

Tattoo Shop Can't Keep Ex-Apprentice from Opening Competing Shop



A Yorkton tattoo shop sued its former apprentice for opening a competing business in the city and taking clients with him. The apprentice acknowledged that he was in violation of the restrictive covenant in his contract banning him from plying his trade within a 200 mile radius for 3 years. But the court said the covenant was an unenforceable restriction on trade. The shop owner totally controlled the business; the apprentice was just one employee and wasn't the star of the show; and the apprentice didn't take any customer limits or trade secrets with him when he left [*Cantelo (c.o.b. Drillers Tattoos v. Paton*, [2011] S.J. No. 759, Dec. 5, 2011)].