

Inventique®

The newsletter of Wessex Round Table of Inventors

May 2004

DEADLINE DAY APPROACHES...

INNOVENTION
Profit from our expertise **4** Turn new ideas into commercial success

INVENTORS, ENTREPRENEURS and innovative companies have only a few weeks left in which to enter their ideas for this year's showcase *Innovation 2004* competition, worth £30,000 in awards to the winners.

Deadline day for submitting completed entry forms is Friday 14th May (just two days after this month's WRTI meeting).

The competition – which is organised by the South East Hampshire Enterprise Agencies (SEHEA) and hosted by Business Link Wessex – gives innovators a unique opportunity to exhibit their inventions at the Innovation 2004 exhibition to be held on Friday 25 June at Intech Centre, Winchester.

Inventors' concepts – from low-tech consumer solutions devised in the garden shed to hi-tech industrial technologies developed after years of research and development – are judged for commercial potential.

Investment managers, business leaders and media representatives attend the event, seeking out new product ideas and inventions. ■

● **Contact: South East Hampshire Enterprise Agencies (SEHEA)**
Tel: 023 9244 9449 for entry forms or enter online at www.sehea.co.uk

EXCLUSIVE

New BusinessLink initiative for WRTI

CLUB A TEST-BED FOR DIAGNOSTICS CONCEPT

BUSINESSLINK WESSEX and the WRTI are to introduce a unique series of one-to-one interviews for WRTI club members wishing to have their ideas reviewed in detail, *writes WRTI chairman Professor David Nicholas MBE*. Each applicant will receive a free written report about their concept.

Called 'The BusinessLink Diagnostic Initiative', the interviews (which have a maximum duration of one hour per member) will

commence at 2pm on the second Wednesday of each month in the clubroom at Southampton Institute.

"These diagnostic sessions will hopefully move WRTI inventors' ideas further towards commercial reality," said Dr John Richardson, Innovation and Technology Services Manager at BusinessLink Wessex. ■

● **Members wishing to book a diagnostic session should email Sara Nicholson on innovation@businesslinkwessex.co.uk at the earliest opportunity.**

Next WRTI meeting **WEDNESDAY 12 MAY**

TIM FRAIN, Nokia's director of IPR, will talk about intellectual property. Tim helped set up Nokia's patent department for the mobile phone business unit, and has wide practical experience of filing and obtaining patents, licensing, litigation and general patent management.

Cheltenham Festival of Science 2004

● **ASTRONAUT MARK KELLY**, plus Colin Blakemore, Richard Dawkins, Adam Hart-Davis and Colin Pillinger, are just five of the dozens of guest lecturers appearing at this year's *Cheltenham Festival of Science*, which takes place from the 9th to 13th June.

Catering to everyone interested in the world about them – from children to Nobel prize-winning scientists – the five-day festival plays host to over 70 different events and lectures, starting with *A Brief History of Infinity* and travelling via *Really Rotten Experiments* to end on *Writing Science*.

"I am delighted to be the first guest director of this world-class science festival,"

said behavioural scientist and TV presenter Robert Winston. "From why we have emotions to the search for dark matter, join me in exploring the issues."

Other high-profile names appearing at Cheltenham include world-renowned perception expert Vilayanur Ramachandran, Michelin-starred chef Heston Blumenthal and childbirth expert Sheila Kitzinger.

Sponsors include the British National Space Centre, the Medical Research Council, Pfizer and The Royal Society. ■

Brochureline Tel: 01242 237377
Bookings Tel: 01242 227979 or visit www.cheltenhamfestivals.co.uk

Wessex Round Table of Inventors meet at 6.30pm on the second Wednesday of each month at Southampton Institute, East Park Terrace SO14 0RP



VIEW FROM THE CHAIR

APRIL'S CLUB MEETING confirmed yet again that our 'home grown' talent is as good as anywhere else in the world. I'm talking about WRTI members and guests, of course.

Particular thanks should go to Dave Clements, who provided us with a fascinating overview of his ideas and inventions. It included some salutary tales, not least the one about his old RAF commanding officer – who stole one of his ideas – and the reluctance of senior personnel to recognize that warnings should be heeded even if they are delivered by the 'lower ranks'. Dave's fertile brain continues to challenge orthodox thinking in such diverse areas as marine propulsion, wave energy systems and (my personal favourite) a novel adaptation which could improve the performance of ophthalmoscopes.

Were that not enough, the brief introductions given by our guests were certainly sufficient to start the mind racing. They included a paediatrician who was runner-up in last year's *Medical Futures* annual awards, an ex-BBC engineer working on a unique cement-mixing machine, a former QuinetiQ scientist interested in tactile sensor systems (who also announced that he had won an SBS award on that very day), a retired engineer currently experimenting with wind energy systems, and a software specialist interested in process control.

The newcomers quickly mingled with existing members in a classic illustration of networking that was fascinating to watch. For some reason I kept thinking of Ricardo Semler's maxim: 'It is better to beg forgiveness than to ask permission'.

