



whiskey in on the jar?



page 1

New Right for Brand Owners

page 4&5

News from the regions

page 6

Profile of Nigel Jones

page 7

Events Diary

page 8

IRISH DISTILLERS LTD. V COOLEY DISTILLERS PLC *WHISKEY IN ON THE JAR?*

On 4 July 2008, Mr Justice Roderick Murphy in the Irish High Court ruled in favour of Irish Distillers Ltd ("Irish Distillers"), the Irish whiskey maker, in injunctive proceedings against its smaller rival, Cooley Distillery plc ("Cooley"). Mr Justice Murphy held that there was a likelihood of confusion on the part of the public in the association of the sign of St. Patrick with the trade mark Jameson and that this was contrary to the Irish Trade Marks Act 1996.

Irish Distillers Ltd is owned by the Pernod Ricard group and is the largest manufacturer and exporter of Irish whiskey in the world. Its primary whiskey brand is Jameson. Cooley is a smaller Irish owned distillery which manufactures a range of whiskeys for consumption in Ireland and abroad.

The Claim

Irish Distillers' claim was that the label used to market Cooley's St Patrick branded whiskey was an infringement of, inter alia, their Jameson trade mark, their copyright in the label and constituted passing off. Irish Distillers also claimed that the labels on each product had a similar appearance. Mr. Justice Murphy concentrated exclusively on the trade mark element of the claim.

Irish Distillers claimed that brand name of each product was placed at the top of the label in a curved format and that the format and location of other textual and graphic details on the label were also similar as was the background colour and the style of the borders.

It is notable that St. Patrick whiskey was produced in Ireland but not sold there. Instead, it was sold exclusively to the Russian market through a distributor, who had previously held the Jameson distribution contract. It was the sale and promotion of St. Patrick whiskey in Russia which alerted Irish Distillers to the alleged infringement.

Cooley claimed that neither they nor the distributor had copied the Jameson label and that the motivation for the proceedings was economic, i.e. by desiring to frustrate competition in the new and emerging whiskey market in Russia.

Irish Distillers adduced evidence of promotional material for St Patrick whiskey which they claimed encouraged confusion between the brands. This promotional material required St Patrick whiskey to be placed beside Jameson on any shelving units, and required the St Patrick whiskey to be priced at a cheaper level than Jameson. Further evidence was adduced by Irish Distillers that one Russian night club listed Jameson as the only Irish whiskey available. However a customer

of that night club was served St Patrick whiskey which was noted on the receipt as Jameson.

The Law

Section 14 of the Trade Marks Act 1996 provides, at subsection 2, that a person infringes a registered trademark where

"the sign is similar to the trade mark and is used in relation to goods or services identical with or similar to those for which the trade mark is registered, there exists a likelihood of confusion on the part of the public, which includes the likelihood of association of the sign with the trade mark."

The Court held that the:

"visual impact of the label – the general visual impression – is of similarity, despite the difference in the name and cap. However, the name, though arched as the Jameson name is, is clearly distinctive in lettering, connotation and phonetics."

The Court further accepted:

"the obvious conclusion that there is no similarity between the names St. Patrick and Jameson, and accordingly no degree of confusion between the verbal elements of the names."

However, the Court held on the basis of, inter alia, the uncontroverted evidence of confusion regarding the sale of St. Patrick, that Cooley had:

"in the course of a trade used a sign which is similar to the trade mark and which is used in relation to goods identical to those for which the trade mark is registered."

The Court further noted that it was satisfied Irish Distillers could maintain its proceedings in Ireland as the infringing label was affixed to the St. Patrick product in Ireland "notwithstanding that the product is being sold outside the member States of the European Union."

The Court concluded:

"on the balance of probability, that there exists a likelihood of confusion on the part of the public in the association of the sign of St. Patrick, with the trade mark Jameson."

Conclusion:

This case serves as a useful practical example of trade mark infringement. It is notable that despite the infringing product being marketed and sold in Russia, the fact that the whiskey was distilled and the infringing label was applied in Ireland, was sufficient to permit intellectual property infringement proceedings to be brought in Ireland.

Dan Barry

Mason Hayes+Curran, Dublin
dbarry@mhc.ie



LES Officers and Members of Council

Honorary President

The Rt Hon Lord Justice Jacob

President

Nigel Jones
C/o Linklaters
1 Silk Street
London EC2Y 8HQ

Email: njones@linklaters.com

Vice President

Mark Wilson
GlaxoSmithKline
Park Road
Ware
Herts SG12 0DP
Tel: +44 (0)1920 882 721
Email: Mark.W.Wilson@gsk.com

Secretary

Dr John Roe
Mundipharma International Ltd
Cambridge Science Park
Milton Road, Cambridge CB4 4GW
Tel: +44 (0)1223 424211
Fax: +44 (0) 1223 426626
Email: john.roe@mundipharma.co.uk

Treasurer

Raja Sengupta
Equal IP Ltd, 215 Signal House, Lyon
Road, Harrow, Grtr. London. HA1 2AQ
Tel: +44 (0) 20 8 863 6697
Fax: +44 (0) 20 8 863 6294
Mobile: +44 (0) 7973 146 176
Email: raja.sengupta@equalip.com

