A Christmas contemplation on memories: how to prove an oral contract

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Introduction

Sometimes deciding the key issue in a case will boil down to the word of one witness over another. One person says an oral agreement was made in certain terms. The other person disputes those terms or denies that any agreement was made at all. How do the courts approach such cases? The recent decision of *Instrument Product Development Ltd v WD Engineering Solutions Ltd* [2022] EWHC 1994 provides a helpful guide.

Background

The parties' dispute concerned the design and manufacture of certain prototype props for Nespresso. Between December 2016 and February 2017, the claimant, "IPD", designed and made prototype props, with the defendant, "WDES", making some elements of them.

At the end of February and into early March 2017, discussions took place regarding a joint venture arrangement for the work for Nespresso, which was focused on its store in Cannes. This culminated in a telephone conversation on 6 March 2017 between Mr Paget of IPD and Mr Beale of WDES. The following day, on 7 March 2017, Mr Paget emailed Mr Beale setting out the terms of what had been agreed.

Real the full article here.

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