



ISSUE 07

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Training businesses  
on why IP matters

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Patent Box – are you  
missing out?

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Why you must keep  
your invention secret

**Patent Box – save tax  
and increase profits,  
find out more inside...**

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Albright IP

| PROTECTING INVENTIONS, COMPANIES AND BRANDS SINCE 2007

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## The day I met the Queen – Robert Games

LIKE THE REST OF THE NATION, WE WERE ALL DEEPLY SADDENED BY THE PASSING OF THE QUEEN, AND SO I THOUGHT I WOULD SHARE A LITTLE STORY ABOUT MY MEETING WITH THE QUEEN.

Long before I became a patent attorney, one of my passions in life was working with wood. I made two murals for the Royal Botanic Gardens, Kew from timber felled in the storm of 16 October 1987. The first mural was placed in the Victoria Gate visitor centre, but the second was more private and was placed in the Jodrell Laboratory. It was here that I had the great privilege to meet the Queen.

I was travelling to Kew from my home in Wales and I missed the staff briefing. I was in my 20s. I was excited, animated, and I broke every rule in the book I'm sure. We talked for around 10 minutes, it delayed the proceedings, but it was wonderful.

From all of us at Albright IP we thank her for her service.



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# Welcome to Figure 1

WELCOME TO OUR LATEST 'NEW LOOK' EDITION OF FIGURE 1 FROM ALBRIGHT IP. IT'S CERTAINLY BEEN A BUSY YEAR AT ALBRIGHT IP AND FOLLOWING RECENT YEARS WE'RE GLAD TO BE BACK OUT TRAVELLING AGAIN, MEETING COLLEAGUES, AND HELPING CLIENTS.



In the last few months our teams have been out and about providing advice at the UK Business and Cornwall Business shows, we've also had a successful trip to the 2022 MARQUES Annual Conference in Madrid and AIPPI in San Francisco, where it was great to catch up with all our global partners.

While 2022 has certainly been busy, it looks like 2023 won't be any different and in this edition, we touch on a few of the forthcoming changes to the IP landscape. First and foremost we look at what the new proposed Unified Patent Court and Unitary Patent will mean for our clients and partners across the EU.

With rising costs, high energy prices and a cost-of-living crisis, saving money and maintaining cash flow is going to be a key consideration for any business. On page 10, Albright IP Director, Adrian Hocking, highlights some interesting figures around the use of Patent Box (or lack of it) and looks at the missed opportunity for considerable corporation tax savings.

We also talk about how IP training can help to capture innovation and hear from Patent Attorney, Cloe Loo, on why she chose a career in IP.

I hope you enjoy the read.

**Robert Games**

MANAGING DIRECTOR



*With rising costs, high energy prices and a cost-of-living crisis, saving money and maintaining cash flow is a key consideration for any business.*





# An introduction to the Unified Patent Court and Unitary Patent

CHANGES ARE COMING TO THE WAY COMPANIES OBTAIN PATENTS IN DIFFERENT EUROPEAN COUNTRIES. ALBRIGHT IP'S MANAGING DIRECTOR, ROBERT GAMES, TAKES A LOOK AT WHAT'S PLANNED AND WHAT IT MEANS FOR UK BUSINESSES...

**Robert Games**  
MANAGING  
DIRECTOR



Right now, when a European Patent (EP) is granted by the European Patent Office, it then has to be submitted individually in each of the designated countries where it is to come into force. This submission may need to be translated into the local language, a representative must be appointed in each separate country, and each submission incurs a separate cost. This process is known as European patent validation.

The process and expense mean that many companies restrict their applications to five or so countries of interest. In other words, protection is lost in the other member states where the patent is not validated.

## What does the new court and patent mean?

The existence of the EP validation won't end, but there is a separate new approach that's being introduced – which means a decision will need to be made on which route you choose. There are two parts to this approach, firstly there is set to be a new patent, the Unitary Patent (UP), and secondly there is to be a new European patent court, known as the Unified Patent Court (UPC).

