Commercial Awareness Club

APRIL 2026 ISSUE

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Community Update:

We are looking to host our first event!

If anyone has any suggestions they would like to put forward, please do let us know. We are looking for experts in any particular field, those with knowledge of pathways into law, or anyone who has a unique insight into an area due to their experiences or studies.

This will be a virtual event hosted either 7-8pm during the weekday or on a weekend, depending on public vote. We look forward to hearing from everyone!

Antitrust Law

Katy Perry Trademark Dispute
Australia's High Court concluded a long-running trademark dispute between pop star Katy Perry and fashion designer Katie Perry (Katie Taylor). The case centred on whether the designer's use of the name "Katie Perry" for clothing infringed the singer's brand or caused consumer confusion. The court ruled in favour of the designer, holding that her trademark, registered in 2007 – 2008, was valid and did not breach trademark law. Crucially, the court found that despite the singer's global fame, consumers were unlikely to be misled into thinking the clothing brands were connected.

The court also found that merchandise linked to the singer had infringed the designer's trademark, reinforcing that even large brands must respect existing IP rights. The case shows that branding is a legally protected asset and a source of competitive value. Businesses must conduct early trademark checks, manage global brand expansion carefully, and avoid assuming fame guarantees legal protection.
Further reading: Lexology, Legalink

Rightmove Lawsuit Over Subscription Fees
In April 2026, a major legal action was filed against Rightmove in the Competition Appeal Tribunal (CAT) on behalf of hundreds of UK estate agents, seeking up to £1.5 billion in damages. The claim alleges that Rightmove abused its dominant position in the online property-portal market by charging "excessive" and "unfair" subscription fees for agents to list properties on its platform.

Agents argue that, because Rightmove holds a commanding share of the UK property listing market, they have had little practical choice but to pay rising fees, which they claim are disproportionate to the value delivered. The lawsuit has already had tangible impacts: the company's share price fell sharply following news of the claim, showing how litigation risk can affect investor confidence and market valuation.

Further reading: Reuters, Law Society Gazette

Movimento Consumatori v Netflix
The Civil Court in Rome ruled in favour of the consumer advocacy group Movimento Consumatori, finding that Netflix's subscription price increases in Italy between 2017 and 2024 were unlawful under Italian consumer protection law because the contracts did not include valid justification for unilateral price changes. Subscribers are entitled to refunds of up to €500, reductions to pre-hike pricing, and official notice of their right to compensation. Other streaming services will face increased legal risk if their terms allow price rises without detailed justification. They may need to rewrite consumer contracts, provide clearer disclosures, and strengthen consumer-rights compliance to avoid litigation or regulatory enforcement.
Further reading: Europe Says, ARS Technica

Update: Ticketmaster Found Guilty by Jury
A federal jury in New York found Live Nation and Ticketmaster guilty of operating as a monopoly, which contrasts to the previous federal decision. The verdict concluded the companies used their dominant position through venue control, exclusive arrangements, and integrated services to stifle competition and inflate ticket prices, overcharging consumers. A judge will now decide damages and remedies, which could include financial penalties and possible structural changes; Live Nation plans to appeal the verdict.

Contract Law

Zaha Hadid Limited v The Zaha Hadid Foundation
The dispute arose over a trademark licence stating that the agreement would "continue indefinitely, unless terminated earlier", with only one party's express right to terminate. The Court of Appeal overturned the High Court's view that this created a perpetual obligation, instead holding that an "indefinite" term does not automatically bind parties forever and that both sides can be entitled to terminate on reasonable notice unless a truly perpetual contract is clearly and unambiguously articulated.

