HAGGIS WILDLIFE FOUNDATION

Notice of Intellectual Property Rights and Reservation of Rights

1 Introduction

1.1 This Notice is issued by Fascia Holdings Limited, a company incorporated in Scotland under company number SC623979, whose registered office is at 3 Lochrin Place, Edinburgh, Scotland, EH3 9QX (the "Owner"). The Owner trades as the Haggis Wildlife Foundation (the "Foundation").

1.2 The Owner reserves the intellectual property rights it holds in the Foundation's marks, characters, products and published materials. It uses material belonging to others under the applicable licences or permissions, or as otherwise permitted by law.

1.3 This Notice is the Foundation's current public statement of intellectual property rights. It supersedes inconsistent public IP statements in the Foundation's earlier website materials, including the notices dated 1 December 2023 and 7 January 2025. Existing agreements and licences continue according to their own terms.

2 Definitions

2.1 In this Notice, the following expressions have these meanings.

"1988 Act" means the Copyright, Designs and Patents Act 1988.

"1994 Act" means the Trade Marks Act 1994.

"HWF Characters" means the Foundation's characters, including Stirling White Tash Haggis (also known as Stirling White Tash, THE WHITE TASH or White Tash, and designated Haggii s. albomystax, Haggi stirlingensis albamystacia or Haggis scoticus albivibrissa) and The Common Garden Haggis (also known as The Garden Haggis or GARDEN HAGGIS, and designated Haggii s. hortensis), as expressed in identifiable works such as their written descriptions, illustrations, animations and narratives.

"HWF Marks" means the registered Foundation logo, the names HAGGII and HAGGI, the slogans "Uneven Paths United Hearts", "Find Your Flock on Any Slope" and "Legends Never Run Straight", and the other names, logos, slogans and get-up used by the Owner to identify the Foundation's goods or services.

"Materials" means content published by or on behalf of the Foundation, including articles, newsletters, species descriptions, taxonomies, field notes, illustrations, photographs, videos, animations, sound recordings and website content.

"Products" means goods made or supplied by or on behalf of the Foundation, including its soft toys, plush figures, books and other publications.

"Protected Materials" means HWF Characters, HWF Marks, Materials and Products to the extent that the Owner holds enforceable rights in them.

2.2 This Notice uses Scottish expressions for remedies and proceedings, including interdict, delivery and expenses. The statutory adaptations for Scotland are set out in sections 177 and 262 of the 1988 Act and section 102 of the 1994 Act.

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3 Ownership

3.1 The Owner is the registered proprietor of the Foundation logo identified in clause 6.1. It reserves the copyright, database rights, design rights and other intellectual property rights it owns or is entitled to enforce, together with the goodwill it holds in the Foundation's business. Rights in third-party material remain with the relevant rights holders.

3.2 Access to a Foundation website or channel, purchase of a Product or receipt of a publication leaves the relevant intellectual property rights with their holders. The permissions in section 8 and any applicable separate licence continue to apply.

4 Copyright

4.1 Copyright in qualifying works arises automatically under Part I of the 1988 Act. Relevant works include original text, artwork and photographs, as well as qualifying films and sound recordings. The identity of the rights holder depends on authorship, employment and any transfer of rights.

4.2 The Owner claims copyright in original expression in the works depicting or describing the HWF Characters, including original artwork used on toys or packaging, product photography and accompanying publications. The Owner also claims copyright, where the legal requirements are met, in a sufficiently delineated character as expressed in those works. In Shazam Productions Ltd v Only Fools The Dining Experience Ltd [2022] EWHC 1379 (IPEC), the court held that Del Boy as expressed in the scripts qualified as a literary work on the facts of that case.

4.3 Under section 16 of the 1988 Act, restricted acts include, where applicable to the work, copying, issuing copies to the public, public rental or lending, public performance, showing or playing, communication to the public, and adaptation or restricted acts in relation to an adaptation.

4.4 Copyright infringement may arise where a person carries out or authorises a restricted act in relation to the whole or a substantial part of a work, directly or indirectly, without a licence or other lawful basis. Under section 17 of the 1988 Act, copying can include making a three-dimensional reproduction of a two-dimensional artistic work, or the reverse. For HWF material this can include a toy, model or digital reproduction that copies protected artwork. Section 51 and other statutory limits apply where relevant to articles made to designs or copied from them.