Immediate Past President

Martin Sandford
C/o Intellectual Asset Consulting
Folliotts, River Road
Taplow, Bucks SL6 0BG
Tel: +44 (0) 7818 014371
Fax: +44 (0) 1628 773117
Email: martin.c.sandford@btinternet.com

Administration

Northern Networking
1 Tennant Avenue
College Milton South
East Kilbride, Glasgow G74 5NA
Tel: +44 (0) 1355 244966
Fax: +44 (0) 1355 249959
Email: les@glasconf.demon.co.uk

Other Council Members

Christopher Bartlett, Conan Chitham, Dai Davis, Ian Hartwell, Jeanne Kelly, Anne Lane, Christi Mitchell, Alastair Neill, Fiona M M Nicolson, Robin Nott, Darren Olivier, Alistair Payne, Jennifer Pierce, Stephen Powell, Barry Quest, Anita Roberts, Renate Siebrasse, David J Veasey, Michael Waggett,



President's Diary

I took over as your new President at the AGM in early July. "Youth, Relevance and Responsibility" are the three themes on which I intend to focus. I will say more about

these later. Please read on - we need your input.

First, I want to express my thanks on your behalf to my predecessor, **Martin Sandford**, for all he has done for the Society in recent years. In his last President's column, and at the AGM back in July, Martin assessed his achievements as President in characteristically modest terms. He didn't mention a number of his other successes.

Following a highly successful stint as Vice-President, culminating in the superb organisation of the European Meeting in Glasgow, he has as President shown enthusiasm and commitment in his drive to take LES forward. In addition to his dedication to the day-to-day (and time-consuming) tasks of the Presidency (including efficiently and diplomatically chairing Council meetings, chairing most of the members' meetings held in London, and running the affairs of the Society with the assistance of the other officers and Northern Networking), he undertook an in-depth assessment of its strengths and weaknesses, and led numerous initiatives to help the Society build on and advertise the strengths, and address the weaknesses. Much progress has been made, and I am indebted to Martin for handing over a Society that is clearly heading in the right direction.

I am sure you will all join me in wishing Martin well for the future, in particular in his new career, and in encouraging him to continue to support us as Past President.

Turning back to my priorities...

We have a great deal to offer to our members: access to an international community of over 12,000 fellow tech transfer experts; a reputation as the world's leading society of experts in the tech transfer "space"; educational and networking opportunities at each of our meetings; and the opportunity to have some fun, and make great friends, whose support, professionally and personally, has enriched the lives of many members of the LES family around the world over many years.

But we also continue to face challenges. We cannot address them all simultaneously. Hence my decision to focus on three key themes. These are my objectives in each area:

Youth: to renew and grow our membership, particularly through recruitment of more younger members.

Relevance: to raise our profile with key tech transfer stakeholders and decision-makers; to increase awareness of IP rights as business assets rather

than as legal rights; and to make our meetings not only educational and enjoyable but also relevant to our members whatever their role in the tech transfer world and wherever they are based.

Responsibility: to contribute more effectively to the broader challenges the world faces, by helping make tech transfer a key tool in tackling global issues such as the environment and healthcare, both in the developed and the developing world.

Teamwork will be key to our success in achieving these objectives. In addition to having the continued support of its past Presidents, your Society has a great bunch of Council members and committee chairs, who selflessly devote substantial amounts of time, effort and enthusiasm to furthering the cause of the Society. We also have the support of LES International, and its President, Adam Liberman, with whom I have discussed and agreed my priorities. Like my predecessors, I will be relying on the support of LESI, Council members, committee chairs, and of all members of the Society as we focus on these priorities.

Our meetings will also be important. **Mark Wilson**, as Vice-President, will be primarily responsible for organising these, along with the committee and **regional chairs**. In addition, the following have kindly agreed to take a leadership role in each of our priority areas: **Anita Roberts** for increasing the number of younger members, helped by **Ian Hartwell**, chair of the education committee; **Barry Quest** for helping to make our Society more relevant (in line with his role as chair of the new LESI "PIG" committee - see his excellent article in the last issue of News Exchange), as part of the activities of the laws committee, chaired by **Robin Nott**; and **Meredith Lloyd-Evans** and **Christi Mitchell/Jennifer Pearce** who, as part of their roles as chair of the Renewables and Healthcare Committees respectively, will be trying to ensure we make a contribution to the broader challenges faced in these areas. Mark and I are grateful to all of them for taking on these roles.

We also need the support of you, our members. If there is a particular area in which you have a particular interest, or to which you think you can make a contribution, please let me know, or contact the person or people identified above. Your help would be much appreciated, and, I'm sure, as rewarding as all of us have found our past contributions to the work of the Society.

I am looking forward to my Presidential term with enthusiasm and excitement. I am confident that, with your support, we can continue to enjoy and learn from our involvement in the Society, and build on the work of my predecessors and make LES a truly great Society of which its members should continue to be justly proud.

