

GRACEKENNEDY REMITTANCE SERVICES LIMITED WINS CASE BROUGHT BY PAYMASTER

Attorneys-at-Law, W. John Vassell Q.C, B. St. Michael Hylton, Q.C., Courtney Bailey, Teri-Ann Lawson instructed by DunnCox acting for GraceKennedy Remittance Services Limited (GKRS) were successful in a case brought by Paymaster (Jamaica) Limited against GKRS and Paul Lowe. Paymaster claimed to be owners of the copyright in the Multi-Payment Software Head Office Programme which Paymaster alleged it designed the architecture for, provided the specifications and contracted Paul Lowe to write the software from the specifications it provided to him. Paul Lowe licensed the software to GKRS which used the program for a few months in 2000 in its bill collection business, 'Bill Express' (a competitor of Paymaster) before GKRS was restrained from using the software by an injunction granted in August of 2000 to Paymaster.

The injunction granted to Paymaster restrained Paul Lowe and GKRS from using the software until the determination of the claim.

Paymaster sued GKRS and Paul Lowe seeking the following remedies:

Against GKRS & Paul Lowe: damages for breach of copyright in respect of the bill payment software in question; damages for breach of confidence; and an injunction restraining the use of the bill payment software in question.

Against GKRS: damages for passing off and damages for inducing Paul Lowe to breach his contract with Paymaster.

Against Paul Lowe: damages for breach of contract with Paymaster.

The trial was held in October of 2009 before the Honourable Mr. Justice Roy Jones and judgment was delivered. Mr. Justice Jones granted judgment to GKRS and Paul Lowe on all the claims brought against them by Paymaster and awarded costs to GKRS and Paul Lowe, to be agreed or taxed. He also granted Paul Lowe judgment on his counterclaim against Paymaster with Mr. Lowe's damages to be assessed on a date to be fixed by the Registrar.

Consequent on Paymaster's undertaking in damages given to the Court at the time of the grant of the injunction in 2000, Mr. Justice Jones also ordered an enquiry into damages suffered by GKRS and Paul Lowe as a result of the injunction which Paymaster ought to pay. The date of the enquiry is also to be fixed by the Registrar.

Paymaster applied for and obtained a six week stay of execution of the judgment in order for it to take instructions in relation to the question of an appeal.

April 30, 2010