



LICENSING EXECUTIVES SOCIETY
BRITAIN AND IRELAND

newsxchange™

The Newsletter of the Licensing Executives Society Britain and Ireland

Issue 126 May 2009



Britain's Best known Inventor – Wallace – helps to crack the IP Knowledge Gap!

One of the best sights in the IP world in recent years was the opening of the new IPO-sponsored Wallace and Gromit "World of Cracking Ideas" exhibition at the Science Museum on 26 March. And I was lucky enough to get an invitation.

So what did I think? Well, the best bit wasn't the exhibition itself (which is really great). It wasn't the speeches, the food, the champagne (which was particularly nice) or the general air of celebrity glitz. No. It was the sight of 450 normal, professional adults (if that is not an oxymoron) having fun learning about IP. Actual smiling and laughing, unselfconscious child-like, proper fun - with IP. Really!

For years the IPO has known (and we've all agreed, nodding seriously) that we need to do more outreach/education to tell people and businesses about IP. We know that, for a knowledge-based economy, UK firms are woefully ignorant. Efforts in schools have stalled (even with good material, teachers really don't get it and so don't get behind it).

Previous IPO efforts with the business community have centred on seminar-type events (often hosted jointly with our friends the VAT people at HMRC). You can imagine the uplifting atmosphere that such partnership creates. And it's only touched a vanishingly small number of businesses.

The IPO had started to realise that the whole "IP" brand is tarnished – associated with big companies and connotations of corporate rapacity. The IPI has recently done some good- but alarming – work on the discourse of IP. Something had to be done

Enter Aardman Animations, Nick Park, and the Wallace and Gromit® characters. Did you know that Wallace is Britain's best known inventor? 98 percent of the UK population recognise him.

The IPO had a partnership of several years' standing with Aardman, using Wallace and Gromit in schools to promote IP. The material was good, but take up was low.

Aardman made the IPO an offer: sponsor an IP exhibition at the Science Museum: break through the issues of teachers, and the limited scope of outreach activity. Get together with really big successful entertainment and education brands (and Wallace and Gromit and the Science Museum are both world-class brands), and go for the big time- an exhibition that is unashamedly about invention, creation and IP but most of all fun.

The result is fantastic. It has opened to rave reviews, to sell-out capacity every day. And it works. It makes IP, invention and creation fun, accessible and an adventure. It's aimed at children, but adults will enjoy it just as much. I certainly did. The Science Museum also has popular adult evenings, where the exhibition is likely to prove a real hit.

The idea is simplicity itself. The exhibition is centred around Wallace's house. Each room has a theme (patents/inventions in the library, trademarks in the kitchen, copyright – and singing – in the bath / shower, for example). Visitors get a combination of information, exhibits from the Museum's stunning collection, and activities – great for the kids, but just great fun too.

Will it work? Too soon to tell, but the signs are promising: children and adults are really enjoying the exhibition, they seem to be learning a lot. The class room attached to the exhibition is in full swing through the week and there is talk of opening it on weekends too. There are plans for extended hours. The IPO is monitoring reaction closely – and already traffic onto the IPO website has lifted measurably. There is an IPO enquire office at the end of the exhibition. This is in place not just to answer children's questions, but is manned by IP professionals ready to give serious individual advice to inventors of all ages and to pass enquires back to the IPO.

The exhibition runs to November in the Science Museum. Then it's off to the National Railway Museum in York, and will tour further after that.

Go and see for yourselves! I hope you enjoy it as much as I did.

Elizabeth McNabb, Highbury Ltd (with the help of the IPO)

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President's Diary

My recent reports have focussed on reporting the activities, past and future, of your Society. This month I intend to adopt a different approach.

Let me start with a quotation from Edmund Burke, the 18th century statesman, philosopher, parliamentary orator and political thinker - and the son of Dublin-based lawyer:

"The public interest requires doing today those things that men of intelligent good will would wish, five or ten years hence, had been done."

My aim is to encourage all of you to be those "men (and of course women) of good will" and to take actions today that the next generation of licensing executives will thank us for having taken. More specifically, I want to encourage all of you to become more (or even more) proactive in telling the IP story: extolling the virtues of the IP system to all those in your various professional and personal networks, and thinking about how to get the message across to a broader audience. Barry Quest is already taking the lead, with his Policy Interest Group (see the article in the recent edition of News Exchange), and I hope these few words will encourage you all to support his activities.