Sincerely,

David

PROFESSOR DAVID NICHOLAS MBE, Chairman

INVENTORATOR Tim Denholm

Cheaper patents

THEY DO EXIST – IF YOU DO YOUR HOMEWORK

IF YOU DON'T HAVE £30,000 put aside for patenting your invention, you will require investment to achieve it – but most investors will expect you to have already filed a patent application. I believe that the secrets to reducing patenting costs should be more widely publicised, so here is my insider's guide on making the system work for you.

Do your research

You'll find free information all over the internet – at www.patent.gov.uk or by searching via www.google.com. Also, ask around at inventors' clubs such as CRTI, Ideas21 or the WRTI – their members are brimming with useful knowledge and contacts. And take advantage of patent agents' free initial consultations to find out more about them.

Patent consultants and agents have variable fee scales and skills – so if you want advice before filing or during examination, for instance, you don't need to waste money on a £250-per-hour agent simply for advice on objections or search reports (a trainee may end up doing this work anyway).

Patent drafting

Patent agents charge £3,000 to £10,000 per patent; an unchartered draftsman might charge £500 to £1200. Quality depends on the draftsman, the complexity of your idea and how concisely you provide the information about it.

Reduce your agent's fees by making it easy for them. Set out all the facts concisely – with clear diagrams and flow charts if necessary – identify variations, and rate the importance of new features and concepts. Supply documents in editable electronic formats and don't contact your agent unnecessarily: his quote may take into account how

much of a pain he thinks you are going to be, so always be competent, organised and professional.

Inventors should ideally approach a chartered agent – but don't pay for their time unnecessarily. Negotiate down any large fees: agents trade on reputation and need satisfied clients.

If you get to know of a retired patent agent, ask them for help (you may find one via inventors' clubs). Such persistent networking can never be overvalued.

Be sceptical of unchartered consultants, as some may be biased or disreputable: ask for an inventors' club who'll vouch for them (I refer prospective clients to Ideas21). They either trade on their reputation or they don't, so do the due diligence.

DIY corner

Filing trademarks and designs via www.patent.gov.uk, or searching patents via www.gb.esp@cenet.com, are things you can do for yourself.

However, here is a health warning: *Don't ever be tempted to write your own Patent*. Drafting patents is an extremely complex area, and simply reading patent rules and advice won't help you do it well enough. I promise you that self-drafting is a mistake.

Within twelve months of filing a hybrid UK application, you may consider re-drafting it yourself for the US, EPC and PCT. (If you patent something in Europe and the USA, competitors often won't bother to penetrate the remaining markets).

Finally, note that patent advertising can be surprisingly expensive. TJD's website provides free advertising for UK patents inviting purchase, license or investment. ■

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BRANDS: VALUABLE IPR

THIS MONTH continues my article from April's *Inventique*, outlining the value of brands writes Dr Rosanna Cooper.

As part of the intellectual property strategy for a business, brand protection is important. It is usual practice for a business to bring an action against a third party for both trade mark infringement and passing off in the same claim.

Passing Off

An action in common law for passing off can be brought against a third party for unauthorised use of unregistered marks. In a passing off action, the third party is attempting to pass off his goods, get-up or brand as that of the trade mark owner.

In order to succeed in a passing off action, a business must have the necessary goodwill and reputation. The criteria are: that the business must have goodwill; there must be actual confusion on the part of the public; and whether there is the likelihood of damage.

Goodwill: A valuable asset in its own right. A common method of assessing the goodwill of a business is by looking at the value of the accumulated profits over two years.

Actual confusion: One of the most important criteria is that the business bringing the claim must be able to show confusion on the part of the public. For confusion to arise, the general public must be confused about the origin of the marks. This is usually achieved by using survey evidence, which is generally expensive to collate.

Likelihood of damage: The third element needing to be satisfied for a successful passing off action. Damage includes loss of profits or opportunity, or damage to reputation. If the business has not suffered actual damage, damage will be assumed if the other elements of passing off are made out. The remedies are the same as for trade mark infringement.

A start-up business would not generally have built up sufficient goodwill at the early stages of trading to be able to succeed in a passing off action.

Trade Mark Infringement

An infringement action can only be brought against a third party when the trade mark is registered.

The test for infringement is whether a third party uses a mark that is identical with, or similar to, a registered mark in respect of

ROSANNA COOPER
CLARIFIES THE LEGAL
POSITION FOR
INVENTORS AND
ENTREPRENEURS

identical or similar goods or services; and whether the public is likely to be confused by that mark.

In a recent case, Arsenal FC brought a trade mark infringement action for the sale of unofficial merchandise bearing the Arsenal trade marks, claiming that the public were misled into believing that the merchandise originally came from the club. The defendant argued that there was no likelihood of confusion on the part of the public.

The case went to the European Courts and it was decided that, notwithstanding that the defendant displayed a sign on his stall stating that the goods were unofficial, the purpose of a trade mark is to guarantee the origin of goods, and such use by the defendant jeopardised this guarantee. Arsenal could prohibit the defendant from using the marks.