Nigel Jones
president@les-bi.org

THE LES-BIOSCIENCE FOR BUSINESS-RESOURCE EFFICIENCY KTN JOINT SPECIAL INTEREST GROUP FOR TECHNOLOGY LICENSING IN RENEWABLES



The Renewable Technology Licensing initiative was launched in 2007 by Martin Sandford, then President of the Licensing Executives' Society of Great Britain and Ireland (LES B&I), and Meredith Lloyd-Evans, LES B&I member and a Knowledge Transfer Manager for Bioscience for Business (BfB) Knowledge Transfer Network (KTN). The stimulus was the 'call to arms' given by Jonathon Porritt at the LES's Annual lunch, when he emphasised that rapid and forceful development and application of technologies was needed to deal with global warming and resource depletion. The initiative has since been joined by the Resource Efficiency Knowledge Transfer Network (RE-KTN). It has grown rapidly and we now have over 130 interested members of all the organisations on our circulation list.

The KTNs are funded by the UK's Technology Strategy Board and are industry-focused networking and facilitation organisations to encourage companies to tackle large-scale problems using the best available science and technology resources. There are 23 altogether. Bioscience for Business incorporates biocatalysis (application of microbes and microbial molecules such as enzymes), bioprocessing, and the use of renewables from plant sources, the marine biosphere and other aquatic sources within its remit. BfB has established special interest groups to cover biorefinery technology (IBTI), marine bioresources (MBSIG), Health & Wellness, BioVentures, green chemistry (FROPTOP) and plant sciences for industry. RE-KTN is dedicated to helping companies improve their use and re-use of energy, materials, by-products and wastes.

By creating this joint initiative, we aim to bring together relevant expertise-providers and end-users from all three organisations, and achieve benefits of joint branding and joint activities in both directions - BfB and RE-KTN will benefit from LES B&I's professional licensing and technology transfer members and LES B&I will benefit from the broadening of knowledge of this area and from the KTNs' members and wider network, from scientists/technologists through to companies interested in building business on renewables. There is also access to other relevant KTNs such as the Low Carbon and Fuel Cell Network and the Sensors KTN.

The LES B&I Renewables Committee currently consists of Bernice Jordan (Rouse & Co), Elizabeth McNabb (Highbury Limited), Jim Houlihan (The UKIPO), Nick White (Marks & Clerk), Ilian Iliev (Cambridge IP Ltd), Karen Brace (C Tech Innovation) and Meredith Lloyd-Evans (LES /Bioscience for Business).

The committee will shortly be discussing activities for the next 12 months, including further recruitment to the committee and topics for workshops. Any suggestions from LES B&I members will be taken on board - please send to meredith.lloyddevans@biosciencektn.com and come to future workshops to contribute direct.

In the energy sector, which is our first focus, tremendous hopes and large budgets are being pinned on the development and use of renewable resources. These include natural climatic features such as wind, tides and the already-accepted hydro-power and hydrothermal energy; managed reactions such as nuclear power and hydrogen evolution; and, most recently, the use of biorenewable resources as biomass or a source of biofuels. Succeeding in renewables can involve complex and giant-scale engineering, micro-management of chemical and biological processes or use of biomass to capture carbon and generate novel product streams including energy, posing challenges in successful IP management and integration of technologies.

The Committee has organised 3 workshops to date: the launch meeting 17.10.07 at Linklaters, London, at which Martin and Meredith introduced the Renewable Technology Licensing Initiative and Tony Hartwell of RE-KTN described the RE-KTN's approach to industry change through application of technology. At the following meeting, at the University of Manchester's Incubator Building on 06.03.08, Naz Bashir of Biocaldol, a bioenergy company, and Pete Hotten, an independent consultant in licensing, technology development and venture funding, presented a wide range of issues in IP management and technology licensing.

The Committee's 3rd workshop was one of the parallel sessions at LES B&I's Annual Meeting at the Wellcome Collection, London, on 02.07.08, and covered current challenges in renewable technology licensing, with Mike Gilbert of Marks & Clerk solicitors providing case studies and Ilian Iliev of Cambridge IP addressing information strategy in IP and global technology licensing.

Copies of presentations and summary notes of meetings are available on the LES, RE-KTN and Bioscience for Business web-sites.

Further links:
LES B&I: www.les-bi.org
Bioscience for Business:
www.biosciencektn.com
Resource Efficiency KTN:
www.resource-efficiency.org

Meredith Lloyd-Evans
Chair of the LES Renewables Committee,
August 2008

Chairs of Committees and Special Interest Groups

Brands

Chair: Darren Olivier
Barlin Associates
Regent House, 1-3 Queensway
Redhill, Surrey, RH1 1QT
+44 (0)7799 402 401
Email: darren@barlin.co.uk

Education

Chair: Ian Hartwell
c/o CUBIC,
Cranfield University,
Beds, MK43 0AL
Tel: +44 (0) 870 739 1466
Email: iph@iphartwell.com

Laws

Chairman: Robin Nott
3, St Peter's Square, London.W6 9AB
Tel: +44 (0) 20 8748 6399
Fax: +44 (0) 20 8748 6696
Email: robin@nott.eu.com

Healthcare

Co Chair: Jennifer Pierce
C/o Charles Russell
8 - 10 New Fetter Lane,
London , EC4A 1RS
Tel: +44 (0)20 7203 5062
Fax: +44 (0)20 7203 5302
Email: jennifer.pierce@charlesrussell.co.uk

Co Chair :Christi Mitchell
C/o Highbury Ltd
1 Highbury Road
Hitchin, Herts SG4 9RW
Tel: +44 (0) 1462 436 894
Fax: +44 (0) 1462 442 647
Email: christi@highburyltd.com