This ruling underlines the importance of precise drafting - particularly in long-term supply, licence, or partnership agreements. If not clearly set out, courts may imply termination rights consistent with commercial reality, potentially altering parties' expected contractual obligations and negotiating leverage.
Further Reading: DWF Group, Final Ruling, Blackstone Chambers

Mace Construct Ltd v Baltic Investment Holdings Ltd
In a construction contract dispute under an amended JCT Design & Build 2016 form, the Technology & Construction Court reaffirmed that adjudicators can "open up, review and revise" earlier contractual decisions - including extensions of time - so long as they exercise that power within the contractual framework. This means interim decisions (e.g., certificates, time assessments) are ordinarily not final and can be revisited and parties should be cautious in assuming that prior favourable determinations (e.g., progress assessments) are insulated from correction. For businesses in sectors using adjudication or interim dispute mechanisms (notably construction), this case underscores the continued vulnerability of interim decisions to later challenge and the importance of diligent, contract-focused preparation at every stage of adjudication.

Further Reading: Fieldfisher, DWF

Supply-Chain Resilience and Disruption Mitigation Clauses
Recent years have shown that supply chains are increasingly exposed to shocks - from pandemic-era shutdowns to geopolitical tensions such as trade restrictions involving China. In response, businesses are inserting "disruption mitigation" clauses into commercial contracts to allocate risk, improve continuity planning and avoid litigation when performance becomes difficult or costly. These clauses typically combine force majeure, material adverse change (MAC) triggers, flexible performance mechanisms, and obligations to implement contingency measures (such as dual sourcing). Commercially, the objective is predictability: firms want to know who bears the cost when supply dries up, transport routes close, or input prices surge.

Well-drafted mitigation clauses can reduce downtime, support stable pricing, and protect customer relationships. Poor drafting, however, increases litigation risk and may leave companies exposed to penalties for non-performance. In a world of volatile supply networks, supply-chain resilience clauses are no longer boilerplate; they are strategic risk-management tools that directly affect profitability and competitiveness.

Further Reading: Womble Bond Dickinson, Walker Morris

Consumer Law

First CMA Enforcement Action Under New Law
In mid-April, the Competition and Markets Authority (CMA) used its new powers under the Digital Markets, Competition and Consumers Act 2024 (DMCCA) to take its first enforcement action against a consumer-facing business. Automobile Association (AA) and its AA Driving School and BSM Driving School were ordered to pay a £4.2 million fine and refund over 80,000 customers after finding that a mandatory booking fee wasn't included in the upfront price - an illegal "drip pricing" practice. This is the first time the CMA has secured financial penalties and consumer redress under the direct enforcement regime created by the DMCCA.
Further Reading: Eversheds Sutherland, Pinsent Masons

Major Review of Consumer Class Actions
The Law Commission of England and Wales announced a major review into whether England and Wales should introduce a dedicated consumer class action regime, marking one of the most significant potential reforms to consumer law in over a decade. The initiative responds to growing concern that individual consumers often lack the resources to pursue small-value claims, particularly in markets dominated by large firms such as Apple or complex digital-services providers. Current options, such as representative actions under CPR 19.8 or competition claims via the CAT, are viewed as fragmented, narrow, and procedurally restrictive.

The review will assess models in jurisdictions like Australia and Canada, where class actions are well-established, and consider safeguards to prevent frivolous litigation. If adopted, a new regime could allow consumers to consolidate claims involving unfair contract terms, data misuse, subscription traps, or misleading pricing. Businesses face the prospect of greater litigation exposure, as systemic breaches affecting thousands of customers could lead to large, coordinated claims and a more accessible redress mechanism may also shift regulatory expectations, encouraging earlier settlement, enhanced transparency, and more robust consumer-rights governance.
Further Reading: Law Commission, Law Society Gazette

Collective Proceedings Order Granted Against Apple
The UK Competition Appeal Tribunal granted a Collective Proceedings Order (CPO) in favour of Which? against Apple. The case alleges that Apple abused its dominant position in the iOS operating system market by favouring its native iCloud cloud storage service and excluding rival providers, to the detriment of UK consumers and competition.

This CPO means the CAT found that the claims presented common issues suitable for collective adjudication, and that the case could proceed on behalf of an aggregated class of iOS users. It is one of the most high-profile competition class actions certified in the UK since the regime's evolution, particularly against a Big Tech platform.
Further Reading: Concurrences, Which?

