

IPEC trial outside London



***APT Training & Consultancy Ltd & Anor v Birmingham & Solihull Mental Health NHS Trust* [2018] EWHC 19 (IPEC).**

This was the first IPEC trial ever to be heard outside London. Paragraph 1.5 of the IPEC Guide makes clear that the Judges of IPEC are able and willing to sit outside London if the parties wish it and inform the court in good time for arrangements to be made. The parties in this case asked for it to be heard in Birmingham for their convenience and the court was able to accommodate that request. The case was heard by HHJ Melissa Clarke.

The claim was for trade mark infringement and passing off claim in respect of an NHS Trust's use of a sign that was identical to the Claimants' registered trade marks for the word RAID. The case raised issues regarding whether use of the sign by the NHS Trust was use in the course of trade and whether mental health services are confusingly similar to mental health training services when provided under the same name. Charlotte Blythe successfully represented the Claimant.

[Charlotte Blythe](#) of Hogarth Chambers (instructed by Howes Percival) appeared for the Claimant.

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