IT & E-Commerce

Chairman: Robert Bond
Speechly Bircham LLP
6 St Andrew Street
London EC3A 3LX
Email: robert.bond@speechlys.com

Nominations

Chairman: Nigel Jones
C/o Linklaters
1 Silk Street
London EC2Y 8HQ
Email: njones@linklaters.com

Meetings

Chairman: Mark Wilson
GlaxoSmithKline
Park Road
Ware
Herts SG12 0DP
Tel: +44 (0)1920 882 721
Email: Mark.W.Wilson@gsk.com

Renewables

Chairman: Meredith Lloyd-Evans
Knowledge Transfer Manager
Bioscience for Business
45 St Barnabas Road
Cambridge
CB1 2BX, UK
Email: meredith.lloyddevans@biosciencektn.com

Web Site

Chair: Barry Quest
c/o Wilson Gunn
5th Floor, Blackfriars House
The Parsonage, Manchester
M3 2JA, England
Email: barry@greatermanchester.co.uk

NEW RIGHT FOR BRAND OWNERS TO OBJECT TO COMPANY NAME SQUATTING

Companies Act 2006

From 1 October 2008 (when the next round of Companies Act provisions come into force), brand owners will be able to challenge a registered company name and potentially force a change of that name on the grounds that the name is the same as or similar to a name they already use and in which they have established goodwill.

Objections may be made to a new statutory body to be called the Company Names Adjudicator, which will determine whether the company name should be changed. The registrant company will need to show that its name has been registered in accordance with one of the legitimate exceptions. If the Company Names Adjudicator is not satisfied that this is the case, then it has the power to require the name to be changed.

Squatting

As the legitimate exceptions are broad and extend to company names which are registered in good faith or are already in use by the registrant company, the Company Names Adjudication process is primarily aimed at preventing company names being registered opportunistically ("squatting") and provides similar protection to the domain name recovery proceedings currently provided by ICANN to prevent cybersquatting.

Currently, brand owners wishing to prevent a third party from registering a company name similar or identical to their brands where the third party does not actually apply the name to any products or services are restricted to bringing the traditionally costly and difficult action of passing off through the courts. Last year, the European Court of Justice held in the Céline case that the mere adoption of a registered company name did not constitute trade mark infringement as adoption of the name in itself was not "trade mark use". The Company Names Adjudication process is intended to provide a cheap and easy alternative remedy.

Making an Objection

Any person (whether company or individual) (the "applicant") may object to a company's registered name on the grounds that it is either:

- the same as a name associated with the applicant in which the applicant has goodwill; or
- it is sufficiently similar to a name associated with the applicant that its use in the UK would be likely to mislead by suggesting a connection between the two companies.

Legitimate Exceptions

An objection will be upheld, unless the registrant company can show that:

- the name was registered before the applicant started the activity in which goodwill is claimed;
- the registrant company is actually operating under that name;
- the registrant company intends to operate under the name and has incurred substantial start-up costs in preparation;
- the registrant company was operating under the name and is now dormant;
- the name was registered in the ordinary course of a company formation business and the registrant company is available for sale on standard terms;

- the name was adopted in good faith; or
- the interests of the applicant are not adversely affected by use of the name by the registrant company.

These exceptions notwithstanding, if the principal purpose of the registrant company in registering the name was to obtain money from the applicant or prevent them from registering the name then the objection will be upheld.

Adjudicator

The Company Names Adjudicator is a new body to be established as part of the Intellectual Property Office based in Cardiff. Objections should be submitted to the Company Names Adjudicator, with a brief statement of the basis for the objection. The Company Names Adjudicator will then invite the registrant company to submit a written response setting out whether it accepts the objection or its grounds for refusing the objection.

The Company Names Adjudicator will set out timescales for evidence and submissions to be provided by both parties. If either party fails to make a submission or submit evidence, the Company Names Adjudicator has the power to find against them without further consideration of the objection or response. The Company Names Adjudicator also has the power to strike out any objection or response which is vexatious, has no chance of success or is otherwise misconceived.

The Company Names Adjudicator will make a decision based on the evidence and submissions available. The Company Names Adjudicator's decision may be appealed to the courts.

If the Company Names Adjudicator upholds an objection, then the respondent will be required to change its name to a non-offending name within a time laid down by the Company Names Adjudicator. If the company name is not changed within the allowed period, then the Company Names Adjudicator may determine a new name for the company.

Fees

The objection process is subject to a number of fees, which are intended to cover the Company Names Adjudicator's costs. At present, the fee for raising an objection is £400. If a response is made, then the fee is £150 and a fee of £150 is also required for any evidence submitted to the Company Names Adjudicator.

The Company Names Adjudicator may make an award of costs to either party at any stage of proceedings, and shall set down how the costs are to be paid.

Tool for Brand Protection

The process has been designed to be as affordable and easy as possible for both parties and may prove to be a useful tool for brand protection where an identical or similar company name is registered but not used.

In order to take full advantage of this tool, brand owners should consider putting a watching service in place, alerting them to any new company names they may wish to object to.

