



## WHAT THEY DO

UNIVEG Katope is a specialist importer, ripener and pre-packer of tropical, citrus and deciduous fruits. Part of the global UNIVEG group of companies, UNIVEG Katope is based in Spalding in Lincolnshire. It sources and imports fruit on behalf of several major UK supermarkets, also handling all aspects of packing and distribution on behalf of its customers.

## BACKGROUND

Roythornes has represented UNIVEG Katope for several years and was approached in 2012 to assist with a dispute involving the right to import and distribute Pink Lady® apples into the UK market. As with all varieties of fruit and veg, this popular variety of apple is governed by strict rules around varietal rights. These rights restrict who can grow and distribute the variety - ensuring only those who have paid for and obtained appropriate licences are able to do so.

UNIVEG Katope wanted to import and distribute Pink Lady® apples into the UK but was being prevented from doing so by an existing licence holder in the UK. The European agency acting on behalf of an Australian company which owned the varietal rights to Pink Lady® apples would only grant UNIVEG Katope a licence for mainland Europe. It argued that for the purposes of licensing rules, the UK lay outside Europe.

The agency's decision had the potential to prevent UNIVEG Katope from fully meeting the requirements of its UK customers in the retail sector. The company felt the licensing agency's decision was flawed and approached Roythornes to put its case.

## SOLUTION

Roythornes commercial litigation specialist Peter Bennett undertook negotiations on behalf of UNIVEG Katope with the European agency which was denying the company a licence to import Pink Lady® apples into the UK.

We were able to convince the agency that to allow the company a European licence meant the UK would have to be included within its scope. We were also able to successfully argue that to restrict a UK licence to only one company would have potentially breached EU and UK competition law.

Crucially, Peter was able to secure a successful outcome for Roythornes' client without the need to resort to formal legal action through the courts.

## RESULTS

By securing a favourable resolution to this dispute on behalf of UNIVEG Katope, Roythornes has ensured the company now has the necessary licence allowing it to import and distribute Pink Lady® apples in the UK. UNIVEG Katope benefited from Roythornes considerable experience and expertise in negotiating complex commercial disputes.

The company has subsequently been able to meet the requirements of its UK supermarket customers. These major retailers are continually looking to rationalise their supply chain for cost and sustainability reasons. Without the successful outcome to this dispute negotiated by Roythornes, the multiples would have been forced to use an alternative supplier to UNIVEG Katope for the importation of pink lady apples. This would have potentially hindered their attempts to source as much fresh produce as possible from a single supplier and significantly affected UNIVEG's UK business.

For further details please contact us:

Spalding	01775 842500
Peterborough	01733 558585
Newmarket	01638 561320
Nottingham	0115 9484555

[www.roythornes.co.uk](http://www.roythornes.co.uk)