

[Printed name and address]

<<Name>>
<<Title>>
<<Company Name>>
<<Company Address>>
<<Company Address>>
<<Postcode>>

<<Date>>

Re: <<business or product>> passed off>>

Dear <<name>>,

We, <<insert business name>>, have [operated our business under the name <<insert name>> [, using <<insert description of mark, logo etc.>>]. As demonstrated by the enclosed details, we have acquired goodwill in this name [and <<mark, logo etc.>>].] OR [we have acquired goodwill in this name <<insert description of product>>. As demonstrated by the enclosed details, we have acquired goodwill in this product.]

As a result of the activities described above, we have acquired a significant reputation in <<insert territory>> with respect to <<insert description of business, products etc.>>.

On <<date>> we became aware of <<insert description of the alleged passing off>>. [Please also refer to the enclosed details.]

In light of the goodwill and reputation as described herein, are likely to be damaged by you are [selling our products with <<insert description of mark, logo etc.>>] OR [associated or connected with <<insert description of mark, logo etc.>>] used]. Should you continue such activity we feel that our goodwill will be substantially damaged. [To further support our above assertion, it is likely, we enclose evidence of actual confusion on the part of the public.]

As our consent to such activity was not obtained we must inform you that we find this passing off unacceptable and that you take the following action within <<insert period, e.g. 14 days>>:

- [Cease all conduct constituting the alleged passing off]
- [Provide to us full details of the conduct complained of, including the quantities supplied, prices charged, and the current whereabouts of all goods and other materials AND/OR
- [Provide to us full details of the current whereabouts of any and all goods and other materials in your possession]

- your possession that fall within the scope of the conduct complained of in this letter;] **AND/OR**
- d) [Deliver to us any goods and other materials in your possession that fall within the scope of the conduct complained of in this letter and to continue to do so;] **AND/OR** [Deliver to us any goods and other materials that may come into your possession within that same scope within <<insert period, e.g. 14 days>> of the date of this letter;] **AND/OR**
- e) [Deliver to us a written statement confirming that you will desist forthwith from the conduct complained of in this letter;] **AND/OR**
- f) [Deliver to us a written statement confirming that you will pay to us any and all such damages or profits as may be claimed in respect of the conduct complained of above as may be determined by the court;] **AND/OR**
- g) [Deliver to us a written statement confirming that you have fully complied with the order of the court in respect of the conduct complained of above and that the details required under parts b) and c) are as follows:] **AND/OR**

We expect your acknowledgement of our request by <<insert date>>. If it becomes necessary to enforce this letter at any time and without further notice, we reserve the right to seek remedies limited to, an injunction, damages (including costs and interest) and/or delivery up (or destruction) of the offending goods and other materials.

Yours faithfully,

<<insert name and position, where appropriate>>