

# news

commercial law **update**

November 2006

## EMAIL RECEIVED IS DOCUMENT DELIVERED

A recent case in the Commercial Court has confirmed that the receipt of an email will be taken as delivery of the email even if it is not opened and read. Furthermore, delivery will be regarded as valid even if the email address is no longer used, if it has been used as the business email address in the past.

In the case in point a firm was deemed to have knowledge of an email which had been sent to an 'old' email address and of which the management of the firm was completely unaware. The email therefore constituted proper service of a document - in this case a notice of arbitration.

Businesses which change their email addresses as a means of reducing spam should take care following a recent decision in the Commercial Court.

If you have email addresses which you stop using make sure you set up a system to ensure that any correspondence sent to the old email address is monitored.

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Many businesses take out insurance cover against awards from Tribunals and the legal costs of fighting Tribunal proceedings. We can now offer insurance as part of our service which enables you to nominate Bray & Bray as your appointed solicitor.

Our team can offer **EXPERT ADVICE** on this topic or other commercial law matters. Please contact us.

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