4.5 Sections 22 to 24 of the 1988 Act also provide for secondary infringement in specified circumstances. These include certain imports and dealings in articles known or reasonably believed to be infringing copies, and certain dealings with articles specifically designed or adapted for making copies where the person knows or has reason to believe they are to be used to make infringing copies.

4.6 For many literary, dramatic and artistic works, the usual UK term is 70 years from the end of the calendar year of the author's death. The ordinary term for films runs for 70 years from the end of the calendar year of the death of the last survivor of the principal director, screenplay author, dialogue author and composer of music specially created for and used in the film, where applicable. The statutory term depends on the work and the applicable rules.

4.7 Protection outside the UK is governed by the law of the relevant country and applicable international agreements, including the Berne Convention.

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4.8 Foundation videos, images and publications carry electronic rights management information, including watermarks, credits and copyright notices. Knowingly removing or altering that information without authority, or knowingly distributing or communicating to the public copies from which it has been removed or altered, gives the Owner the rights available under section 296ZG of the 1988 Act.

5 Design rights

5.1 UK unregistered design right can protect the original shape or configuration of qualifying three-dimensional designs, including eligible soft toy and plush figure designs. Under section 216 of the 1988 Act, the term runs for 15 years from the end of the calendar year of the first recording of the design or making of an article to the design, whichever occurs first. If articles made to the design are made available for sale or hire by or with the licence of the owner within five years from that year end, the term is 10 years from the end of the calendar year of first availability. The statutory licence-of-right regime applies in the final five years.

5.2 Supplementary unregistered design can protect the appearance of a qualifying design, including features such as its shape, colours or ornamentation. Protection in the UK lasts for three years from the qualifying first public disclosure. Eligibility and the start of the term depend on the design and how it was disclosed.

5.3 Where these rights subsist, the Owner reserves the right to act against copying and unauthorised commercial dealing in copies falling within the scope of the applicable design right. Sections 226 and 227 of the 1988 Act may apply to making articles exactly or substantially to a protected design for commercial purposes, making design documents to enable such manufacture, and specified imports or business dealings where the person knows or has reason to believe the item is an infringing article. This can apply to copies of the Foundation's plush designs where the relevant right subsists.

6 Trade marks and passing off

6.1 Fascia Holdings Limited is the registered proprietor of the HAGGIS WILDLIFE FOUNDATION figurative logo under UK trade mark UK00004134196, in Classes 9, 25, 35 and 40. The goods and services are specified in the register. Section 10 of the 1994 Act governs infringement, including identical use for identical goods or services, cases involving likelihood of confusion and, where the mark has a reputation in the United Kingdom, use without due cause of an identical or similar sign that takes unfair advantage of or harms the mark's distinctive character or reputation. UKIPO register entry

6.2 The Foundation uses the full and shortened names identified in clause 2.1 for the corresponding characters and associated goods and materials, including plush toys, publications and videos. Where these names identify the Foundation as the commercial source, the Owner reserves any rights arising from their use, including any goodwill capable of protection by passing off.

6.3 In Scotland the Owner may bring a passing-off claim where it can establish goodwill, a misrepresentation likely to deceive the relevant public, and resulting or likely damage. These principles may apply to misleading suggestions that merchandise, content or accounts are official, licensed or endorsed by the Foundation. The overall impression can arise from the combined use of a character name, images, product get-up, packaging, a storefront name or

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a claim of official status. This applies to listings, advertisements and social profiles where the legal requirements for passing off are met.

6.4 Any disclaimer is assessed in the context of the overall presentation. The statutory limits on registered trade mark rights, including sections 11 and 12 of the 1994 Act where applicable, continue to apply.

6.5 Section 10(4) of the 1994 Act identifies uses of a sign in trade, including affixing it to goods or packaging, offering or stocking goods for sale, importing or exporting goods, and advertising. Section 10(3B) also reaches specified acts involving labels, tags, packaging and authenticity devices where there is a risk that they could be used in a way that infringes the registered mark.

6.6 Where the Owner can rely on earlier rights, it may oppose a later UK trade mark application or seek a declaration of invalidity on the grounds and within the procedures set out in the 1994 Act. Earlier rights may include goodwill protected by passing off or copyright where the applicable conditions are met.