Helen Krushave, McGrigors
helen.krushave@mcgrigors.com

COURT KICKS DESIGN RIGHT INFRINGEMENT CLAIMS INTO THE LONG GRASS

In June 2008 the High Court considered both unregistered and registered design rights in an infringement case raised by a lawnmower designer, Rolawn Limited/Rolawn Turf Growers Limited v Turfnech Machinery Limited(1). The case reaffirms section 213 of the Copyright, Designs and Patents Act 1988 (UK) and considers the scope of unregistered design rights in their application.

A design is: *“the design of any aspect of the shape or configuration (whether internal or external) of the whole or part of an article.”*

Rolawn Limited/Rolawn Turf Growers Limited (R) had designed and manufactured a wide area lawnmower for its own use and subsequently registered a design under the Registered Designs Act 1949. At a later date Turfnech Machinery Limited (T) manufactured and sold two wide area mowers similar in design to that of R. Whilst T they had seen publicity photographs of R’s mower, the original mower had not been made available for purchase or inspection. R claimed that T’s design infringed its unregistered and registered design rights. T denied copying and counterclaimed that:

- *“Elements of R’s design were excluded from unregistered design right protection as they were common place or methods/principals of construction”;* and
- *“the registered design lacked individual character and was therefore invalid.”*

The High Court dismissed both the claims and the counterclaims. In relation to the unregistered design right the Court held:

- that unregistered design rights are confined to what one can actually see in an article and therefore R could not claim design rights in an underlying design concept.

The Court therefore rejected R’s claims to protection for the concept of a folding arm on the mower;

- *that the design was not commonplace as there was nothing in the design field that resembled R’s mower in the particular configurations in which the design rights were claimed;*
- *that although the exclusion from protection of designs which result merely as a method or principle of construction did not apply to the particular design of R’s mower, it did provide a further bar to R’s claim to a generalised design right, which was, in essence, a method of constructing a wide area mower; and*
- *that the design had not been copied and therefore could not benefit from unregistered design protection. It was noted that not all of the design’s key features could be deduced from the photographs and that R had relied on general similarities. Although T had copied certain ideas the other alleged similarities flowed naturally without copying.*

The Court was of the opinion that what had been copied amounted to methods of construction. There was no evidence of explicit copying of the design itself, more just a copying of general ideas. The design wasn’t copied, the methods and principles of construction were copied, and such matters are excluded from being design rights as it is not possible to claim design rights in abstract ideas and concepts.

Regarding the registered design right, it was held that the design itself was valid, as the mower created a different

overall impression to the prior art. A registered design must be novel (i.e. an identical design must not have been disclosed to the public. There are two exemptions to this restriction on disclosure: (1) an exemption for disclosures which could not reasonably have become known in the normal course of business; and (2) a grace period for designers which allows disclosure for marketing for 12 months prior to registration. A registered design must also be of an individual character, i.e. the informed user must ascertain a different overall impression to that of earlier designs. The Court held that such a different overall impression was created by R’s design and therefore the design was valid. However it was held that T’s design also created a different overall impression in the eyes of the informed user, and therefore it did not infringe R’s registered design.

Registering a design right with the United Kingdom Intellectual Property Office is safer than relying on unregistered design rights as it gives the creator an extra layer of legal protection. Provided the design meets the criteria above, a registered design gives the holder a 25-year monopoly right over the appearance of the whole or part of its design. The holder also has the exclusive right to use and recreate any item incorporating his or her design, and perhaps most importantly it allows the holder to take legal redress against anyone infringing the right, whether intentionally or not.

The decision highlights the key principals of unregistered and registered designs and in particular the requirement for copying to take place for an unregistered design to be infringed. In a similar manner to copyright, unregistered design rights are not a monopoly right. Without the requisite evidence of copying, the complainant is required to demonstrate that presumption of copying can be made due to the presence of opportunities to copy similarities between designs. One particular difficulty in this regard in the case between R and T was that the article embodying the design was kept for private use and therefore any copying would have to have been undertaken on the basis of photographs. Importantly the case repeats the point that a design right can be claimed in an overall piece of design work that contains a number of commonplace elements, but it does not follow automatically that the design is commonplace merely because its constituent parts are. On a separate note, the judgment also illustrates that unregistered design rights subsist in the physical manifestation of the design rather than any abstract design idea. Mann J confirmed this in stating that an unregistered design right was confined to what one could see in an article, either physically or through a drawing.

James Monteforte

Shepherd and Wedderburn LLP, Edinburgh

New Members:

Council is pleased to welcome the following new members to the Society: Mark Gibson, Memex Technology Ltd.; David Gourlay, McClure Naismith; Anna Griffiths-Johnson, Astrazeneca; Chris Hallett, BP Plc.; Keith Hallinan, Unilever Plc.; Richard Ives, Pinsent Masons; Paul Killeen, UCD Research; Dierdre Leane, Nova UCD.; Tara MacMahon, Nova UCD.; Ciaran O’Beirne, Nova UCD.; Francois Pichot, Nova UCD.; Jacqueline Roy, UMIP (University of Manchester Intellectual Property Ltd.); Mark Thompson, UMIP (University of Manchester Intellectual Property Ltd.); Claudia Wietek, Nova UCD.



News from the Regions

LES Scottish Branch

we kick off with what we are best at, namely providing excellent case studies on licensing, introducing the pros and cons, the highs and the lows – and importantly the “lessons learned”.