Corporate Law

James Watt Terminated as Director of BrewDog
In early 2026, James Watt, co-founder of BrewDog, was formally terminated as a director. Although he had already stepped down as CEO in 2024, he remained a non-executive director until BrewDog entered administration due to financial difficulties. This process sits within the framework of the Companies Act 2006, which sets out how directors are appointed and removed. Directors hold statutory duties - including promoting the success of the company, exercising reasonable care, and avoiding conflicts of interest - until legally terminated. In this situation, a lawyer would check how the director is being terminated including reviewing the company's articles of association, any shareholders' agreement, the director's service contract, relevant company law requirements, and ensure the company is using a valid legal route (resignation, board removal, shareholder removal, or insolvency-based termination). They would draft and review all paperwork, making sure it is legally sound to protect the company from future disputes such as unfair dismissal, liability for past decisions, intellectual property, confidentiality, or reputational issues.
Further reading: BBC, SO Legal, LegalVision

SpaceX IPO
In June 2026, SpaceX is expected to proceed with a landmark initial public offering (IPO), marking its transition from a private to a publicly traded company. Legally, the process centres on compliance with securities regulation, particularly the preparation of a detailed prospectus. This document must accurately disclose financial performance, business risks, and future strategy to avoid liability for misrepresentation. The IPO highlights risk allocation. SpaceX's high capital expenditure and expansion into emerging technologies must be clearly disclosed and regulatory scrutiny will significantly increase. The IPO illustrates how legal frameworks enable access to capital while shaping control, risk, and investor relations. It shows that IPOs are not just financial events, but complex legal transactions balancing business strategy with regulatory compliance.
Further Reading: Investopedia, Lexology

UK Law Firms Prepare for Impending Tax Looms (Sol Barton)
Large law firms across the UK are preparing for a significant financial impact as the Chancellor Rachel Reeves considers a "tax raid" on Limited Liability Partnerships (LLPs) to address a multi-billion-pound deficit in public finances. By potentially removing the current exemption that spares LLP members from the 15% employer-style National Insurance Contributions, the Treasury aims to generate roughly £2 billion from high-earning professionals, including Magic Circle lawyers and senior consultants.
This proposed shift has sparked significant industry concern, with experts warning that such a sharp increase in overhead could erode the UK legal sector's global competitiveness, incentivise a "brain drain" to jurisdictions like Dubai, and force firms to offset costs by freezing junior staff salaries or curtailing recruitment which may cause vulnerability within the sectors job market.
Further Reading: The Times

To Watch:

- Vodafone is currently being sued by its franchisees following terminations and claims of unreasonable changes to commission, heavy fines, and clawbacks for minor compliance breaches. Mediation has failed and trial preparation has begun - Business Matters

Employment Law

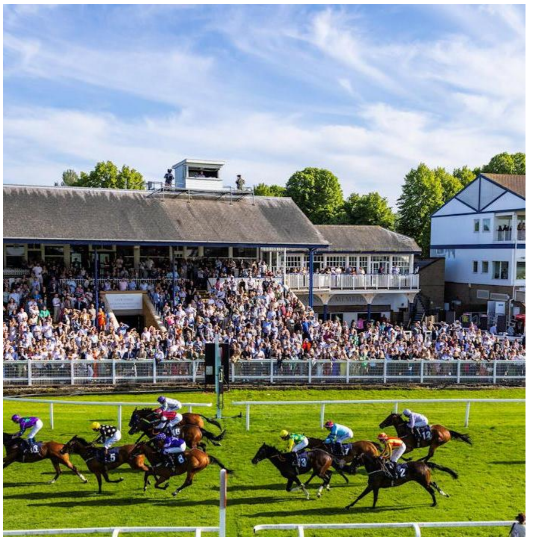
Waitrose Employee Dismissed
Walker Smith, a 54-year-old employee with 17 years' service at Waitrose was dismissed after attempting to stop a shoplifter from stealing Lindt bunny chocolate. the legal question centres on whether Waitrose's decision to dismiss was fair and reasonable under UK law. Employers must show both a substantive reason for dismissal and that they followed a fair procedure, including investigation, disciplinary meetings, and an opportunity for the employee to respond, as required by the ACAS Code of Practice. If procedure is flawed - even with potentially valid grounds, the dismissal could be deemed unfair, exposing the employer to tribunal liability. The incident has led to public outcry and calls from politicians for reinstatement, demonstrating the commercial risks - from reputational damage to customer boycotts - that employers face when managing frontline staff conduct in high-pressure retail environments.
Further reading: ACAS, The Guardian

