

## Nuisance for a goose – landowners, take a gander



In the case of *Canada Goose UK Retail Ltd v Persons Unknown and another* [2019] EWHC 2459 (QB), animal welfare protests had taken place outside the claimants' London store. The claimants, a retail clothing company, applied for summary judgment on their claim for an injunction against the protestors. Summary judgment was refused and an existing interim injunction was retracted – the claimants were on a wild goose chase against Persons Unknown.

The court demonstrated a pragmatic approach to injunctioning against Persons Unknown. In this case, the claimants had issued a claim form that identified the Persons Unknown as '*... animal rights protestors/activists [who] campaign against the manufacture and/or sale of Animal Products including under the brand "Canada Goose" ...*'. The court found that it was wrong to grant judgment in a civil claim against a person that the court was not satisfied had committed or threatened to commit a civil wrong (eg trespass). The Persons Unknown could not be regarded as a "homogenous unit" as the operative definitions stretched to capture everyone indiscriminately and it would be wrong to ask an innocent protestor to pay the claimants' damages/costs. Additionally:

- The Persons Unknown had not been served a claim form and were therefore deprived the opportunity to raise a defence;
- The claimants had not identified certain protestors as they became known, despite claimants needing to take every step to identify defendants before the Court will injunct against Persons Unknown; and
- It was impossible for the court to know how many people it would be granting an injunction against.

In his decision, Mr Justice Nicklin reiterated the requirements from *Ineos* for an injunction against Persons Unknown:



1. There must be a sufficiently real and imminent risk of a tort being committed;
2. It must be impossible to name the persons who are likely to commit the tort unless restrained;
3. It must be possible to give notice of the injunction;
4. The terms of the injunction must correspond to the threatened tort and not be so wide that they prohibit lawful conduct;
5. The terms of the injunction must be sufficiently clear and precise to enable persons potentially affected to know what they must not do; and
6. The injunction should have clear geographical and temporal limits.

Landowners should be reminded of these when preparing a claim in trespass against Persons Unknown.

## How we can help

If you are a landlord contemplating legal action, please contact our [property disputes team](#).