

STATEMENT ABOUT THE CLAIMANT'S SOLICITORS, BRANDSMITHS:

I understand that Claimant's solicitors, Brandsmiths, are regulated by the Solicitors Regulation Authority (SRA) and as such, are bound by its Principles. Through their actions, I believe the Claimant's solicitors did not act in line with the SRA principles, specifically:

- Principle 1: You act in a way that upholds the constitutional principle of the rule of law, and the proper administration of justice;
- Principle 2: You act in a way that upholds public trust and confidence in the solicitor's profession and in legal services provided by authorised persons;
- Principle 3: You act with independence
- Principle 5: You act with integrity.

The Claimant's solicitors are fully aware that I am not using a legal representative in this matter and based on the way they acted so far they have not given me the confidence that I was dealing with professionals acting with independence and integrity because of the following:

a) The Claimant's allegations changed several times throughout our communications and Brandsmiths did not attempt to clear this or produce evidence to support his claims. Although I confirmed in my letter dated 21 December 2021 that several of their client's statements were untrue and that I provided my side of the story, with facts, they did not request further clarification or evidence. I believe that this should have been done as the points I was contesting were in relation to the validity of the contract between me and the Claimant and also his use of the materials I created and for which I maintained that I received no payment **<evidence in Appendix 1 - my letter dated 21 December 2021>**. The Claimant relies on several statements without providing any evidence at all (whether to his solicitors or in this Claim): race rules, collection of birds from the Claimant's premises, payment for services at "market rates", use of banner that the Claimant alleges became synonymous with his race.

b) Despite this being a claim for intellectual property rights, copyright and trademark, the solicitors did not address my claim in my letter dated 21 December 2021 in relation to their Client selling a DVD (and retaining all proceeds) which has my logo on the cover and throughout the DVD footage and which I own the exclusive rights to. Furthermore, in their Court Claim, not only that Brandsmiths do not mention the DVD, but they use the image (their Annex 9) to allege (their paragraph 29) that the DVD was part of the contract under dispute and that the Claimant was entitled to it. This is completely untrue, the DVD “Who Knows Wins” does not form part of the contract. Their Client knows that the DVD is not part of the contract in dispute and I made this very clear to Brandsmiths in my letter of 21 December 2021.

c) Brandsmiths rushed to submit papers to the Courts within three days of receiving my reply dated 21 December 2021. They emailed me on 24 December (Christmas Eve) at 3.30 pm (a time that I should have enjoyed with my family and friends) with 2 copies of Form N1 that had **no date, no claim number or stamp from the Courts**. I also understand that the Courts were closed on 24 December PM. So I believe that there was no need to send the papers in this manner, especially with an extended period of non working days over Christmas and New Year, and more time should have been taken to clarify any points before submitting papers to the Courts. Their actions caused me and my family immense distress over the Christmas period. We cancelled our plans for Christmas day and started working through the evidence required to defend this claim. I simply do not understand why they acted like this. **<evidence in Appendix 2 - email from Brandsmiths with blank forms>**.

d) They state in the Claim Statement in section PRACTICE DIRECTION COMPLIANCE (paragraph 62) that they complied with paragraph 7.1(1) and Annex A (paragraph 2) of the Practice Direction (Pre-Action Conduct), which I believe is not true. My understanding is that by not asking me for further evidence and wanting to establish facts correctly before going to Courts they did not adhere to the requirements of paragraph 3 (Objectives of pre-action conduct and protocols). In addition, they did not provide me with key documents relevant to the issues in dispute (para 6 (c)).

e) On receipt of email from the solicitors of stamped forms from the Court on 30 December, I noticed that the address to send the forms to was missing (although it states on the forms that it should be provided). I emailed back straight away asking for the address. I received no reply until the 4th January 2022. There was no out of office reply, therefore I assume they were still working on 30th and 31st December. Prior to this they replied straight away, for example on 14 December 2021 they replied within 20 minutes as they demanded an answer from me. I am sure they are well aware that I had limited time to respond to the papers and that this Christmas and New Year's period had an increased number of non-working days. **<evidence in Appendix 3 - emails regarding Court's address>**

I believe that the facts stated in this form are true.



Mark James Lyford

Date: 26 January 2022

Date of Birth: 15 February 1975