The main reason for focussing again on this issue is that I believe the IP system, although imperfect in many respects, is overall a good thing for Society; and that if those of us who hold that view do not do more to defend it, the anti-IP lobby could cause irremediable damage. And the reason I am reiterating Barry's request to focus on this so soon after he made that request is that I believe this is urgent. That action

needs to be taken now, not at some point in the future. The views of the opponents cannot and should not be ignored. Many are well thought through and deserve careful consideration. But they should not go unanswered, and as a result be adopted by default. That is clearly a risk if we don't all do something now.

What sorts of things do I have in mind? We all have personal and professional networks. Whilst IP may not be the obvious topic of conversation with all in our networks, it probably affects the lives of most: whether professionally by providing a source of income or personally by affecting the availability and price of many of our everyday products, not least the pharmaceuticals we need to help retain our health. (As I write this, the swine flu pandemic is in its early stages. The importance of the drugs being used to help control that will become evident to most people with whom we

are likely to come into contact in the coming weeks and months. This provides a topical basis for a discussion of the fundamental importance of the patent system to the pharmaceutical industry on which we all depend for those drugs.) We could use our interactions with these networks to educate a broader audience on the importance of the systems we have in place to protect the investments made by singers, authors, inventors and so on; and the adverse consequences of those protections being eroded.

We are also often asked to speak at conferences, large or small, both through LES and independently of it, and both IP-related or more general. As I have done on a number of recent occasions, and plan to do at the forthcoming LES meetings in Copenhagen and Manila (it's still not too late to register!), we can use these to educate lay audiences about how the system works, and to encourage our audiences to think more positively about them.

Many of us also write articles. Some are for technical journals, others more mainstream. This provides another avenue for communicating our views. As a Society, we are looking for ways of raising our profile in the mainstream press, in part to take advantage of that as another way of getting these messages across. If you have contacts that would be interested in publishing materials from us, please let us know - or engage with them directly and ask them to help get the message across through articles of your own.

We could also do more to educate the younger generation. Lectures on IP could be made compulsory at all universities, not only for scientists but for all students. Many of us will have been to university in this country, and, to a greater or lesser extent, want to give something back. Why not fulfil that desire by offering to give such a lecture to your alma mater? It need not take up much time, and could have other benefits for you, professionally or personally. And why limit this to higher education? Many school children think copyright is a bad thing because it limits their ability to download music for free. But how many understand the basics of the copyright system and why such activities also have a negative impact. I am not talking here about long or detailed lectures, but simple introductions to the IP system, with explanations of their fundamental objectives and the ways in which they benefit Society.

Those are just a few suggestions of ways in which we can try to bring some balance to the debate and raise interest in this critically important area. I am sure you will have other, probably better, ideas about how to interact on these issues with the communities to which you personally can reach out. I would be happy to provide whatever assistance you may need, and also to hear your thoughts on how we, as LES members, can contribute to achieving this goal. We can achieve far more if we do this together.

Finally, my thanks to all those who have been active on your behalf in the last few months through organising or speaking at meetings, or in their committee activities. I encourage all of you to support their activities. As they say, the more you put in, the more you get out!

Nigel Jones, President
president@lesb&i.org

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Just Reward

In an unprecedented move, two employee inventors who helped invent patents that were used in a highly successful radioactive imaging agent have been awarded £1.5m under section 40 of the Patents Act 1977 (the "Act"). *Kelly and Chiu v GE Healthcare Ltd*

Section 40 allows for compensation to employee inventors of patents which belong to their employer and which are of "outstanding benefit" to their employer provided it is just. In over 30 years no successful claim had previously been brought, although there have been some out-of-court settlements. The case considered:

a) Were the patents of some benefit and, if they were, how much of that benefit was attributable to the patents?

The invention had helped produce revenues in excess of £1.3bn, protect the company from competing products, protect the company's high profit margins, and win lucrative corporate deals.