At present, 17 EU countries have signed up to use both the UP and UPC (full list on page 7). This means at its most basic, if you sign up to use the UP and UPC then you are automatically covered across the 17 countries (if granted).

It's very early to weigh up the pros and cons – on one side it could present a good solution for businesses where multi-country patents are required. It may present an opportunity to reduce renewal fees, but it is untested and unknown. So, if your patent was challenged centrally at the UPC and it failed in a central judgement against you, it would fail across all 17 countries covered by the UP.

*The process and expense mean that many companies restrict their applications to five or so countries of interest.*

“ ”







But if the cost of individual filing is a real issue for your budgets and cash flow, then the UP might be the way to go.



*The new court hasn't yet been set up, the best guess at the moment is that it will come into being at the end of this year or in early 2023.*



### So, what is the UP and UPC?

The new Unitary Patent (UP) will cover the 17 countries that have currently signed up to it. Just one set of documentation, one renewal fee, and no need for representatives in each country.

Also coming into play is a new European Unified Patent Court (UPC), which will enable you to enforce your unitary patent across the 17 EU countries in a single court action. In other words, you'll be able to bring an infringement case or a validity action centrally. It's also important to note that you will automatically be opted in – when it comes into force!

But if you choose this approach, as outlined above, there's a risk that your patent could also be invalidated centrally, and you would lose it in all of the 17 states in one go.

The new court hasn't yet been set up, the best guess at the moment is that it will come into being at the end of this year or in early 2023. Judges must be appointed, processes agreed, and administrators put in place before anything can happen.

The precise date depends on when Germany, the 17th country, ratifies the UPC Agreement. The German parliaments have already passed the legislation and associated challenges in the German courts have been dismissed. The official preparatory period got underway on 19 January 2022 and German ratification is expected once those preparations are sufficiently advanced.

### What do businesses need to do?

Once the new process is up and running, you will need to choose whether to opt out of the Unified Patent Court for any existing or future European patents, and, when a new European patent grants, if you want to go for a new Unitary Patent. You may also want to validate in other states that aren't in the 17, or you may decide to continue with the status quo and file in individual states as is the current approach. You can register your interest with us now if you'd like to opt out of the UPC.

### We will be on hand to guide you

It's not a straightforward decision. For example, if you wanted to arrange different licence deals in each state, then the UP and UPC might not work for you. Additionally, the UPC poses a risk of widespread revocation of your patent. But if the cost of individual filing is a real issue for your budgets and cash flow, then the UP might be the way to go, increasing your reach in more countries.

At this stage, we'd suggest if you are interested in finding out more, exploring the risks and benefits and deciding if the new UP and UPC will work for your organisation, you can get in touch with us. We'll be keeping a close eye on progress and will keep you up to date accordingly.

As you would expect, following Brexit, the UK is no longer going to be included in the UP. However, British firms still need to decide whether to use the UP, which would fall under the jurisdictions of the UPC, upon grant of their European patent.

This is a fairly complex subject so if you would like to find out more about the UP and UPC we have put together some detailed FAQs which can be found here: <https://bit.ly/3SrHVZa>



The 17 countries which will be part of the new UP and UPC once launched: *Austria, Belgium, Bulgaria, Denmark, Estonia, Finland, France, Germany, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Slovenia, and Sweden.* This list may expand in the future.



# IP Untangled – training businesses on why IP matters



ADRIAN HOCKING, PATENTS DIRECTOR AT ALBRIGHT IP, TALKS ABOUT ALBRIGHT IP'S 'IP UNTANGLED' WORKSHOP AND WHY IP TRAINING CAN BE INVALUABLE TO BOTH BUSINESSES AND THEIR PEOPLE...

**Adrian Hocking**  
PATENTS  
DIRECTOR



The world of intellectual property can be pretty complex and impenetrable if it's not your area of expertise. However, understanding why it matters to your business, the benefits of protecting it and the risks associated with not doing so are really important – which is why we set up our IP Untangled training programme.