7 Database right

7.1 The Owner reserves database right in qualifying compilations, including species records, taxonomies and field observations, where the applicable conditions are met. These include substantial investment in obtaining, verifying or presenting the contents. The right controls unauthorised extraction or re-utilisation of all or a substantial part, which can include repeated and systematic taking of insubstantial parts.

7.2 The usual term is 15 years from the end of the calendar year of completion or, where the database is first made available to the public during that term, from the end of the calendar year of first public availability. Statutory rules apply to substantially changed databases involving fresh substantial investment.

7.3 Separately, the Owner reserves copyright in the selection or arrangement of the contents of its qualifying databases where that selection or arrangement constitutes the author’s own intellectual creation under section 3A of the 1988 Act.

8 Permitted use

8.1 You may view the Materials published on the Foundation’s website and print or download extracts for your own personal, non-commercial use. This permission applies to material the Owner is entitled to license and is subject to any separate terms shown alongside the material.

8.2 You may link directly to a publicly accessible Foundation page in a way that accurately identifies the destination and avoids any misleading suggestion of association or endorsement.

8.3 For other uses that require authorisation under applicable law, request a written licence through the contact details in section 20. Section 12 applies to the whole of this Notice.

9 Uses requiring permission

9.1 Where the use would infringe rights held or enforceable by the Owner, obtain written permission before carrying out any of the following activities.

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(a) Using an HWF Mark or protected artwork on goods, packaging or advertising, including clothing, cards, prints, stickers, badges, mugs or jewellery.

(b) Making, importing, offering or selling a toy, plush figure or other product that copies a protected design or protected expression of an HWF Character.

(c) Using a full or shortened HWF Character name, or wording such as “inspired by” or “tribute to”, on packaging or in a listing or promotion where the overall presentation is likely to create a misleading impression of licensing, endorsement or other commercial connection.

(d) Using an HWF Mark in a domain name, trading name, search tag, social media handle, account name, channel name, hashtag or metadata in circumstances that constitute infringement or passing off.

(e) Copying or adapting protected artwork, illustrations, videos, recordings, text or character depictions for publication or online distribution.

(f) Framing, embedding, reproducing or reselling protected parts of the website in a manner that infringes the Owner’s rights or misrepresents the source or affiliation.

9.2 Section 9.1 applies to uses through marketplaces, independent shops and print-on-demand services. It includes commissioning infringing copies, using copied product photographs to market goods, and sending protected artwork or design files to a supplier to make infringing products, where the applicable rights and legal requirements are established.

10 Artificial intelligence and text and data mining

10.1 The Owner reserves its rights in protected works and databases against unauthorised copying, extraction and re-utilisation, including when carried out by scraping or harvesting for AI model training, fine-tuning or operation. Permission is required where the activity involves an act restricted by copyright or database right and there is no applicable licence, exception or other lawful basis.

10.2 Under section 29A of the 1988 Act, a person with lawful access may make a copy for computational analysis for the sole purpose of non-commercial research, subject to the statutory conditions, including sufficient acknowledgement unless providing it is impossible for practical or other reasons. Applicable statutory exceptions and lawful uses are preserved.

10.3 The Owner also reserves its rights against AI-generated outputs to the extent that their creation or use reproduces protected expression or otherwise infringes a right held by the Owner.

11 Online platforms and domain names

11.1 Regulation 19 of the Electronic Commerce (EC Directive) Regulations 2002 provides a conditional exemption from certain liability for hosting. Its application depends on the facts, including what the provider knew or was aware of and whether it acted expeditiously once it obtained the relevant knowledge or awareness. Under regulation 22 a notice is one circumstance a court considers when assessing actual knowledge.

11.2 The Owner may refer suspected infringement, counterfeit listings and impersonating accounts to the relevant platform, marketplace or provider. For hosted material, the Owner may send a report identifying the sender and address, the exact location of the material and

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the reason it is alleged to be unlawful. A platform's report or removal process operates alongside any remedies available through the courts.