As the patents were just one of the causes of the imaging agent's success, the judge had to apportion the benefits. The court determined the benefit of the actual patents by comparing the likely revenue of the imaging agent with and without patent protection and in this case it was estimated that the difference was £50m.

The section 40 test has since been broadened so that it may be the "invention" or the "patent" (or the combination of both) that is of outstanding benefit to the employer. So it is likely that in future a comparison would be made between the business with and without the invention.

b) Is the attributed benefit "outstanding"?

"Outstanding" denotes something special and requires the benefit to be more than substantial or good; it must be something out of the ordinary and not such as one would normally expect to arise from the results of duties that an employee is paid for. The court had no problem finding that; the potential difference to revenue, and the formation of corporate deals, that the patents had caused were "outstanding".

c) Is it just for the employees to be compensated?

It has to be "just" to make an award, which involves considering facts outside of s40. The court did not think it desirable or sensible to try and define situations where an award may be "unjust".

d) What share should the employees be given?

The amount of compensation awarded to an employee should be determined in the light of all the available evidence and in accordance with the factors set out in section 41 of the Act. For example, by considering the effort and skill which the employee has devoted to making the invention, and the nature of the employee's duties, his remuneration and other advantages.

Taking what it described as a very conservative view the court awarded, Dr Kelly, the senior researcher, £1m (2% of the benefit) and Dr Chiu, the junior, £500,000 (1%).

The Future

Kelly and Chiu benefitted under the older, stricter section 40 test. Assuming the case survives any appeal, the amended, broader section (which provides for compensation to be payable for benefit attributable to both the patent and the invention) may be even more likely to result in successful claims.

The case gives strong support to the practice of operating voluntary invention compensation schemes to try to avoid any argument arising with employee inventors. In addition, it also seems likely that it will effect the level of due diligence a buyer must undertake, with claims under the Act by employees and previous employees being possible from grant to one year after expiry of a patent.

Alice Proby
Charles Russell

Business Development After The Dust Settles...

Why we need to change

During the last decade business growth across all sectors has been unprecedented. After the 2001 tech crash (the “Dot Bomb”), confidence resumed and appetite for leveraged debt fuelled tremendous growth in consumer spending, the housing market explosion and the companies that served them in consumer electronics, retail, financial and automotive industries to name but a few. As we endure recession following the “Debt Bomb”, it is clear these excesses were built on less than solid commercial foundations.

The traditional methods of business development (exploiting existing Networks, the usual Business Conferences and PR agencies / trade journal advertising) worked well in the 2000’s (“Naughties”) where Marketing budgets were bulging, excess was the norm, and companies funded lavish parties in Cannes, Barcelona and even Hawaii! Leveraged debt fuelled untempered demand and the need for sophisticated approaches to business development were overlooked.

The challenge of Business Development is in building long term strategic relationships that survive difficult times bringing lasting sustained revenues. This requires an approach based on a deeper understanding of the market and customers needs as well as careful exploitation of complimentary business networks.

As the hangover of the Naughties subsides, a new paradigm investing in targeted Intelligent business development including the IP dimension is needed!

Intelligent Business Development

Key to a successful outcome is starting from the right place, in business terms commence with a clear view of your goals and desired outcomes.

Know what you want!

Understanding the type of revenues (products and services) you wish to build and where these could come from is important. For example a traditional manufacturing business may be looking to improve margins and cash cow its historical investments through licensing its technology and patent portfolio.

Gather Data, Understand where you are

Now we know what we want to achieve, a sensible plan needs to be based on data and a qualified market need. Traditional market studies (from the likes of IDC, Gartner, Dataquest) help to understand the market segmentation, key players and product trends. This can then be followed by intensive structured internet based searching, to understand where key players are heading and where opportunities may exist to collaborate. The final (and we’d argue) most significant weapon in your arsenal is IP based landscaping.

IP Landscaping for Business Intelligence

The traditional data gathering approaches give good intelligence and may sometimes be enough. However, to get a fuller picture of what’s really happening in an industry and where hidden opportunities may lie, a well run IP Landscape is invaluable. Rather like a good detective, a seasoned IP practitioner will apply systematic approaches for a specific avenue of enquiry. Through a combination of analytical techniques, it is possible to understand your competition and their direction, to determine the strong and weak innovators, newcomers in the market, who is partnering with whom and most importantly potential licensees for your technology and IP.