It's not a death-by-PowerPoint session, nor a day-long course where we try and turn attendees into IP experts.

Rather, it's a one or two-hour round-the-table introduction to IP, covering the four main headline areas of patents, trade marks, designs and copyright.

*The tailored approach means we can help both companies without IP experience and those who have in-house legal support but lack IP expertise.*



## IP training for business

We explore what we mean by IP, what needs to be considered when protecting a product and offer an overview of patents. We explain the potential tax savings to be secured through R&D tax credits, and how you could reduce your corporation tax by up to 50% with something called Patent Box.

We also review Registered Designs and ask whether they offer value for money, and what you need to consider when it comes to protecting intellectual property abroad.

These sessions can be adapted to reflect the level of knowledge among attendees, and we include time for questions so we can address any particular concerns or areas of interest. We try and make the training as relevant as possible for delegates.

## Why are we running this training?

Our experience shows that most people working within companies often don't really think about IP (apart from those tasked with it). They might have some inkling, but they very rarely actually understand what it's all about and why they should be looking out for it. All too often it's something that doesn't appear on their radar until their innovation is on the market!

Our IP Untangled sessions are designed to help you avoid this and other pitfalls – we emphasise the importance of having some internal processes in place, how pro forma invention evaluation forms can help, and the importance of ensuring that your designers, engineers and business teams all understand why thinking about your IP really matters.

We get a lot of people coming to us for help at this stage as they realise that perhaps they should have protected their product.

## Adapted for you

Of course, some companies will be more IP savvy and we often provide training for other non-IP attorney firms. In this case we can adapt the training to focus on more detailed issues, such as infringement searches or analysis, how to read a patent and how to analyse it, and how to conduct pre-patent searches to determine what's already out there.

The tailored approach means we can help both companies without IP experience and those who have in-house legal support but lack IP expertise. Our aim is to make the training fit the needs and knowledge of our customers.

If you'd like to find out more about our in-house training, then please do get in touch.

# Why are only 1,370 companies using Patent Box tax savings?



LET'S START WITH SOME INTERESTING NUMBERS, BEFORE WE MOVE ON TO SOME STRATEGY FOR RAPIDLY REDUCING YOUR COMPANY'S TAX RATE:

**10 | 1,370 | 4,716,126**

**Adrian Hocking**  
PATENTS  
DIRECTOR



The first number, 10, is the tax rate that your company can apply for under the UK Government's surprisingly little used 'Patent Box' scheme.

So, rather than paying the current 19% on all profits, this can be reduced to 10% on all attributable income for those savvy enough to know how (and hopefully by the time you finish reading this article, you will have some pointers to start putting this tax reduction scheme into practice!).

The second number, 1,370, is the estimated total number of UK companies utilising the Patent Box system to reduce their company tax rate in the financial year of April 2019 to the end of March 2020 (being the latest data available at the time of writing).<sup>1</sup>

The third number, 4,716,126, is the total number of incorporated companies registered in the UK as of 31 March 2021 (again, being the latest available data).<sup>2</sup> This does include companies that are in the process of dissolution or liquidation, but interestingly is more than an 8% increase compared to the previous year.

Crunching some more numbers results in there being around 4,400,000 UK incorporated companies in the UK at the end of March 2021, but only roughly 1,370 that are using this Patent Box tax reduction system to obtain a 10% tax rate on at least a portion of their income.

Overall, that's a miniscule 0.03% of UK companies that make use of this rather lucrative tax mitigation scheme. Clearly, many more companies are likely to be eligible, and are simply missing out through lack of knowledge and/or time to organise the required data for submission in their tax returns.

Another reason may be that company owners think that the R&D tax credit scheme, which is being reasonably widely used to recover funds for research and development, is the same as Patent Box. The two are not the same, and both can be used to save your company money.

## How much money can my company save using the Patent Box system?

Data for the latest available tax year indicates that around £1,175 million will be claimed in Patent Box relief by the above-mentioned 1,370 UK companies.

