

**ARBITRATION COURT OF THE KIROV REGION**

610017, Kirov, K. Liebknecht St. 102
<http://kirov.arbitr.ru>

**In the name of the Russian Federation
DECISION****Case No. A28-11930/2021**

г. Киров

03 March 2022

Resolutive part of the judgment pronounced 02 March 2022

The judgment in its entirety was delivered on 03 March 2022

The Arbitration Court of the Kirov region, consisting of Judge Slavinsky A.P,

A.P. Osennikova, court secretary, keeping the record of the hearing

Having considered at the hearing the case concerning the claim by

Entertainment UK Limited

To individual entrepreneur Ivan Kozhevnikov (Tax ID number: 431311477609,
OGRNIP: 311431320700013)

for the recovery of 40,000 roubles 00

kopecks, with the attendance of the court

hearing:

from the defendant - Koykova A.N. by power of attorney dated 01.12.2021,

installed:

Entertainment UK Limited (hereinafter the plaintiff) applied to the Arbitration Court of the Kirov Region with a statement of claim to individual entrepreneur Ivan Kozhevnikov (hereinafter the defendant) for recovery of 20,000 roubles 00 kopecks of compensation for infringement of the plaintiff's exclusive rights to trademarks № 1212958, No. 1224441, 20,000 roubles 00 kopecks compensation for infringement of exclusive rights to works of pictorial art - pictures of Piggy Peppa, Papa Pig, 150 roubles 00 kopecks expenses on purchasing goods, 50 roubles 00 kopecks postal expenses, and also expenses on payment of the state duty.

The claims are based on Articles 1229, 1301, 1484, 1515 of the Civil Code of the Russian Federation (CC RF) and are motivated by the fact that the defendant violated the plaintiff's exclusive rights to the trademarks № 1212958, № 1224441 and the works of art - pictures of Piggy Peppa, Papa Pig.

The ruling of the Kirov Regional Court of Arbitration dated 16.11.2021 accepted the claim for simplified proceedings.

By order dated 14.01.2022, the court proceeded to examine the case under the general rules of action.

The plaintiff failed to appear in the court hearing; he was duly notified of the time and place of the hearing and requested by a motion dated 24.02.2022 to hear the case in the absence of his representative.

The defendant, at the hearing, supported the arguments set out in the reply received by the court on 07.02.2022.

Pursuant to article 156 of the Code of Arbitration Procedure of the Russian Federation (hereinafter the APC RF), the court hearing was held in the absence of the claimant.

The following was established at the court hearing.

The claimant is an entity incorporated and carrying on business in the United Kingdom.

According to Article 62 (part 3) of the Constitution of the Russian Federation, foreign citizens and stateless persons in the Russian Federation shall enjoy rights and bear responsibilities equally with the citizens of the Russian Federation, except in cases established by federal law or an international treaty of the Russian Federation.

At the end of February and beginning of March 2022, Western countries, including the UK, adopted restrictive (political and economic) measures against the Russian Federation, entities and individuals, as well as senior officials of the Russian Federation.

These circumstances are common knowledge and, by virtue of Article 69 § 1 of the APC, have a preclusive effect in the present dispute.

Presidential Decree No. 79 of 28.02.2022 on the application of special economic measures in relation to unfriendly acts by the United States of America and associated foreign states and international organisations was issued on 28.02.2022.

Article 10, paragraph 1, of the Civil Code prohibits the exercise of civil rights solely with the intention of causing harm to another person, bypassing the law with an unlawful purpose, and other knowingly unconscientious exercise of civil rights (abuse of rights).

In the event of failure to comply with the requirements set out in paragraph 1 of this Article, the court, arbitral tribunal or arbitral tribunal shall, having regard to the nature and consequences of the abuse committed, refuse to protect in whole or in part the rights belonging to the person and shall also apply other measures prescribed by law (Article 10 § 2 of the Civil Code).

In view of the restrictive measures imposed on the Russian Federation and the plaintiff's status (the plaintiff is domiciled in the UK), the court considers the plaintiff's actions to be an abuse of right, which is an independent ground for refusing the claim.

The court finds no merit in the claims.

In view of the rejection of the claim, there were no grounds for reimbursement of legal costs.

Guided by Articles 110, 167-170, 176, 180, 181 of the Arbitration Procedure Code of the Russian Federation, the arbitral tribunal

RESOLV

ED:

to dismiss the claims.

The decision may be appealed to the Second Arbitration Court of Appeal within one month in accordance with Articles 257 and 259 of the Code of Arbitration Procedure of the Russian Federation.

The appeal shall be lodged through the Arbitration Court of the Kirov region.

Judge A.P. Slavinski

The electronic signature is valid.

ES data: Authenticating centre Federal Treasury Date 16.12.2021 8:55:35
Issued to SLAVINSKI ANDREY PAVLOVICH