We are delighted to be doing this in partnership with Glasgow Opportunities on 16 September 2008 and the evening is being “guest” chaired by the irrepressible granddad of licensing in Scotland, **Norman Trotter OBE**, who will introduce:-

- **Desmond Cheyne, director of various well-known fashion brands including Katharine Hamnett and Jasper Conran, - Kenneth Park, MD of Mondrago Multimedia**, a small recently formed Glasgow company, who are specialists in tourism training
- Plus a 10 minute overview of recent licensing research by **Lex Mundi Intellectual Property Practice Group**, based in Texas USA, given by Alison Bryce of **Maclay Murray and Spens**

There will be a great opportunity to network over wine and nibbles after the presentations. It will be busy as it is a joint event with Glasgow Opportunities and therefore book your place early! I'll even try reserving a glass of wine for early birds!

Do hope you can join us.

Caroline Sincock

Further details are available from Cara: les@glasconf.demon.co.uk

LES North East Region

LES North East Branch is hosting an evening meeting on **Wednesday 15 October 2008** at Hammonds, 2 Park Lane, Leeds LS3 1ES with guest speaker Jim Angell from FACT (The Federation Against Copyright Theft) talking on organised crime.

Virtuoso Legal is sponsoring a Candlelight Piano Recital by Professor Jeremy Russell on 11 September 2008. All proceeds to Marie Curie Cancer Care. Call 0844 800 8871 for concert details.

Contact ejl@virtuosolegal.com for further information or to book your place at the October meeting.

LES London Region

London Region's first meeting of the autumn is on Wednesday 10 September at Withers LLP, 16 Old Bailey, London EC4M 7EG. The “Open Source” meeting will look at how free and open source software has had a radical impact on how we as individuals and businesses use and develop software. We will hear an introduction to the subject from David Harris, an IP and IT barrister.

This introduction will be followed by commentaries by two speakers from very different places in the IT world: Mark Lange of Microsoft and Gerry Gavigan of the Open Source Consortium. An optional dinner will follow this meeting.

We hope to see you at what should be a fascinating evening.

Further details are available from Cara: les@glasconf.demon.co.uk

LES Irish Branch

New contacts for 2nd Friday IP Lecture series.

A new autumn 2008 programme for the 2nd Friday IP lecture series will start on the 12th September in Dublin, continuing the LES and Forfás cooperative initiative. The series was pioneered in 2005 by the then LES chairperson Yvonne McNamara (Dublin Branch), Barry Moore and Dr Jos Evertsen, Forfás. Over the past three years it has become an increasingly popular breakfast meeting amongst, legal firms, academics and enterprises. Jos will be retiring from Forfás in September and Karen Hynes and John Dooley from Forfás will be the new contacts to continue the monthly IP lecture series. We wish to thank Jos for his contribution to the starting up of the IP lecture series and wish him well with his future plans. The new Autumn 2008 programme is as follows:

September

On Friday 12th September 2008, the first of this year's Forfás lecture series, will be held at the Institute of Bankers, North Wall Quay, IFSC, Dublin 1. Barry Moore (Hanna Moore & Curley) and Alistair Payne (Matheson Ormsby Prentice) will be speaking on the topic of branding and their importance for financial services. The event will be Chaired by Jeanne Kelly (Mason Hayes+Curran).

October

On Friday 17th October 2008 Peter Bolger (Mason Hayes & Curran) will speak about Recent Developments in Design law, at Forfas

November

On Friday 14th November 2008 Brian McElligott (DFMG Solicitors) will speak about file sharing, internet, infringement of rights, and their impact on licensing at Forfás.

December

5th December 2008 is the date of the AGM with our Christmas dinner afterwards, venue to be confirmed, but likely to be same as last year, Number 5 Piano Bar, next to The Unicorn, Dublin 2. Please save the date.

January

On Friday 16th January 2009 Maureen Daly (Beauchamps) with speak about “Looking after your Database Rights” at Forfás.

Peter Bolger

For further details please contact Peter Bolger (pbolger@mhc.ie)

LES B&I are pleased to inform members that the 2011 LESI Conference will be held in London

Anne Lane is looking for volunteers to help with the organisation. This is a great opportunity to show your skills and get more involved with the Society in what should be a busy and very enjoyable occasion. Interested in helping?

Contact:

Dr Anne Lane
Executive Director
UCL Business PLC, The Network Building
97 Tottenham Court Road
London W1T 4TP
Tel: +44 (0)20 7679 9000
Fax: +44 (0)20 7679 9838
Email: a.lane@uclb.com



Profile of Nigel Jones the newly elected President of LES B&I

Nigel was born in Trinidad, of Welsh parents (his father was a geologist with BP, which is why he was not born in his homeland). He was educated in the US (to where the family moved after Trinidad and a spell in Libya) and the UK, including studying Biochemistry at Brasenose College, Oxford - with which he has retained close links. He is married to Françoise and has one 16 year old son, Paul. He has been with Linklaters "man and boy" - the publication of this issue of News Exchange will coincide with the 22nd anniversary of his joining the firm as a trainee, following several summer vacation schemes with them whilst at law school in the mid 1980s (yes, before some of you were born!). He has been a partner at the firm since 1995, was global practice head of the firm's intellectual property department for many years (including during his two year secondment to the firm's then Cologne office from 2001 to 2003), and continues as Co-Head of its healthcare sector. He has been a member of LES since the early 1990s, a member of Council for over 10 years, a former chair of LES B&I's Laws committee and of a number of LES International committees, and a regular attendee and speaker at LES conferences around the world.