Again, with some basic maths, that equates to almost £860,000 of savings for each of those 1,370 companies that applied.

Clearly, the size of the 1,370 companies will vary tremendously, and as such the number of £1,175 million of tax savings will not be divided equally, but it gives a good indication of what many companies are missing out on by not focussing some of their resources on the Patent Box system.

## How big does my company have to be to use the Patent Box system?

Extrapolating the data from previous years to the 2019-2020 financial year, 'large' companies (generally those with more than 250 employees, more than £36 million turnover) will claim the lion's share of the tax relief, likely being more than 90% of the 1,370 businesses making claims and thus receiving over £1,000 million of savings.

'Medium'-sized companies (generally up to 249 employees, up to £22.8 million turnover) come in at a dramatically lower number making claims, only around 3%, equating to savings of around £35 million for those businesses.

And 'small'-sized companies (generally up to 49 employees, up to £10.2 million turnover) are even lower at 1%, equating to £13 million of tax saved.

Below that, we have 'micro' and 'undesigned' making up the remainder.

As you can see, although any size of company can make tax-saving claims under the Patent Box system, it is heavily weighted towards large companies. The supposition is that the larger companies have the manpower, resources and accounting structure to sufficiently gather the required data to present to HMRC, which in itself can be something of a task.

However, it seems very clear that particularly small and medium-sized companies are missing out on enormous tax savings by ignoring this system.

**£1,175  
MILLION  
WILL BE  
CLAIMED  
IN PATENT  
BOX RELIEF**

*Clearly, many more companies are likely to be eligible, and are simply missing out through lack of knowledge and/or time to organise the required data for submission in their tax returns.*

“ ”





### Does my company need to be in a specific sector to use the Patent Box?

Undoubtedly, certain business sectors will find it easier to be eligible for Patent Box claims, since, as we will find out below, the claim is contingent on obtaining patent rights for an innovative idea.

However, providing a development by the company is both unique and 'clever', there is likely a good chance that a patent can be obtained.

Breaking down the 1,370 UK companies making Patent Box claims during 2020 to 2021, we have some interesting and somewhat surprising insights in terms of sectors making these claims:

- Firstly and perhaps unsurprisingly, companies which are focussed on manufacturing and have innovative or improved (i.e. patented) techniques, systems or processes made up by far and away the largest number of Patent Box claims. In total, it is projected that 715 companies out of the 1,370 claimants are in this sector.
- However, companies in the wholesale and retail trade came in second, with an estimated 270 companies making use of the system, totalling 20% of the total number of claims.

*However, providing a development by the company is both unique and 'clever', there is likely a good chance that a patent can be obtained.*



- Third place was taken by the professional, scientific and technical activities sector, arriving at 165 companies out of the 1,370 businesses making claims, and equating to just 12%. I was surprised that this sector was not higher up the rankings.

The other sectors from which companies are making tax-saving claims include:

- Agriculture, Forestry and Fishing
- Water Supply
- Construction
- Transportation and Storage
- Information and Communication
- Financial and Insurance Activities
- Admin
- Human Health and Social Work Activities

If your business lies in one of these sectors, and it is developing systems, processes or products that solve problems or improve on prior versions, then you should be considering patent protections to at least open up the possibility of a Patent Box tax-saving claim.

And, the sectors in which no claims were made by any company:

- Mining and Quarrying (I was surprised by this, as this industry would seem to be well situated for innovation)
- Electricity, Gas, Steam and Air Conditioning Supply
- Accommodation and Food Services
- Real Estate
- Public Admin, Defence and Social Services
- Education (this is somewhat surprising to me, since Education is a ripe candidate for innovative change)
- Arts, Entertainment and Recreation

### How can my company make a Patent Box claim?

As the Patent Box name suggests, a company first and foremost does need to own one or more patents.

The innovative development covered by the patent(s) needs to be attributable to profits generated by the company. In other words, the company will need to be able to show to HMRC that the products, systems or processes that are generating profits are covered by the associated patent rights.

