

Dragons meet their match at IP Office

Inventor Andrew Harsley thought he had hit the jackpot when he won investment for his cable-tie product on the BBC's TV programme *Dragons' Den*, in which budding entrepreneurs bid for financing from the show's panel of "dragons".

Two of the notoriously hard-to-impress judges, Duncan Bannatyne and James Caan, invested £150,000 (\$210,000) in the product, reassured in part by Harsley's UK patent, which was registered in 1999.

But in an opinion published last month, the UK



IP Office found that Harsley's RapStrap product probably infringes two claims of a patent granted to a company called Millipede in 1999. What's more, Harsley used to

work for Millipede and is named on the original patent.

Office opinions are not binding – and Millipede will have to take court action if it wants to enforce

its rights – but they are based on thorough review of the patent and alleged infringing material which, in this case, included an article in the *Daily Mail* newspaper. The position therefore is that Harsley's invention, and the *Dragons'* investment, is looking vulnerable.

Ilya Kazi of Mathys & Squire told Utynam: "There is a lesson here: you can't forget about the past. The patent wasn't the whole story. It is surprisingly often that people shoot themselves in the foot with prior art."

J-Lo defends her marks

It's not often that divas pay much attention to IP, which is why Utynam's ears perked up when US singer/actress Jennifer Lopez and her Latin American singing sensation husband, Marc Anthony, recently sued designer baby carriage maker Silver Cross

for trade mark infringement.

The couple claim that, using the above picture, the company "knowingly and intentionally misappropriated and used the names, images, likenesses and photographs of Lopez and Anthony to market and sell



Defendants' line of high-end baby carriages throughout the world".

Lopez is accusing the manufacturer of trade mark infringement as well as right of publicity misappropriation and – along with the photo's copyright holder – seeks at least \$5 million for each of the six claims, which is just about equivalent to Silver Cross' entire 2008 sales revenue.

Beckham's IP own goal in China

IP infringement reached a new level in China last month when a company was caught selling a fake version of Viagra using false celebrity endorsements.

In a poorly edited TV advert, England football star David Beckham and actors Sean Connery and Keanu Reeves were all dubbed by a Chinese actor to make it sound as though they were endorsing Selikon USA, a Chinese anti-impotence drug.

"Want to know how I can keep being strong and running on the football field? USA Selikon capsules help me a lot. It's also the secret weapon with which I can satisfy Victoria,"

Beckham was dubbed to say.

Connery also sings the praises of these little blue pills, saying: "I have just reached 70 and, after taking

these pills, Barbara has told me that I am like the James Bond of 25 years ago. I have told my friends that they have to use them." (Connery is 78 and married to

Micheline. Utynam has no idea who Barbara is.)

Beckham's spokesperson has not confirmed whether they will be pursuing the makers of the adverts in court for misuse of their image rights, but a representative of Connery was quoted as saying that the Scottish star would be seeking damages for the harm caused to his reputation. Utynam wishes him luck, as enforcing IP in the courts in China can be time consuming – as Pfizer can attest.



Emerald City

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