f) Munchies;
- (g) Free Again Soiree-Braccanal;
- (h) Cool Down Culture Festival – Braccanal;
- (i) Heelloooo Renegade Mas Welcome;
- (j) Sun Kissed;
- (k) Mash Up Friday Night Fete;
- (l) Cross the Stage;
- (m) After Five Happy Hour Boat Cruise;

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- (n) Envirowalk;
- (o) Duck Work;
- (p) Street Vybz Ky;
- (q) Dexta Daps;
- (r) Cups and Igloo;
- (s) Virgin Seniorita ft Jah Vinci;
- (t) Thirst & Flirsts Ft Silk Boss;
- (u) Cay Bad Miami Vice;
- (v) Souls Connection;
- (w) The Blacklist;
- (x) Doubles Fest;
- (y) Euphoria – Cayman Brac;
- (z) Carnivore Rib Fest;
- (aa) Bon Appetit 2022;
- (bb) Cayman Music Festival Skillibeng;
- (cc) Spice Live in Cayman
- (dd) The Journey ft 450;
- (ee) Muted Just Us 3;
- (ff) Eden;
- (gg) Shades;
- (hh) Pull Up;

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- (ii) Essence;
 - (jj) Sparkle;
 - (kk) Soka Junkie;
 - (ll) Miss World;
 - (mm) On the Rocks Cooler Fete;
 - (nn) Caution;
 - (oo) Renegade Mas Out of this World;
 - (pp) Signature Saturdays;
 - (qq) Rub a Dub;
 - (rr) Rumpy Weekend
- (together, the **Events**).

- 20 The Defendants, in realising unauthorised profits on the basis of the Governing Documents and the Tickets, and specifically in relation to the aforementioned Events, caused loss and damage to the Plaintiff.
- 21 The Plaintiff is unable pending disclosure to give particulars of all acts of infringement carried out by the Defendant and loss suffered by the Plaintiff but will at trial seek to rely on the same and to recover full relief in respect thereof.
- 22 By reason of the Defendant's acts of infringement, the Plaintiff has suffered loss and damage.
- 23 The Plaintiff wrote to the Defendants on 27 May 2022 seeking a number of undertakings including that the Defendants would cease and desist from their infringements of the Plaintiff's copyright in the Works.
- 24 The Defendants have since amended the Governing Documents but have not made good on the loss and damage caused to the Plaintiff and continue to infringe in relation to the Tickets. Unless restrained the Plaintiff will suffer further loss and damage.

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25 The Plaintiff also claims interest pursuant to section 34 of the Judicature Act (2021 Revision) or under the equitable jurisdiction of the Court from the date of the first acts of infringement (which dates are unknown to the Plaintiff until after disclosure in this action).

AND the Plaintiff claims

(1) An injunction to restrain the Defendants howsoever from infringing copyright in the Works owned by the Plaintiff.

(2) An order for delivery up of infringing copies of the Works which the Defendants have in their possession, custody or control in the course of a business and any articles specifically designed or adapted for making copies of the Works which the Defendants have in their possession, custody or control and forfeiture to the Plaintiff of all such infringing copies and articles.

(3) A declaration from the court that copyright vested in the Plaintiff subsists in the Works and that the Defendants have infringed that copyright.

(4) An inquiry as to damages suffered by the Plaintiff for infringement of copyright (including statutory damages) or at the Plaintiff's option an account of profit.

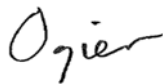
(5) Additional damages on the basis that the Defendants' infringement of copyright was flagrant.

(6) An order for payment of all sums found due upon taking such inquiry or account together with interest thereon pursuant to section 34 of the Judicature Act (2021 Revision) or under the equitable jurisdiction of the Court.

(7) Costs.

(8) Further or other relief.

Issued this 22nd day of December 2022.



Ogier

Attorneys for the Plaintiff

This Writ of Summons was issued by Ogier, Attorneys-at-Law for the Plaintiff, whose address for service is:
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**DIRECTIONS FOR ACKNOWLEDGMENT
OF SERVICE OF WRIT OF SUMMONS**

- 1 The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person.

After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495G, George Town, Grand Cayman.

- 2 A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings must also serve a defence on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

- 3 A Stay of Execution against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, issue a Summons for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

See over for notes for guidance.

Please complete overleaf.

This Writ of Summons was issued by Ogier, Attorneys-at-Law for the Plaintiff, whose address for service is:
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Notes for Guidance

- 1 Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
- 2 For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
- 3 Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words “sued as (the name stated on the Writ of Summons)”.
- 4 Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition of paragraph 1 of the description “Partner in the firm of _____” after his name.
- 5 Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description “trading as _____” after his name.
- 6 Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on his behalf.
- 7 Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem*.
- 8 A Defendant acting in person may obtain help in completing the form at the Courts Office.

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IN THE GRAND COURT OF THE CAYMAN ISLANDS

CIVIL DIVISION

CAUSE NO. OF 2022 ()

BETWEEN:

JRC INVESTMENTS LTD

Plaintiff

AND

JOHN WATLER

Defendant 1

CEDRIC GIDARISINGH

Defendant 2

TICKETSPLUS

Defendant 3

ACKNOWLEDGEMENT OF SERVICE OF
WRIT OF SUMMONS

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Important: Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

Name:

2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

yes

no

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (tick box).

yes

no

Service of the Writ is acknowledged accordingly.

(Signed).....

Name

The First/Second/Third Defendant

Notes on address for service

Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered principal office.

Indorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

Ogier LLP
Attorneys-at-law
89 Nexus Way
Camana Bay
Cayman Islands

Indorsement by Defendant's Attorneys (or by defendant if defending in person) of his name, address and reference, if any, in the box below.

[Empty box for defendant's attorney indorsement]