His legal practice focusses primarily on the healthcare industry, in which he has a keen professional and personal interest, including in relation to third world health issues. His other interests include music (he and Françoise are enthusiastic supporters of the Orchestra of the Age of Enlightenment, one of the country's top orchestras, and, after a gap of many years, he took up piano lessons again a few years ago - "great stress therapy" he claims), sport (rugby, athletics, swimming and rowing in his youth, now more as a supporter of Paul's inherited interest (and great skill in) the latter), wine (of course, with a French wife!), travel and languages (his French is fluent, and his German reasonable after his time in Cologne, though now a bit rusty).

The UK's Foremost Entrepreneurial Society Coming of Age

Oxford Entrepreneurs (OE) was launched as a student society at the University of Oxford in 2002 to encourage and support student entrepreneurship by providing students with inspiration, education, networking and the chance to learn by doing. In just over 6 years, the society has become the largest free student society at the University of Oxford and the largest entrepreneurial society in Europe with nearly 4,000 members. Six fully funded start-ups which have emerged from OE, with one recently exiting for \$5m. It has hosted Sir James Dyson, Sir Alan Sugar, the late Dame Anita Roddick, Charles Dunstone and Sir Tom Hunter among others and has been featured in The Daily Telegraph, The Economist, BBC News Online and regular student and local press articles; and, by the Department of Trade and Industry as one of the top 3 organisations promoting entrepreneurship/innovation in the Country.

His column in this issue of News Exchange explains his key priorities for his term as President. He also hopes to have some fun (as he has at many LES functions over the years), and ensure you do too.

The Future of OE

As OE prepares for its 7th year at Oxford University, the Executive Committee continues to build OE as a catalyst for change and innovation in Oxford and beyond. In doing so, OE seeks to lead from the front and become the ultimate student-driven enterprise organization in the world, making itself a model of a creative, forward-thinking business that is ambitious, entrepreneurial and responsible. OE is currently developing a sustainable governance infrastructure, effective project and information management systems and appropriate accountability and stewardship processes to ensure the sustainability and permanence of OE and to provide the foundation for aggressive growth and change in coming years.

OE has a packed 2008/09 Programme, including keynote speakers - Mr. Tim Campbell, winner of the Apprentice and founder of the Bright Ideas Trust, Mr. Tim Smit of the Eden Project, Lord Karan Bilimoria CEO of Cobra Beer, and Mrs. Sue Stockdale of Mission Possible among others; a range of training and networking events; an Ideas2Market Programme that provides students with knowledge and skills to begin businesses while at university and includes team building and leadership workshops, a Start it up in a day BOOTCAMP, a start-up competition and a Start-up Fair; Idea Idol, OE's flagship business ideas competition that gives away £10,000 at the Nelson Mandela Theatre at the Said Business School; and, Series of Speakers and Panels in the areas of Social Enterprise, Green Enterprise and Enterprising Women.

To complement OE's events programme, it is also launching four exciting initiatives: A National Student Enterprise Board with representation from student entrepreneurial societies across the Country; an OE Alumni Network to facilitate the growth of a dynamic and engaged OE alumni; an OE Angel Network to support investment in OE start-ups and ventures; and, an OE Enterprise Centre that will become the HQ of OE and will be an incubator / hot-desking facility for OE start-ups.

Victoria Lennox

08/09 President of Oxford Entrepreneurs

(Alasdair Bell, 07/08 President of Oxford Entrepreneurs, spoke at the LES B&I Annual Conference in July)

LES International Officers 2007-2008

President:

Chikao Fukuda

LES Japan

President Elect:

Adam Liberman

LES Australia and New Zealand

Past President:

Ron Grudziecki

LES USA and Canada

Secretary:

James Malackowski

LES USA and Canada

Treasurer:

Pat O'Reilly

LES USA and Canada

Vice President (Education):

Stephen Powell

LES B&I

Vice President (Communication):

Kevin Nachtrab

LES LES Benelux

Vice President (Membership):

Clarisse Escorel

LES Brazil



Events Diary 2008

Regional Officers

Administration

Cara McIlwraith
Northern Networking
1 Tennant Avenue
College Milton South
East Kilbride, Glasgow G74 5NA
Tel: +44 (0) 1355 244966
Fax: +44 (0) 1355 249959
Email: les@glasconf.demon.co.uk

REGIONAL OFFICERS

Ireland

Chair: Jeanne Kelly
C/o Mason Hayes & Curran Solicitors
South Bank House,
Barrow Street,
Dublin 4, Ireland.
Tel: +353 1 614 5088
Email: jkelly@mhc.ie

Secretary: Brian McElligott

DFMG Solicitors
Embassy House, Ballsbridge
Dublin 4
Tel: +353 1 637 6620
Email: bmcelligott@dfmgsolicitors.ie

