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Ryanair Refund Campaign

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REGULATED BY THE LAW SOCIETY

4 February 2005
By email

Dear Sir

Website www.ryanair.org.uk

We refer to your letters dated 29 November 2004, 22 January 2005 and 29 January 2005.

We did not respond to your letter dated 29 November 2004 (received by us on 1 December 2004) since, as you are aware, your previous Internet Service Provider, Claranet Limited, had shut down your website due to concerns it had over its content. Moreover, and despite our request for you to do so, you failed to identify who you were. Aside from the fact that your failure to do so was yet further evidence of the malicious nature of your website, we saw no reason to respond to a legal non-entity.

We note that you have now resurrected your website with a new Internet Service Provider.

Further, we note that you have made certain statements, and alterations to your website, in response to our letter to you dated 29 November 2004. We do not consider that these remedy the acts complained of by our client.

We have already set out sufficiently those aspects of your website that give rise to our client's complaint. Without prejudice to this, and for the avoidance of doubt, in addition to the false statements and innuendo which we have previously identified (which have not been remedied), and which constitute the actionable torts of defamation and malicious falsehood, our client also considers that it has claims against you in respect of passing off and infringement of copyright arising out of the arrangement, colour scheme and general get up of your website and the underlying source-code (all of which are substantially the same as our client's own website at www.ryanair.com), and the use of the domain name www.ryanair.org.uk.

We have also drawn your attention to our client's trademark.

Further, you have now published on your website a web page headed "Contact Us", containing the email addresses of various employees of our client. This information is private, not publicly available and constitutes personal data. In that regard we draw your attention the Data Protection Act 1998, and in particular, to section 55 thereof relating to Criminal Offences.

For all the reasons set out herein and in our letter dated 29 November 2004, we consider that your website is unlawful, and that it should be shut down immediately.

We do not propose corresponding with you further in relation to this matter. In particular, and in response to your letters dated 22 January 2005 and 29 November 2004, we will not engage in a process whereby we vet those stories submitted to you or in a process which may give legitimacy to your unlawful website.

In the absence of any comment from our client you should not assume that the stories you have submitted to us are true.

In the circumstances, we repeat our request that your website be shut down immediately.

Our client again reserves all of its rights in relation to the domain name www.ryanair.org.uk, and the material published on your website, including all of its rights against you personally, including the right, without further notice to you to commence immediately legal action to prevent further publication of the website and/or use of the domain name ryanair.org.uk and/or a claim for damages.

We have written to your new Internet Service Provider setting out our complaints in relation to your website.

Yours faithfully

Howrey Simon Arnold & White

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