11.3 For eligible .uk domain names, Nominet's Dispute Resolution Service is administered by the World Intellectual Property Organization. A complainant must show rights in a name or mark identical or similar to the domain name and that the domain name is an abusive registration in the respondent's hands. Transfer is an available remedy. For .com and other eligible generic domains, the ICANN Uniform Domain Name Dispute Resolution Policy applies its own requirements, including confusing similarity or identity, absence of rights or legitimate interests, and registration and use in bad faith.

11.4 Under section 97A of the 1988 Act, the Court of Session may grant interdict against a service provider that has actual knowledge of another person using its service to infringe copyright. A notice sent under clause 11.2 is relevant to that knowledge.

12 Statutory exceptions

12.1 All applicable statutory exceptions, limitations and defences are preserved, including those relating to copyright, trade marks, designs and database rights.

12.2 Section 30A of the 1988 Act permits fair dealing for caricature, parody or pastiche. In Shazam the court rejected the parody and pastiche defences and found that the use was not fair dealing on the facts of the dining production.

13 Knowledge and liability

13.1 Publication of this Notice records the Owner's claims and the terms on which permission is available. Knowledge, reasonable grounds for belief and any other requirements of liability are assessed on the facts. The Owner may rely on evidence that a specific notice was sent or brought to a recipient's attention, alongside the other evidence relevant to knowledge or reasonable grounds for belief.

13.2 Sections 22 to 24 of the 1988 Act contain distinct knowledge or reasonable-belief requirements. In a copyright action, section 97(2) permits an award of additional damages where justified, with regard among other matters to flagrancy and any benefit accruing to the defender.

13.3 In Lifestyle Equities CV v Ahmed [2024] UKSC 17, the Supreme Court held that accessory liability for procuring a wrong or participating in a common design requires knowledge of the essential facts that make the primary act wrongful, alongside the relevant conduct. The court dismissed the claims against the directors in that case.

13.4 This Notice is published to give notice of the rights held by the Owner, including the existence of registered trade mark UK00004134196 and the subsistence of design right in the Foundation's qualifying designs. It is not directed at any particular person and does not allege that any particular person has infringed those rights.

14 Civil enforcement in Scotland

14.1 Chapter 55 of the Rules of the Court of Session applies to specified intellectual property causes in the Outer House, including passing off. Proceedings ordinarily come before the nominated intellectual property judge. The appropriate forum depends on the right and proceedings.

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14.2 Interim interdict may be sought where warranted. The court assesses the merits on a prima facie basis and the balance of convenience. In William Grant & Sons Irish Brands Ltd v Lidl Stiftung & Co KG [2021] CSIH 38, the Inner House upheld the interim interdict and removed its Scotland-only restriction on the jurisdictional facts of that case.

14.3 Depending on the right and the facts, civil remedies may include interdict or interim interdict, damages or accounting and payment of profits as appropriate, additional copyright damages where available, delivery or disposal of infringing items, and expenses. Relevant provisions include sections 96, 97, 99 and 114 of the 1988 Act for copyright, sections 229 and 230 for design right, and sections 14 to 16 and 19 of the 1994 Act for registered trade marks. The court may order erasure or removal of an infringing sign, delivery of infringing items or disposal, including destruction, where the relevant statutory conditions are met.

14.4 The Harris Tweed Authority reported that in March 2018 it obtained permanent interdict, £25,000 in damages and expenses in its Court of Session action against Cashmere & Tartans Limited concerning misuse of its registered marks. It also reported that the order allowed publication of a notice of the decision at the defender's expense.

14.5 Where the statutory conditions are met, the Owner may apply under section 1 of the Administration of Justice (Scotland) Act 1972 for orders to preserve, inspect or recover relevant documents, goods or other evidence. This may include samples of disputed products or packaging and relevant records of their manufacture, supply or sale. Applications before proceedings are subject to the relevant rules of court.

15 Criminal enforcement in Scotland

15.1 Section 107 of the 1988 Act creates specified offences relating to infringing copies and other copyright infringements. Certain offences, including making infringing copies for sale or hire where the statutory conditions apply, carry a maximum on indictment of ten years' imprisonment, a fine, or both. Specified dealings in infringing copies and certain infringing communications to the public may also be offences. The elements and penalties depend on the offence charged.

15.2 Section 92 of the 1994 Act creates offences for specified unauthorised uses of signs identical to, or likely to be mistaken for, a registered trade mark in relation to goods, with a view to gain or intent to cause loss. The section contains further conditions and a statutory defence. The maximum on indictment is ten years' imprisonment, a fine, or both.