Approaching from a technology angle, and applying “key word search” and “clustering” techniques allows a detailed understanding into the state of the art, identifies features that may be in tomorrow’s products and allows an insight into adjacent market segments where your technology may be applicable. For example a Gas Assisted Injection Moulding Patent developed initially for the automotive market, may be applicable in domestic appliances or with adaptation into consumer electronics or medical devices.

Targets Identified, now what?

Having identified Target companies on which to focus it is essential to assess the Targets against your objective and then ensure the right approach is made. Key considerations worthy of research include financial strength and business strategy (do they need you as much as you need them?), location (especially where real technology transfer or collaborative product development is considered) and of course, the extent to which they are IP aware and have collaborated in the past. Our experience suggests an initial view of where a target partner is likely to be coming from is critical to shortening the sales engagement cycle and concluding a fruitful business relationship.

Finally.... Leverage the Professional Network on Approach

Once an approach angle has been identified, the safest route to engaging with a new prospect is through personal introduction of an already trusted advisor, thus bypassing the major and expensive confidence building phase of the selling cycle allowing you to get to the heart of the discussion in days if not hours.

Various Internet contact management facilities enable you to determine links within your target company via your existing network; recently we reached out to the CEO of a target company in Silicon Valley and received a personal e-mail from him within 8 hours!

Our experience is that leveraging well established business Networks is critical to engagement momentum. Here, the Licensing Executives Society plays a key role for our business. With strong confidence in the LES brand and a wide

range of IP and Technology Business professionals as members, the ability to find business development opportunities and leverage experienced resources we do not have, has materially impacted our bottom line!

In Conclusion

Building business is tough, sales cycles are ever lengthening and while business confidence is low, making viable deals happen that last is a real challenge. Continue to exploit traditional methods of Business Development, but make sure you take advantage of the unique business intelligence the IP Dimension provides!

Jon Calvert

ClearViewIP Ltd

Members on the Move>>>>>

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People News



Council member Barry Quest reports that he has entered a new phase in his life, with effect from 1st May 2009. He has retired (early) from the partnership of Wilson Gunn, patent and trade mark attorneys, to give more time for writing and lecturing and to pursue other opportunities in the world of intellectual property. He intends continuing his involvement with LES at national and international level. Barry's new email address is: barry@ipc2.co.uk

Business News:

Virtuoso Legal is collaborating with UK Trade and Invest to produce a brochure on licensing. The brochure will go out, firstly, in the Yorkshire region. Virtuoso Legal will help the local UKTI representatives promote licensing to businesses in the region and further afield.

Contact Liz Ward for further information:
liz@virtuosolegal.com

Welcome!

Council is pleased to welcome the following new members to the Society:

Mr Russell Nicholls, University of Sussex;
Dr Adam Stoten, ISIS Innovation.

LES Membership – one of the essentials for IP professionals in today's competitive economy!

A quick question for you - would you, struggling with fitness levels and yet to shake off the excess winter pounds, give up on the gym altogether and hide away at home instead?

It could be argued that ignoring the current and future value of a Licensing Executives Society membership and tossing your membership to the wind would be equally short-sighted just as the world economy was wrestling with falling profits, collapsing banks, rising unemployment and the fiscal conundrum that is quantitative easing.

Yes, there's the stated benefits of LES membership in the form of newsletters, the LESI website and Les Nouvelles, along with opportunities to attend conferences, seminars and events by Special Interest groups. And if you are brave enough (a dying breed it would often seem) you can even become actively engaged with regional LES groups, helping to monitor national IP and licensing issues or assist with submissions to bodies such as the European Commission.

But there are benefits of LES membership that are also, perhaps predictably, a little more intangible – the networking, the stimulation of thought processes and the ability to engage with like-minded individuals who understand intellectual property, related intangible assets and their inherent value.

However, the importance of these intangible benefits in tough economic times should not be overlooked. While it is critical to keep an eye on the bottom line and to remain focused on the core business and strategy, thinking and talking about the value of IP, its protection and exploitation through licensing could be viewed as being even more important than ever.