And, the company does need to be paying Corporation Tax in the first instance.

Since a Patent Box claim does hinge on having a granted patent, businesses should be proactively planning to acquire these intangible assets on a relatively regular and rolling basis.

What is not widely known by many companies is that a UK patent can be obtained surprisingly quickly, and at a relatively low cost.

The normal length of time to obtain a granted patent in the UK from filing is around five years. However, this can be accelerated to well under 12 months, with the quickest grant so far by the author being seven months.

Acceleration of the prosecution of a patent in the UK is discretionary, and will need to meet one of the following criteria:

- 1 Infringement by a competitor is likely;
- 2 a commercial agreement contingent on the grant of the patent is being negotiated; or
- 3 the innovative development is environmentally friendly.

With your patent application being filed and thus pending, it is prudent to elect into the Patent Box scheme sooner rather than later. Although a claim cannot be made until your patent is actually granted, your claim can be backdated to the point of election and following filing of your patent application.

Once you have your patent pending or have identified your patents that may allow your business to qualify for the tax relief, your next step is to discuss the Patent Box application with your accountant. They will then start to analyse where your taxable profits are arising, which products, systems or processes the profits are attributable to, and thus which of your patents or pending rights cover those identified products, systems or processes.

From there, your Patent Box claim requesting the 10% company tax rate can be made, and every year thereafter, providing your patent(s) remain in force (the maximum life of a patent is 20 years from filing the application).

As mentioned above, it is a surprise how few businesses are making use of this quite lucrative tax relief. It does take a little more foresight and planning than the more common R&D tax credit system, and the fact that ultimately one or more granted patents are required can complicate matters.

However, from the above data, it does seem clear that many businesses that are likely eligible for this useful relief are not making their claims, particularly small and medium-sized companies that often do need the most help.

Please feel free to discuss the available options with our expert patent and trade mark attorneys, we are always happy to provide as much strategic and proactive advice and guidance as possible.

*What is not widely known by many companies is that a UK patent can be obtained surprisingly quickly, and at a relatively low cost.*



WITH THE  
QUICKEST  
GRANT SO  
FAR BEING

7  
MONTHS

Source:

1. Patent Box relief statistics: September 2022. <https://www.gov.uk/government/statistics/patent-box-reliefs-statistics>

2. Companies register activities: 2020 to 2021. <https://www.gov.uk/government/statistics/companies-register-activities-statistical-release-2020-to-2021>



## Careers in IP



> LIFE SCIENCE, ENGINEERING  
CHARTERED BRITISH PATENT ATTORNEY  
EUROPEAN PATENT ATTORNEY  
IP LITIGATOR – PATENTS

# Cloe Loo

A CAREER IN IP CAN BE A REWARDING AND INTERESTING VOCATION AND DOESN'T REQUIRE A LAW DEGREE AS AN ENTRY REQUIREMENT. IN FACT, AS CLOE LOO, ALBRIGHT IP PATENT ATTORNEY EXPLAINS, PATENT ATTORNEYS COME INTO THE PROFESSION WITH A TECHNICAL OR SCIENCE-BASED DEGREE...

### Q How did you get into IP?

After finishing my BSc degree in Biology, I took a job as a project manager in a market research company. I'd been there a few years and really wanted a change and a challenge. My sister was an IP solicitor in Hong Kong and when we talked about her work, I was attracted to the idea of a profession which requires you to be analytical and inquisitive, and where I could use more of the analytical skills I'd learned at university. She encouraged me to find out more.

I did some research into the patent profession and started looking for trainee patent attorney positions where there was also opportunity for structured professional development. When Albright IP offered me a position, I jumped at the chance.

I was surprised to discover that you didn't need law qualifications to enter the profession, and that in fact, having a scientific background is a prerequisite.

### Q What was your route to qualification?

I took the traditional route of taking a series of foundation and advanced exams for the UK patent attorney qualification over three years, as well as separate exams for the European patent attorney qualification, again over three years. There were 14 exams in total!