15.3 The Crown Office and Procurator Fiscal Service is responsible for public prosecutions in Scotland. It reported that in June 2026 a person who admitted 15 combined charges of selling counterfeit goods was sentenced at Hamilton Sheriff Court to three years' imprisonment.

15.4 In Scotland, section 98 of the 1994 Act provides for court-ordered forfeiture in specified circumstances, including on an application by the procurator fiscal or in relevant criminal proceedings. The court may direct how forfeited goods or articles are disposed of.

15.5 The Owner may report suspected offences to Trading Standards or the other appropriate authorities.

16 Border measures

16.1 A rights holder may apply to HM Revenue & Customs for customs action. An approved Application for Action is valid for one year from the decision. Border Force may detain

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suspected infringing goods. Destruction is subject to the applicable customs procedures and conditions.

17 Permissions and licences

17.1 Permissions granted by this Notice are set out in section 8. Separate permissions and licences apply according to their terms. The Owner reserves all other rights it holds. A separate permission applies only to the material, purposes and uses authorised by it. Attribution to the Foundation or a link to its website leaves any requirement for permission in place.

17.2 Requests for a separate licence should be made in writing. Under section 90 of the 1988 Act, an assignation of copyright is effective only if it is in writing and signed by or on behalf of the assignor.

18 Reservation of rights

18.1 The Owner reserves all rights and remedies available to it under applicable law. Any waiver is limited to its terms and has effect as provided by applicable law.

18.2 The Owner may publish an updated version of this Notice on the Foundation's website.

19 Governing law and jurisdiction

19.1 This Notice is governed by Scots law. The Owner may raise proceedings in the Scottish courts or any other court with jurisdiction. Mandatory rules governing jurisdiction and applicable law continue to apply.

20 Contact

20.1 Send permission requests, infringement reports and correspondence by email to contact@haggiswildlifefoundation.com, through the Foundation's contact page or by post to Fascia Holdings Limited, 3 Lochrin Place, Edinburgh, Scotland, EH3 9QX. Foundation contact page

20.2 An infringement report should identify the relevant work, design, mark or product and the suspected use. Include the full URL or listing ID, the seller or account name, the date observed, and any available screenshots, photographs, labels or order references. Identify the corresponding Foundation publication or product where possible and provide a reply address.

Schedule of legislation rules and sources

Copyright, Designs and Patents Act 1988. Parts I, III and VII. Sections 3, 3A, 11, 16, 17, 21–24, 29A, 30A, 51, 90, 96–99, 97A, 107, 114, 177, 213, 216, 226, 227, 229, 230, 237, 262 and 296ZG.

Trade Marks Act 1994. Sections 5, 10–12, 14–16, 19, 38, 47, 92, 98 and 102.

Copyright and Rights in Databases Regulations 1997. Regulations 13–17.

Electronic Commerce (EC Directive) Regulations 2002. Regulations 19 and 22.

Rules of the Court of Session 1994. Chapter 55.

Administration of Justice (Scotland) Act 1972. Section 1.

Rules of the Court of Session 1994. Chapter 64.

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Shazam Productions Ltd v Only Fools The Dining Experience Ltd. [2022] EWHC 1379 (IPEC).

Reckitt & Colman Products Ltd v Borden Inc. [1990] 1 WLR 491.

William Grant & Sons Irish Brands Ltd v Lidl Stiftung & Co KG. [2021] CSIH 38.

Lifestyle Equities CV v Ahmed. [2024] UKSC 17.

Harris Tweed Authority. Draft press statement of 21 March 2018.

Crown Office and Procurator Fiscal Service. Report of 24 June 2026.

Nominet Dispute Resolution Service. Policy and WIPO administration.

ICANN Uniform Domain Name Dispute Resolution Policy. Paragraph 4.

HM Revenue & Customs. Application for Action guidance.

Report on Copyright and Artificial Intelligence. UK government report of 18 March 2026.

UK Intellectual Property Office. Supplementary unregistered design and qualifying disclosure.

Foundation archive record for Stirling White Tash Haggis. Published character description and identifiers.

Foundation archive record for The Common Garden Haggis. Published character description and identifiers.

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