Of course, you have to see past the doom mongers in the wider world of IP who will predict a fall in 2009 patent filings and a flattening of licensing activity, or patent attorneys who view a drop in new patent filings as a sign that the entire IP market (with the possible exception of trade mark filing and litigation) is cooling off. Further evidence may come from commercial law firms which are also struggling, with fee earners being axed or pay frozen as corporate activity - from market listings to M&A - slumps.

Even the US-based Ocean Tomo, who now describe themselves as an Intellectual Capital Merchant Banc, could throw up their hands up in despair following the failure of its first 2009 patent auction to raise more than \$3m – a drop of 80% on last year's successful San Francisco auction.

However, disconnecting from what can be an invaluable professional network when market visibility – now and going forward – is more important than ever before would be a rash move. Like many professional firms, specialist or otherwise, Metis Partners has had to adapt to the changing environment, remaining focused on key business areas while being flexible enough to pursue new opportunities and reacting nimbly to market changes. But operating in tough economic conditions is challenging enough without living in a vacuum.

As an IP-focused firm, Metis Partners, like many others, need to be connected. Gaining insight from contacts, old and new, learning new tricks, gathering market intelligence and generally making sense of the business landscape we find ourselves playing in. LES is one of the important ways we remain connected.

Membership needs to be about utilising the network in the UK and beyond to serve your own business interests – while hopefully gaining additional insight into mysteries of IP, its protection and effective exploitation. Participation on the LES Scotland committee is partly how we achieve that.

One example of this participation is an LES Scotland event planned for May. Described as a 'Cream Tea' seminar, the afternoon event will look at the critical diligence aspects of doing IP-driven deals. The event's speakers will bring with them wide-ranging expertise and viewpoint - from patent attorneys and public sector innovation bodies to bankers and Human Capital specialists. (For more information see Events Diary on back page)

Clearly, as a specialist firm we hope to make new contacts, secure leads and identify future opportunities from such an event – just as any active LES member could potentially do.

As any given issue of Les Nouvelles or Intellectual Asset Management magazine highlights, IP is a challenging, constantly changing and endlessly fascinating subject – providing fertile ground for events, seminars or training sessions. At Metis Partners, we are also looking forward to future LES Scottish events on subjects such as technology transfer facilitated by the public sector, IP litigation, and arbitration.

Amid all the gloom, it is also worth remembering that the fundamentals of IP and IA, its value and role in business innovation and growth, are not likely to change any time soon. A company's IP can help unlock previously unseen value, in the core business and elsewhere.

As always, there is an element of education to be considered, with LES events designed to attract new attendees and interested parties. While corporate giants rely on IP to deliver value, awareness of how IP has been shown to help European SMEs grow market share and employee numbers, supporting the creation of new products and services, while crucially helping to secure a return on innovation, remains lower than it should be in the wider business community.

As LES members recognise, protected inventions generate more revenue, IPR builds the market value of the company owning it and solid IP protection promotes disclosure and licensing opportunities. IP-dependent sectors – whether in the US Europe or Asia – are widely acknowledged globally to be important economic drivers and will continue to be so as global markets pick up.

The LES will continue to play an important supporting role for IP professionals as they undertake their vital activities. During the global economic downturn, and in the potentially challenging years ahead, innovation and collaboration among practitioners will be more critical than ever. I believe that membership of the LES is how IP professionals can achieve those goals.

Stephen Robertson
LES Scotland Committee Member
Metis Partners Ltd
stephen@metispartners.co.uk

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News From the Regions

LES B&I Scotland Branch – Burns’ Supper 2009 Meeting Report.

Our LES (Scottish Branch) Burns’ Supper 2009 was a full-house of over 80 attendees, held in The New Club in Edinburgh, with its quite stunning view overlooking the floodlit castle, accompanied by appropriate expert piping, wee drams, and haggis, neeps and tatties! The evening was entitled ‘**Does IP make for Burns’ madness or enrichment**’, with two speakers offering opposing perspectives of the importance of intellectual property - all interwoven with some carefully-considered musings on how Scots poet Robert Burns would have viewed the subject.

