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Show me the Money! The Importance of Intellectual Property for Businesses

One common error of companies is their failure to maximise (or indeed, protect) their intangible intellectual property assets (such as confidential information, trade secrets, corporate branding and/or patented products). These assets are important as they foster economic growth, provide incentives for technological innovation and attract investment that create jobs. In today's global environment, intellectual property also helps companies to maintain a competitive edge over their rivals.

What are intellectual property rights? How can they be protected and exploited? Why should companies bother with intellectual property rights in the first place?

The Technology & Intellectual Property Unit's Breakfast Seminar entitled "*Show me the Money! The Importance of Intellectual Property for Businesses*" on Wednesday 10th September 2008 will answer all these questions and many more. The Seminar will take place in our office at 8.30am, with registration and breakfast commencing at 8am. The speakers will be **Maureen Daly**, Partner and Head of Technology and Intellectual Property, Beauchamps Solicitors and **Robert Perryman**, Co-founder and CEO, AltaScience.

About the Speakers

Maureen Daly – Maureen advises on all aspects of intellectual property (IP) and technology (IT) matters (both contentious and non-contentious). She lectures extensively and is the author of numerous articles and publications on IP and IT issues. In addition to being a solicitor, Maureen is also an Irish registered trade mark attorney and Community trade mark attorney. She also has an honours science degree in biochemistry (University College Dublin).

Robert Perryman PhD MBA - Prior to joining AltaScience, Dr Perryman worked as Director of Business Development for Vasorum, a medical device company that targets the interventional cardiology market which is worth \$1.5 billion. Before this, Robert was a partner and director of Irish BioVentures where he worked as a consultant with a number of life science and food companies providing expertise in business development and finance. From 1999-2002, Robert worked as an equity analyst with Merrion Stockbrokers covering the pharmaceutical and food industries. He has a Ph.D. in molecular biology from University College Dublin (1994) and several years' post-doctoral research experience. He also has an MBA (1999) from the Michael Smurfit Graduate School of Business, Dublin.

AltaScience is developing an implantable medical device which provides permanent female sterilisation. In 2007, there were over one million tubal ligation procedures carried out in the US and Europe. The potential market is worth over \$1 billion annually.

To register for the event, please telephone Maree Kirby on (01) 4180913 or email m.kirby@beauchamps.ie. To register on-line, please visit the events section of our website, www.beauchamps.ie.



Barbie's best friend is.....her lawyer!

Companies should take note of the judgment in the US legal action instituted by Mattel Inc. ("Mattel"), the world's largest toymaker against its rival MGA Entertainment Inc. ("MGA") as it is an excellent example of why companies should ensure that their employees and contractors transfer to them all intellectual property rights they create.

Mattel filed legal proceedings against MGA, which markets the hugely popular Bratz line of dolls, claiming that it owned the rights to the Bratz line because its creator, Carter Bryant came up with the concept while under contract with Mattel. If the jury accepted that Mattel owned the design drawings to the Bratz line, Mattel argued that the creation and distribution of the Bratz dolls infringed Mattel's copyright in those drawings. Mr Bryant disagreed, claiming that he was on a leave of absence when he created the Bratz concept. Mr Bryant had entered into an agreement with Mattel under which the company owned everything created by him while working for the company.

The federal jury agreed with Mattel that Mr Bryant conceived the idea for the Bratz dolls while working for Mattel and that MGA and Isaac Larian, its CEO were liable for copyright infringement. As the infringement was not deliberate, no punitive damages were awarded. However, Mattel was awarded \$100 million in damages for copyright infringement and for interfering in Mr Bryant's contract with Mattel. The final decision on the total damages due as well as whether MGA must pay Mattel a royalty to continue making and selling Bratz will be determined by the Court at a later hearing.

The lesson for other companies is that they should ensure their employees and contractors have executed agreements transferring to them all intellectual property rights created during their employment or service. Care also needs to be taken when accepting creative work from a new employee. Companies should ensure that the new employee has complied with any agreement entered into with the former employer. As Barbie has learned, it is good to talk to your lawyer – so there is no time like the present to seek advice.

Keep personal data safe and secure or else!

The necessity for those in the public and private sector to keep personal data safe and secure was to the forefront again this month following the revelation by the Department of Social and Family Affairs ("the Department") that a laptop in the possession of the Office of the Comptroller and Auditor General had gone missing.....over a year ago, allegedly from a bus top. The laptop contained the personal data of over 380,000 social welfare recipients. The Department was only informed of the loss of the laptop by the Comptroller and Auditor General on 1st August 2008.

In a press release, the Data Protection Commissioner, Billy Hawkes stated that this incident was serious and expressed concern at the potential implications for the 380,000 social welfare recipients whose data has been lost. It has been reported that the data lost included bank account details for approximately 100,000 welfare recipients. The Commissioner welcomed the manner in which the Department was seeking to address the issue by undertaking to contact all those directly affected by the incident. The Department has also put in place a dedicated helpdesk to provide further information to those affected. The Commissioner said that this represents best practice and was a first rate response in the circumstances.

Parties who control, store and use personal data whether they are in the public or private sector are legally obliged to keep it safe and secure. Accordingly, they should take their data protection responsibilities seriously, have adequate security arrangements and data protection policy in place as well as proactively audit access to the personal data to detect any irregular patterns of access or use of the data by employees. Failure to do so is a breach of Irish data protection legislation.

The moral of the story is that companies engaged in the collection, storage and use of personal data must, as a matter of priority, ensure that they have adequate security in place so that they can avoid the above incident happening to them. There is no time to lose - contact your legal advisor today to ensure that you are data protection compliant before the Data Protection Commissioner comes knocking!

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