Scotland

Chair: Caroline Sincok
Tel: + 44 (0) 141 620 3631
Email: cassie.sincok@virgin.net
Secretary: Seona Burnett
c/o McGrigors
Princes Exchange, 1 Earl Grey Street
Edinburgh EH3 9AH
Tel: +44 (0) 777 7359
Email: seona.burnett@mcgrigors.com

East Midlands

Chair: Mark A Snelgrove
C/o Browne Jacobson
44 Castle Gate, Nottingham NG1 7BJ
Tel: +44 (0) 115 976 6000
Fax: +44 (0) 115 947 5346
Email: msnelgrove@brownej.co.uk

West Midlands

Chair: Simon Church
c/o Wilson Gunn
Charles House, 148/9 Great Charles St.,
Birmingham B3 3HT
Fax: +44 (0) 121 236 1038
Email: simon.church@wilsongunn.com

North West

Chair: Paul Bentham
C/o Addleshaw Goddard
100 Barbirolli Square
Manchester M2 3AB
Tel: +44 (0) 161 934 6000
Email: paul.bentham@addleshawgoddard.com

North East

Chair: Elizabeth Ward
Virtuoso Legal
31 Harrogate Road,
Leeds, LS7 3PD
Tel 0844 800 8871
Email liz@virtuosolegal.com

South West & South Wales

Chair: Graeme Fearon
Thring Townsend
6 Drakes Meadow, Penny Lane,
Swindon SN3 3LL
Tel: +44 (0) 1793 410800
Email: gfearon@ttuk.com

For further information please contact regional officers for LES events in Britain and Ireland (see panel on the left of this page or visit the LES B&I website <http://www.les-bi.org/>) and the officers of national societies for overseas events (see LES directory or the LESI website <http://www.lesi.org>)

7-9 September 2008

LES Scandinavia

Annual Conference
"Trends in IPR commercialisation
– Make the Most of your IP"
Helsinki, Finland
For further information see:
www.les-scandinavia.org/helsinki2008

10 September 2008

LES London Region

"LES Open Source Event"
17:30 for 18:00
Withers LLP Old Bailey, London
EC4M 7EG:
For further information contact:
les@glasconf.demon.co.uk

12 September 2008

LES Irish Branch

LES/ Forfás Friday Lecture
"IP and Financial Services"
Dublin
For further information contact:
bmcelligott@dfmgsolicitors.ie

LES Pan European Conference

For further information see:
www.2008.les-benelux.org



16 September 2008

LES Scottish Branch

"We've got the T-Shirt!! - aka-
Licensing case studies" 18:00 – 20:00
Glasgow Opportunities
George House,
36 North Hanover Street
Glasgow G1 2AD
For further information contact:
les@glasconf.demon.co.uk

15 October 2008

LES North East Region

"Organised Crime"
Hammonds, 2 Park Lane, Leeds
For further information contact:
ejl@virtuosolegal.com

17 October 2008

LES Irish Branch

LES/ Forfás Friday Lecture
Breakfast meeting
"Recent Developments in Design Law"
At Forfás, Dublin
For further information contact:
bmcelligott@dfmgsolicitors.ie

19-22 October 2008

LES USA & Canada

Annual Meeting
"Global Excellence in
Licensing and Acquisition
Through Certification"
Orlando,
Florida,
USA
For further information see:
www.les2008.org

12 November 2008

LES London Region

Details TBA
For further information contact:
les@glasconf.demon.co.uk

14 November 2008

LES Irish Branch

LES/ Forfás Friday Lecture
Breakfast meeting
"File sharing, internet, infringement of
rights and their impact on licensing."
At Forfás, Dublin
For further information contact:
bmcelligott@dfmgsolicitors.ie

5 December 2008

LES Irish Branch

AGM and Christmas Dinner
For further information contact:
bmcelligott@dfmgsolicitors.ie

Thought about advertising in newsxchange?

Contact **Cara** at the LES Administrative Office
Email: les@glasconf.demon.co.uk

newsxchange™

Editor: Mary Elson

Tel: +44 (0) 1978 710475
Email: elson.mary@btinternet.com

newsxchange™ is circulated as a service to members of the Society. Editorial contributions are welcome and should be addressed in the first instance to the Editor.

Unless otherwise agreed, acceptance of any submission for publication in News Exchange is on the understanding that the author also consents to publication in the same or edited form on the Society's website at www.les-bi.org. News Exchange and the newsxchange™ logo are trade marks of the Licensing Executives Society (Britain & Ireland) Ltd.

Moving Company/Changing Address?

Please remember to tell our administrator, **Cara McIlwraith**, if you change your office address so that we can continue to send you LES information and newsxchange™. Her address is:

LES Administrative Office, Northern Networking Ltd
1 Tennant Avenue, College Milton South, East Kilbride
Glasgow G74 5NA

Please also remember to change your contact details in the Membership Directory on the LESI website. As a service to our members the editor will print any change of company and location in newsxchange™. Please contact **Mary Elson**, elson.mary@btinternet.com

Membership

Enquiries should be addressed to **Cara McIlwraith** at the LES Administrative Office:

Tel: +44 (0) 1355 244966 Fax: +44 (0) 1355 249959
Email: les@glasconf.demon.co.uk

A membership application form may also be found on the LES B&I website: www.les-bi.org

