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FOR IMMEDIATE RELEASE

COURT ACTION TRIUMPH FOR CATERHAM

- Rights to Seven shape and structure established -

The long running legal action brought by Caterham against Chris Smith and Westfield Cars for infringement of copyright and passing off has ended in victory for Caterham.

Chris Smith's WESTFIELD SEVEN was a LOTUS 7/CATERHAM 7 lookalike. Not only was the structure of the car modelled on Colin Chapman's construction but the appearance faithfully recreated the distinctive shape of the 7 car.

Caterham said that they owned copyright in drawings of the 7 and its parts and that only they were legally entitled to manufacture cars according to those drawings. Also Caterham claimed that the names SEVEN, 7 and SUPER SEVEN, and the characteristic shape and appearance of the car, were distinctive of the CATERHAM/LOTUS 7 and that Chris Smith's calling his car by those names and giving them that characteristic external shape amounted to passing off.

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Caterham issued a writ against Westfield and Chris Smith personally and started proceedings in the Chancery Division of the High Court. Westfield contested the proceedings claiming that Caterham's copyright did not exist or had expired and that Caterham had rights neither to the name SEVEN nor the car's distinctive shape.

However, Caterham pressed on with their action determined to establish their copyrights and prevent confusion in the marketplace between "the real thing" and imitations. Caterham are particularly concerned about unscrupulous second hand dealers, especially abroad, removing Westfield insignia, substituting Lotus or Caterham badges and passing off Westfield cars to foreign buyers.

The Court Order terminating the legal proceedings, to which both sides consented, contains injunctions restraining Smith and Westfield from making and selling sports cars under the names SEVEN, 7 and SUPER SEVEN, or of substantially similar appearance to the LOTUS/CATERHAM 7, and from making and selling cars, in particular chassis, which reproduce the old Lotus 7 designs. The Order provides for delivery up by Chris Smith to Caterham of tooling for the Westfield Seven as well as payment to Caterham of substantial damages and costs.

Production and sales of the WESTFIELD SEVEN and SEVEN SE cars are now a thing of the past (Westfield Seven Limited, one of the Defendants, having been wound up) and Westfield

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are launching a new, independently designed model under the name WESTFIELD SE. The new car's appearance reflects its Lotus/Colin Chapman inspiration, but it illustrates Westfield's changed status as an independent motor car manufacturer, with its own legitimate designs and its abandonment of copycat engineering.

Said Chris Smith, "I am glad that we can now put these legal proceedings behind us and get on with doing what we do best: making sports cars. I am sure our new model will be a success. The law of copyright and passing off is a jungle and I would certainly advise other replica car makers to think twice before infringing Caterham's rights with SEVEN lookalikes." Graham Nearn commented, "I am glad that Westfield have recognised our rights in the 7. I am satisfied that the new WESTFIELD SE is an independently designed car, that it will not cause confusion in the market place and that it will compete with the Caterham 7 on legitimate terms."

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