It wasn't all about exams. I learned an amazing amount on the job, and this was supplemented with studying after work and going on revision courses before the exams. It was hard work, of course, but I found it so much more practical to be able to learn on the job rather than simply studying for the exams. I think it equipped me in a much better way.

*I did some research into the patent profession and started looking for trainee patent attorney positions where there was also opportunity for structured professional development.*



### Q What advice would you give to anyone considering starting out in a career in IP?

There are different strands to IP. I'd encourage anyone to research and see if there's a particular area of IP that interests you. Talk to someone in the profession to get an insight into their work to see if it is for you. Try to get some work experience related to IP to find out more and get a head start.



### Q How would you describe the day-to-day job and what it involves?

I typically start my day working through emails that arrived in my inbox overnight from clients in Asia and North America. There may be instructions for dealing with an ongoing patent application or filing a new patent application, or an issue which clients would like my advice on.

I will then go through my work list to see what deadlines are coming up and what I should prioritise for the day. Deadlines are crucial in our line of work and missing one can be costly for all concerned!

The rest of my day typically involves a mixture of analysis work, speaking with new and existing clients regarding patent applications or IP issues, preparing patent specifications for new patent applications, and discussing cases with other members of the Albright team and third-party colleagues.

It could involve working on an examination report for an ongoing application. This means analysing the patent specification of the application, the examination report and associated documents, determining how best to address the objections, and preparing a response to the report.

I'll probably talk to existing and new clients to see how we can assist them. It's always interesting hearing about their new ideas or their IP situation and it is very satisfying when you know the clients go away feeling they have been guided through options and given useful advice to think about.

I am currently working on a contentious matter so I may spend time on this if something new has happened, such as fresh correspondence, or attending to something at the Court. This may be on the phone with the client and our legal team to discuss strategies, or reviewing submissions or correspondence the legal team has prepared.

Albright IP are very hot on supporting and bringing on new talent, so I will also spend some time with trainees in the team. This may take the form of bouncing ideas around some work they are currently doing, such as discussing the direction to take in an exam response or drafting of a patent specification for a new patent application. We'll also take time to review any work they have done, taking them through a scenario to cover a point of law.

### Q What skills would you say anyone wanting to work in IP should possess?

A desire to learn, be inquisitive, attention to detail, someone that loves to problem-solve and to use their analytical skills. A significant portion of our work involves communicating our thoughts to others. Effective communication skills, and being able to put yourself in the client's shoes, are therefore, both important. It is a very rewarding career if you are prepared to work hard and persevere.

As the law is always changing, along with technology, there's always something new to learn!

### Q Is the best route to join an IP company straight after graduating – or are there alternatives?

I am a good example of joining the world of IP from another profession, so there certainly are alternative routes into the sector. Whether you join direct from university or have already been out in the world of work, I'd say getting some exposure or experience in IP would be very helpful. This could be summer holiday work experience with an IP or law firm, or a role related to IP in the existing company you are working for.

### Q Is there a particular sort of person who is drawn to a career in IP?

From a patent attorney's point of view, it will likely be someone who likes problem-solving, is technical, analytical and is detail-orientated.

### Q What do you like best about your job?

I love the fact that no two days are the same, and no two cases are the same, which keeps the role interesting. Working with the brains behind inventions is fascinating and rewarding, and working with clients based overseas is also very enjoyable. IP rights have the potential of bringing all sorts of commercial opportunities for their owners and it's hugely satisfying when you help your clients on this journey of progress and achievements.

### Q What would you say to people considering joining Albright IP?

Go for it! You will get exposure to a large variety of work and clients early on and throughout your career. We have a very nurturing culture here at Albright IP. It's professional and friendly, and everyone is very approachable, from trainees to directors. I had excellent training and I also enjoy a good amount of freedom in developing my practice post qualification.