Our pre-haggis speaker was Barry Quest of Wilson Gunn, past president of LES (Britain and Ireland) and current chair of the LESI Public Intertest Group. Patents, mused Barry while paraphrasing Burns, were perhaps the “chieftans” of the IP race, with the first Scottish patents dating back to 1793 and their use by a textiles firm. A few hundred years later, the continued importance of patents to invention and innovation is illustrated by the approximately 9000 patents utilised in the development of the Audi A6 car. While he recognised there needed to be a balance struck between self-interest and social responsibility, the lack of IP protection had a clear impact on companies and economies – as illustrated by global pharmaceutical companies cutting hundreds of jobs as they wrestled with the impact of generic drug manufacturers and shrinking patent pipelines.

Barry added that IP protection was a fundamental right, acknowledged in Human Rights law and in the US Constitution. “If [these rights] didn’t exist,” argued Barry, “we would invent them”. IP protection, concluded Barry, also facilitated licensing and technology transfer, the benefits of which were acknowledged by business in both the developed and developing world.

Robust counter-argument was put (post-haggis) by Patrick Harvie, Green MSP (Member of the Scottish Parliament) for Glasgow and Convener of the Transport, Infrastructure and Climate Change Committee, Convener or Co-Convener of Cross Party Groups on Sexual Health, Refugees and Asylum Seekers, Food and International Development.

It seemed inevitable, argued Patrick, that in these days of digital downloads, peer network and open source software, that the protection afforded to intellectual property could soon be a thing of the past. Defenders of the IP faith may choose to “ignore, fight, then laugh at the problem” but they would ultimately lose, with a “re-balancing” process taking place, supported by computer technology and global networks like the internet.

Instead of using a phrase such as “pirates” to describe those who take a different stance on IP protection and promote its free use, Patrick argued that IP protection principles should be geared towards the common good, offering advantages to all of society, not just corporates. Perhaps, if the concept of IP had not existed, it would have been invented, but given how society is changing and taking into consideration the great inequalities that exist in the modern world, Patrick stated that it may be more useful to take the view that the concepts of IP protection need to be reinvented for the 21st century!

Our third (post-pudding) presenter, Stephen Taylor, of McGrigors LLP Technology and Commercial Team, had hard acts to follow but expertly managed the now slightly rowdier crowd (this was after the toast-to-the-haggis!) running an interactive Session – ‘How could IP have helped or hindered Burns if he were alive today’.

How the great Scots poet would have exploited his own personal brand produced a wide range of quality suggestions. Among the top exploitation ideas identified were:

- 'Wild Oats Organic Farm Company' – Like the Prince Charles' Duchy Originals brand but with more sex and booze.
- 'Super Rabbie Tam o'Shanter' – Grand Theft Auto meets Ghost n' Goblins for the Xbox and Nintendo generation
- 'The Burns Unit' – An umbrella brand group akin to Richard Branson's Virgin which would see Burns tout his wares in a variety of sectors, including music, fashion and TV.
- 'The Rabbie' - branding iron for cattle
- 'The Burns IVF Unit' – "I've managed 13, let me help your dream come true"

Appropriate prizes were awarded to the winning table! Appropriately intellectually stimulated, entertained, fed and watered, the LES (Scottish Branch) Burns' Supper concluded for another year!

Caroline Sincock Chair LES (Scottish Branch) with many thanks to Darran Gardner, Director Metis Partners Ltd for expert note-taking.

Best regards

Caroline Sincock (Chair – LES Scottish Branch)

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LES B&I Conference
Weetwood Hall, Otley Road
Far Headingley
Leeds LS16 5PS
24th – 25th June 2009

In these uncertain times it is essential that our members maximise the potential of IP, retain and increase their negotiating skills and their ability to manage risk whilst maximising the return.

With this in mind LES B&I Council has given a great deal of thought to the Annual Conference aiming to give our members a head start in this period of recession. As well as the usual benefits of having the opportunity to hear from and speak to the experts the conference addresses the difficult issues of managing IP in cases of bankruptcy, during divestments and acquisitions and company reorganisations.

This year the conference will be held in Leeds, it is some years since the conference was held in the North East and we hope that this will make it easier for many of our NE Regional members to attend as well as those from the NW and Scotland. With good rail/road/air links we hope to see many familiar faces from London, the Midlands, the South and Ireland too.