In a successful infringement action, the remedies available are damages (compensation for any loss suffered) or a percentage of any profit made by the infringing party and an order for the infringing goods to be destroyed. Damages for any past infringement, occurring before registration, are also available. ■

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● Dr Rosanna Cooper is a partner at RT Coopers, a commercial law firm focusing on inventors and business start-ups.

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DID YOU KNOW? from www.comedy-zone.net

- **THE BRITISH MUSEUM** was the conduit for the invention of the Rawlplug. The museum needed to install electrical fittings, but existing methods weren't good enough to do the job without damaging the fabric of the building's stone walls. Builder John Rawlings solved the problem by creating a fibre plug made from jute bonded with animal blood. He called it the Rawlplug and the original design is still in production today.
- **BETTE NESMITH GRAHAM** (former Monkee Mike Nesmith's mother) had her invention, Liquid Paper, initially rejected by IBM, so she set up her own cottage industry to make and sell the now-famous stationery item.
- **CANADIAN INVENTORS** Scott Abbott, Chris Haney and John Haney took just 45 minutes to create *Trivial Pursuit*, but then lost \$45,000 trying to market it for four years before it became a hit. Unemployed artist Michael Wurstlin designed the game's board and logo in return for five shares in the company: these were valued at \$2,500,000 in 1986.
- **THE BIC PEN** was named after its French inventor Marcel Bich. The letter 'h' was dropped from the name for fear that the English-speaking market might pronounce the name 'bitch'.
- **PARKER BROS** initially rejected inventor Clarence Darrow's board game *Monopoly* due to '52 fundamental playing errors'. Darrow thought they were wrong and started production himself. Once the success of the formula became apparent, Parker Bros decided to take on production after all...

CENTRE OF EXCELLENCE Intellectual Asset Management

The next big thing?

A MAGAZINE THAT ANALYSES IP OPPORTUNITIES

INTELLECTUAL PROPERTY is the business topic of the 21st Century: IP is a fundamental business asset which innovative companies, research establishments, universities and entrepreneurial inventors ignore at their peril.

Aimed at IP professionals and IP-owning companies, Intellectual Asset Management magazine (IAM) looks at the strategic application of intellectual property rights, rather than IP as a legal issue – and this crucial distinction makes it essential reading for senior company decision-makers, legal advisors, investors and analysts.

Extracting value from IP

IAM is unique in that it treats IP as a business tool which empowers its owner (whether lone inventor or international corporation). The magazine is designed to give readers information on how to extract the maximum value from the patents, trademarks, copyrights and trade secrets they or their companies own, as well as the know-how inside their (and their employees') heads.

"IAM is a high-quality magazine with in-depth articles about intellectual asset management not found in any other publication," enthused Katharine Ku, director of



Stanford University's Office of Technology Licensing. "It adds value to our profession."

Subscribers to IAM include heavyweights such as 3M, Airbus, Brown University Research Foundation, California Institute of Technology, ChevronTexaco, Deloitte & Touche, Dolby Laboratories, Dow Chemical, Fujitsu Siemens, GlaxoSmithKline, Lucent Technologies, Motorola Electronics, PricewaterhouseCoopers, Roche Diagnostics and Standard & Poor's.

Published six times a year, Intellectual Asset Management is required reading in the boardrooms of the world's major corporations in Europe (44%), the Americas (43%) and Asia (13%). Conversely, this also makes it an essential publication for inhouse innovation managers and IP professionals. ■

● *Subscription details are available from Alan Mowat, IAM, New Hibernia House, Winchester Walk, London Bridge, London SE1 9AG*

Tel: 020 7234 0606
amowat@globewhitepage.com
www.iam-magazine.com

WEBSITE OF THE MONTH

www.Skype.com

'A cracking new piece of downloadable software which allows you to make free telephone calls anywhere in the world via the Internet, if the other party also downloads it. I have been using this system to ring the USA on a daily basis and it works just fine; it actually sounds much clearer than a normal phone-call.'

– Brian Stickley

MEMBER SERVICES

Entries in this column are free to WRTI Members, who should mail their details to the Editor (see panel at foot of page).

CONCEPT TO MANUFACTURE. Help with presentation, prototyping, technical & manufacturing issues. Contact: Innovate Product Design, 01722 410 295

FEELANCE EDITOR/DESIGNER 30 years book, magazine and partwork experience. Contact: Frank Landamore on 01273 475 184 **franklandamore@hotmail.com**

ELECTRONICS CONSULTANT with 30 years experience, specialising in wireless and positioning technologies. Contact: Mike Overy, 01420 562378 **mike.overy@zen.co.uk**

ELECTRONICS ENGINEER Concept to proof of principle. Ex-scientific civil servant. Own lab. Contact: Mike Wright, 01428 722833 **mike@fwright21.freeserve.co.uk**

WRTI is seeking a Treasurer and a Membership Secretary. Interested members should email: secretary@wrti.co.uk

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