Kankanalapelli v Loesche Energy
In January 2026, the Employment Appeal Tribunal upheld an appeal in Kankanalapalli v Loesche Energy Systems Ltd, clarifying when a job offer can create a binding contract and what happens if it's withdrawn. The original tribunal held there was no contract because the conditions hadn't been met, however the Employment Appeal Tribunal disagreed, ruling that on the facts a binding contract formed at the point of acceptance—despite pre-employment conditions—because the offer letter set out key terms and the parties acted as if the contract were in force.

Because the contract was silent on termination rights, the tribunal implied a term requiring reasonable notice before withdrawal. Taking account of the role's seniority and relocation arrangements, it held that three months' notice was reasonable, and the employer was liable to compensate Mr Kankanalapalli accordingly. This case underscores that employers must clearly draft offer letters and anticipate contractual consequences of withdrawing accepted offers, especially for senior or relocation roles. Unclear wording can transform recruitment steps into enforceable legal obligations, with financial and reputational implications.

Further reading: Bird & Bird, Thompsons Solicitors

Foxton-Duffy v The Jockey Club Racecourses Ltd
In 2026, Matthew Foxton-Duffy successfully sued The Jockey Club for negligence, receiving £990,000 after suffering psychiatric injury from excessive workload. The court found the harm was foreseeable, as he had repeatedly raised stress concerns, yet the employer failed to act (e.g. no risk assessment or support). Legally, the case reinforces the duty to provide a safe system of work, including mental health protection. Commercially, it shows that ignoring employee wellbeing can lead to significant financial liability, reputational damage, and governance failures, making proactive workload management essential.
Further reading: Park Square Barristers, Old Square Chambers



ESG Law

Reform UK has pledged to repeal the Equality Act (thanks to Sol Barton)
The Equality Act 2010 is a core law that protects people in everyday situations. It consolidated decades of UK equality law into one clear framework and now underpins protections used by millions, including women, disabled people, carers, religious minorities, and ethnic minorities. Reform (a political party) argues that this act should be removed as they say it creates woke ideology and unfairness. Their goal is to remove this, arguing it hiders economic growth, however the removal of this, puts the very rights of the British Citizens at risk which in turn will affect the law sector exponentially.

Without the Equality Act, many protections people assume are common sense would simply disappear. Employers would lose clear legal duties around harassment, indirect discrimination and discrimination by association; service providers would no longer be required to accommodate disabled customers; landlords would no longer face a single statute explicitly banning discriminatory refusals to rent; and tribunals would lose the legal tests needed to distinguish fair treatment from discrimination based on sex, race, disability or pregnancy. Each year, tens of thousands rely on it in Employment Tribunals, while around 16 million disabled people depend on its duty requiring reasonable adjustments to access work, services, and public spaces. Its reach covers everything from pregnancy and maternity rights, to equal pricing for services, to protections against discrimination in housing, recruitment, and education.

The Act provides the legal tools that make claims of fairness, merit, and equal treatment enforceable in real life. Its removal would not simplify the law so much as strip away the protections that quietly shape daily life across the UK.
Further Reading: Diversity Scotland

Desiree Fixler's ESG Whistleblowing
Desiree Fixler was appointed Group Sustainability Officer at DWS Group in 2020, tasked with ensuring the firm's sustainability claims matched internal practice. However, she concluded that DWS's public ESG statements - which suggested that roughly half of its assets were ESG-integrate - vastly overstated the firm's actual integration of environmental, social, and governance criteria. Fixler tried raising these concerns internally but was ignored and ultimately terminated after only eight months on the job. Shortly afterwards she went public with her allegations.