With regard to continuing education: 10 hours can be accredited to CPD points for attending the full conference.

As a relaxing finale to the meeting, the Conference Dinner is to be held at the famous Royal Armouries Museum in Leeds. (www.royalarmouries.org)

The conference is suitable for all involved in exploiting intellectual property through transactions and relationships of different types. In fulfilment of LES's mission, LES Britain and Ireland offers an outstanding programme at a very modest cost.

Please contact Jennifer at the LES Administration Office for further details:

Email: LES@northernnetworking.co.uk

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More important than ever to protect Logos, Trade Marks and Merchandise...

Exhibitors at the recent Sports Merchandising Exhibition at Wembley Stadium are hoping that the Sports Goods Industry will be able to sail through the current downturn by capitalising on the increased commercialisation of sport and the willingness, and desire, of today's fans to be surrounded by their teams' products 24 hours a day.

No-longer do teams focus on crowd numbers and winning alone - merchandising is a huge revenue stream. In 2003, when Manchester United sold David Beckham to Real Madrid for £24.5m it was reported in Spain that they would recoup the cost in merchandising alone – even if he never played a match - and most of that would be in small value goods like pencils!

Pencils are the least of the products now available, which can range from clothing – hats, scarves, shirts etc - to household goods like toasters! The toaster will brand the name of your team onto the bread as it toasts it and the toaster itself is in the team's colours!

There has also been an increase in the number of female fans, which opens up even more lines to the manufacturers and sports marketing managers. There are now football-themed romper outfits for babies and children's football and rugby kits are generally available.

Finally, the ultimate prize - a piece of grass from the hallowed ground! One company is selling blades of grass from Wembley, in a small container branded with the Wembley Crest for a mere £19.00!

It seems like there is nothing that fans will not buy, which is great news for the sports clubs and makes it even more crucial that they protect their brands!

IP Healthcheck – A service for small and medium sized businesses from the IPO and its free!

Every business owns some intellectual property be it design, technology, artwork, logo, brand or process but do you know how to protect it? Are you worried about the costs?

Do you know how to exploit your ideas?

The IP Healthcheck tool on the Intellectual Property Office (IPO) website is free and simple to use.

It is broken down into the four IP elements covering patents, trade marks, design and copyright.

Just answer a series of simple questions and a report will be generated specifically for you based on what you tell them.

It will cover:

- A list of recommended action points, to help you protect and exploit your IP rights;
- An explanation of why we have made each recommendation;
- Guidance on how to put each recommendation into practice;
- Links to useful information, websites and other resources.

See:

<http://www.ipo.gov.uk/whyuse/business/iphealthcheck.htm>

Following our very successful meeting to celebrate the Scottish bard we offer you the delights of another Celtic intellectual indulgence:

“A Deal Evaluation Cream Tea - Due Diligence in Practice”

**The Corinthian, 191 Ingram Street, Glasgow
14 May 2009, 3.45 p.m – 6.45pm, followed by networking.**

Do your due diligence investigations suit your purposes to a T? Are they the crème de la crème? Do you expect tea and sympathy from investors or are you prepared for a rigorous look at your company?

This Cream Tea seminar looks at the diligence aspects of doing IP driven deals. A line-up of highly experienced speakers will share their views and practices on how to approach due diligence; they'll make reference to own experiences and use a fictional licensing and investment case study to illustrate their points.

During this event our expert speakers will take us through the process and priorities for diligence investigations, from the perspectives of licensor, licensee, investor, investee, collaborator and business advisor.

There will be a chance both during the event and afterwards over drinks to network and speak further with the presenters. We look forward to seeing you at the Corinthian.

Caroline Sincock

For further information please contact Jennifer:
LES@northernnetworking.co.uk



**LICENSING EXECUTIVES SOCIETY
BRITAIN AND IRELAND**

"Advancing the Business of Intellectual Property Globally"

Moving Company/ Changing Address?

Please remember to tell our administrator, Jennifer Kirkcaldy, if you change your office address so that we can continue to send you LES information.

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Please also remember to change your contact details in the membership directory on the LESI website (www.lesi.org). 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

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

