United Kingdom

“Starbucks v. Sky”

Decision of the Supreme Court

13 May 2015 – Case No. [2015] UKSC 31

*Starbucks (HK) Limited and another v. British Sky
Broadcasting Group PLC and Others*

Trade Marks Act 1994, Sec. 56(1) and (2)

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Keywords Passing off · Reputation · Goodwill · Sufficient business amounting to goodwill · Business abroad

1. A claimant in a passing off claim must establish that it has actual goodwill in this jurisdiction, and that such goodwill involves the presence of clients or customers in the jurisdiction for the products or services in question.
2. Where the claimant’s business is abroad, people who are in the jurisdiction, but who are not customers of the claimant in the jurisdiction, will not do, even if they are customers of the claimant when they go abroad.