Her disclosures sparked regulatory investigations on both sides of the Atlantic. In the United States, the U.S. Securities and Exchange Commission examined DWS for potentially misleading ESG claims - actions that later led to one of the largest greenwashing-related fines at the time and forced the firm to recalibrate its ESG reporting. German authorities also raided DWS offices as part of parallel probes. Her actions had major ESG law and compliance ramifications: regulators, investors, and institutional clients intensified scrutiny of ESG labels; asset managers reassessed their governance around sustainability claims; and legal teams now must prioritise accuracy and accountability in ESG marketing and disclosure. Fixler's experience illustrates the growing legal risks of greenwashing, the importance of internal compliance channels, and how whistleblower intervention can reshape regulatory enforcement and market practice.
Further Reading: CEO Magazine, Financial Times

Tech Law

Upper Tribunal (Immigration and Asylum) Issues Stark Warning on Risks of AI in Law
The case UK and R v Secretary of State for the Home Department arose from judicial review filings that contained non-existent or inaccurately cited authorities generated by generic AI tools (AI "hallucinations"). The Tribunal held that legal practitioners are professionally responsible for ensuring that every authority cited in materials filed with a tribunal exists, is locatable, and genuinely supports the point for which it is cited; reliance on AI outputs without adequate verification breaches professional duties and may lead to regulatory referral.

Crucially for tech law and risk management, the Tribunal explicitly highlighted confidentiality and legal privilege risks. It observed that uploading confidential or privileged client materials into public AI systems (e.g., consumer AI tools) effectively places information in the public domain, potentially waiving privilege and breaching client confidentiality - with attendant ethical and regulatory consequences. The judgment underscores the need for robust AI governance policies, careful supervision of AI-assisted work, and clear protocols on which tools may be used for different tasks, especially where confidential information or regulated conduct is involved.
Further Reading: National Archives, Norton Rose Fullbright

Chatrie v United States
The Supreme Court of the United States's review of Chatrie v United States is one of the most consequential privacy-tech moments of the year, because it forces the Court to address how far digital-age policing can go when relying on mass-location data generated by everyday devices. At the centre of the case is a geofence warrant - a law-enforcement request compelling a technology provider to disclose anonymised location data for every device within a specified geographic radius over a defined period. This challenges long-standing Fourth Amendment principles, which prohibit broad, suspicion-less searches.

The Justices showed clear concern about the scale and precision of modern geolocation tracking. Several highlighted that consumers cannot realistically opt out of being tracked by apps, Wi-Fi networks and mobile infrastructure, meaning "voluntary disclosure" is no longer a meaningful concept. A restrictive ruling would reshape how law enforcement can access location data, forcing tighter warrant standards and prompting tech companies to reconsider how they store, retain and anonymise such data. Conversely, a permissive ruling could entrench geofence warrants as a mainstream investigative tool, with major implications for app developers, ad-tech platforms, telecoms operators and any business relying on precise mobility data.
Further Reading: SCOTUS Blog, Oyez

Emotional Perception AI Ltd v Comptroller General of Patents, Designs and Trade Marks
The core issue was whether inventions involving artificial intelligence - particularly systems designed to mimic or respond to human emotional patterns - could be excluded as "computer programs as such" under long-standing UK patent doctrine. Historically, UK courts applied the Aerotel/Macrossan framework, which often resulted in AI-related inventions being rejected unless they demonstrated a clear technical contribution beyond software execution. The Supreme Court departed from this approach and aligned UK reasoning more closely with the European Patent Office framework. Under this updated position, AI-driven inventions are not automatically excluded; instead, the key question is whether the invention produces a technical effect beyond the normal functioning of a computer. This shift lowers uncertainty for applicants in the AI sector and improves the attractiveness of the UK as an innovation jurisdiction, particularly for startups and scale-ups seeking defensible IP portfolios.
Further Reading: Supreme Court, CMS