

Desperate attempt to present procedural status quo as a legal victory, says lawyer representing Aviator LLC

SPRIBE attempts to portray the UK interim injunction as a legal victory on the merits, claiming that Aviator has been banned from entering the UK market altogether, according to Nikoloz Gogilidze, the lawyer representing Aviator LLC.

In reality, what Spribe secured was an interim injunction limited to the UK which has:

- no legal effect because there was no decision on the merits of the case, which will be determined at trial; and
- no effect on commercial reality because Aviator LLC had no plans to enter the UK market; nor does it licensee at this time. The interim injunction merely maintains the status quo. The only restriction imposed on Aviator LLC aligns with the fact that Aviator had already decided it was not going to launch a game in the UK anyway, nor will its licensee at this time.

According to Gogilidze, Spribe's publicity is designed to mislead the market by conflating two distinct legal concepts:

- an injunction granted following a decision on the merits – which this wasn't; and
- an interim injunction granted at a preliminary stage – which is what this injunction was. This is a narrowly defined procedural order intended to “hold the ring” until trial. In this case, it simply preserves a situation where the Aviator Studio crash game was not yet available in the UK market and was not expected to be for at least another year.

Despite the clear legal distinction (one that Spribe's legal advisers will undoubtedly have explained to it) Spribe continues to use these terms interchangeably, which is intentionally misleading to the market. SPRIBE continues to claim that it created the Aviator crash game in 2018 and is the “sole owner of the game globally,” including its features, branding, and intellectual property. These assertions are incorrect, and Aviator LLC intends to show this at trial.

Crucially, to obtain an interim injunction, Spribe was required to give an undertaking to compensate Aviator LLC for any damages suffered if the interim injunction is later found to have been wrongly granted. If, as we expect, Aviator LLC succeeds on the merits at trial, the interim injunction will likely be discharged and Spribe's undertaking to compensate Aviator for any resulting damages will take

effect. This was a high-risk strategy for Spribe to pursue, particularly given that there is currently no commercial activity in the UK market that affects it.

In the United Kingdom, offering a game on a betting platform requires a gaming licence issued by the UK Gambling Commission. The judge accepted the evidence presented by Aviator LLC confirming that the licensing process typically takes around a year. No such licence has been applied for, and no company has yet been formed for that purpose. It is therefore highly likely that the trial will conclude before any licence application is processed, rendering the interim injunction commercially irrelevant. Importantly, however, the preliminary injunction expressly does not prevent Aviator LLC or its licensee from applying for a gambling licence in the United Kingdom.

Moreover, Spribe failed in a significant part of its application. It sought gagging orders to prevent Aviator from using the name “Aviator,” referring to the game, or asserting its copyright ownership. These requests were rejected by the Court. In particular, SPRIBE sought to prevent Aviator LLC and its licensees from:

- Offering and/or promoting the Aviator Studio crash game to UK consumers (which Aviator LLC wasn’t doing in any event);
- Distributing any emails or press releases in the UK (which Aviator LLC wasn’t doing in any event);
- Making any statements - public or private - asserting Aviator LLC’s ownership of the Aviator IP;
- Stating that SPRIBE isn’t the rightful owner of said IP;
- Posting any of above mentioned statements on the aviator.studio website.

In response, Aviator LLC clearly stated that neither it nor its licensee had any intention of launching or promoting the game in the UK until the necessary gambling licence had been obtained - a process that will take at least a year. Notably, five out of the eight reliefs sought by SPRIBE aimed at preventing Aviator LLC from making statements about its own intellectual property rights were quietly abandoned by Spribe midway through the interim injunction hearings. These requests lacked substantive legal foundation and were ultimately recognised as untenable by Spribe itself and the Court, says Gogilidze.

To give a short background on UK proceedings: the legal dispute in the United Kingdom was initiated by Aviator LLC (not by SPRIBE, who is a Defendant and Counterclaimant in the UK proceedings) at the end of 2024 following Aviator LLC’s resounding success before the Georgian Courts in Case No. 2/1413-24. Spribe characterises Aviator LLC’s claims in Case No. 2/1413-24 as “unfounded and opportunistic,” asserting that they were aimed at expropriating the Aviator branding and logo for Georgia alone. According to Spribe, the whole Georgian system must be both corrupt and unusually

quick, since the decision has been upheld twice by three different courts including the Supreme Court of Georgia holding that Spribe have infringed copyright. In that case, the Supreme Court of Georgia upheld findings that SPRIBE's crash game infringed Aviator's copyright and that SPRIBE's Georgian trade marks had been registered in bad faith. The UK claim is based on the same legal grounds: bad faith trade mark registration (albeit in respect of Spribe's UK trade marks) and copyright infringement.

Spribe has alleged that Aviator LLC's actions form part of a "continuing chain of bad faith conduct" by Georgian businessman Temur Ugulava, aimed at exploiting the commercial success and international reputation of the Spribe brand. However, the UK Court did not consider or make any findings on the question of bad faith nor did it make any findings in relation to Mr Ugulava's alleged involvement. Spribe's use of terms such as "copycat" is irrelevant to the interim injunction application as Spribe did not rely on any copyright claims at all as part of its interim injunction application.

Gogilidze states "SPRIBE has succeeded in securing an order preventing Aviator LLC from doing what it wasn't doing anyway. A remarkable "victory" indeed. The judge did not examine the merits of the case at all (other than deciding that Spribe's claims met the low threshold of being arguable) or rule on whether SPRIBE is the rightful owner of the IP rights, despite SPRIBE's attempts to suggest to industry otherwise."

Aviator LLC remains committed to vigorously enforcing its intellectual property rights across all relevant jurisdictions and to recovering the assets and rights it contends were unlawfully appropriated by SPRIBE.

For more information or any requests for interviews, please contact info.aviator@mikadze.ge.
