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Supreme Court decides test case on age discrimination

Can an employer still require an employee to retire on reaching a certain age? This is the question Howard Robson, Employment Partner at Warner Goodman Commercial asks in light of recent case, Seldon v Clarkson Wright & Jakes.

Following legal guidance from Europe, the Supreme Court in this case has reached a landmark judgment on this area of law by clarifying the grounds on which age related discrimination, such as dismissal at 65, might be justified.

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Unfair Prejudice

The Court of Appeal has given a timely reminder as to the fair treatment of minority shareholders. Steve Grant, Head of Warner Goodman Commercial, evaluates a recent case in which a minority shareholder alleged that he had been mistreated by the company's director and majority shareholder, and the implications of the case outcome for shareholders.

In the case of *Maidment V Attwood* there were various allegations, the main one being that the director had paid himself excessive remuneration resulting in reduced dividends for shareholders.

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Distress or relief?

Commercial tenants have never been in favour of their landlord, or more usually a bailiff, turning up unannounced and seizing their goods in order to recover arrears of rent. However, they will soon be able to breathe a sigh of relief as the common law remedy of distress is being abolished and replaced by Commercial Rent Arrears Recovery ("CRAR") from 6 April 2014. Here, Helen Porter, Head of Warner Goodman Commercial's Litigation Team, explains forthcoming changes to landlords' rights to distrain for rent.

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Sky v Microsoft trademark case instructive for smaller businesses.

Television company Sky has succeeded in forcing software giant Microsoft to drop its SkyDrive name for "cloud" digital storage services. The case highlights the need for businesses to be cautious when it comes to new brand or service names, warns Geoffrey Sturgess, IP and commercial contracts solicitor at Hampshire based law firm Warner Goodman Commercial.

Microsoft are being forced to change the name of their SkyDrive online storage after Sky issued proceedings alleging trade mark infringement, arguing that the use of the name SkyDrive infringed their Sky trademarks.

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Whose pitch is it anyway?

Acquiring land by adverse possession is the process by which a person who is not the legal owner of the land can become the legal owner by possessing the land for a specified period of time. Here Kirsten Edberg, Litigation Solicitor at Warner Goodman Commercial, reviews a recent case and the implications this has on the future of land possession.

There are two elements to a claim for adverse possession, which are:

- (1) Uninterrupted factual possession of the land by the claimant for the requisite period – which is either 10 or 12 years depending on whether the land is registered or unregistered
- (2) Intention on the part of the claimant to possess the land during that period of possession.

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Linkedin and keeping your business contacts safe

When it comes to business development, LinkedIn has replaced the old fashioned address book for keeping up with business contacts.

But whilst many companies encourage employees to use the online social networking site to keep in touch with customers, Sarah Whitmore, Employment Law Partner at Hampshire based law firm Warner Goodman LLP, highlights here what can be a potential downside of such relationships when an employee moves on.

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How secure is your business tenancy?

Following the recent case of Humber Oil Terminals Trustee Ltd v Associated British Ports [2012] Alexandra Savage, Trainee Solicitor at Warner Goodman LLP, discusses an unusual argument used in an unsuccessful attempt to prevent the landlord taking possession.

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