*We have a very nurturing culture here at Albright IP. It's professional and friendly, and everyone is very approachable, from trainees to directors.*

“ ”

*It's always interesting hearing about their new ideas or their IP situation and it is very satisfying when you know the clients go away feeling they have been guided through options and given useful advice to think about.*

“ ”





# News

## Albright IP celebrates exam hat-trick



> Joel Weston

> Lauren Fisher

> Zainab Rhyman

WE'VE BEEN CELEBRATING THIS MONTH AFTER THREE OF OUR EMPLOYEES CHALKED UP BIG SUCCESSES IN THEIR EXAMS.

*We're very proud of Lauren, Zainab and Joel – they've worked so hard for this and it's great to see their dedication rewarded.*



Both Lauren Fisher and Zainab Rhyman, who are training with Albright IP as trade mark attorneys, scored highly in the 2022 CITMA Paralegal Course exam, with Lauren attaining the highest mark of all the candidates with an impressive 98/100!

The CITMA Paralegal Course helps candidates to build and demonstrate their knowledge and skills across a range of core areas. It is the official qualification for trade mark paralegals, formalities staff and administrators.

The course provides an extensive dive into a variety of topics, including the vital legal background and technical skills for trade mark registrations, searches, renewals and maintenance, changes of ownership, oppositions and cancellations.

It also touches on registered designs and domain names, ensuring that candidates leave with a full understanding of professional practice.

At the same time, Joel Weston has passed his final exams with a distinction, and is now a fully qualified Trade Mark Attorney, soon to be Chartered.

*"It's really important to us to support our people in their career development and provide an environment in which they can thrive and grow," said Albright IP Managing Director Robert Games.*

*"We're very proud of Lauren, Zainab and Joel – they've worked so hard for this and it's great to see their dedication rewarded."*

Top-score Lauren graduated from the University of Nottingham in 2021 with a First Class Law degree (LLB), before joining Albright IP as a Trade Mark Paralegal in July 2021. Zainab is a recent law graduate from the University of Bristol.

Joel Weston joined Albright IP in March 2019 as a Trade Mark Attorney trainee, and since then, has been involved in all aspects of trade mark prosecution and enforcement.

## Albright IP expands business base with new acquisition



WE HAVE EXPANDED OUR BUSINESS WITH THE PURCHASE OF BOURNEMOUTH-BASED IP COMPANY ATKINSON WHELLER FOLLOWING THE RETIREMENT OF FOUNDER MICHAEL WHELLER.

*"We were approached by Michael who was looking for an established, reputable company that could take over his business," said Robert Games, Albright IP Managing Director. "We saw this as a great opportunity to expand our own customer base and we're delighted to welcome these new clients into our fold."*

*"We're looking forward to getting to know our new clients, and the wider Bournemouth business community. The town has been listed as a hotspot for business innovation, so we are sure there will be potential to attract new customers who would benefit from our expertise across patent law, trade mark protection, design and copyright."*

The purchase means that clients of Atkinson Wheller will now have access to a greater pool of specialist IP experts, with sector expertise across engineering, physical and chemical sciences, electronics, software and product development to name but a few.

Robert added: *"The purchase of Atkinson Wheller will enable us to expand our geographical footprint in the south-west and fits well with our plans to continue the strong business growth we've seen over the past 15 years."*

Albright IP's Bournemouth office is situated at the Aviation Business Park at Bournemouth International Airport.

*The purchase of Atkinson Wheller will enable us to expand our geographical footprint in the south-west.*







duku<sup>ev</sup>

## Helen Dolphin MBE tests Duku's accessible EV charger!

ALBRIGHT IP'S SISTER COMPANY, DUKU, IS AN ESTABLISHED PRODUCT DESIGN CONSULTANCY LOCATED ONLY A STONE'S THROW FROM OUR OFFICE. THEIR DEDICATED TEAM OF EXPERIENCED ENGINEERS AND DESIGNERS ARE COMMITTED TO CREATING INNOVATIVE DESIGN SOLUTIONS THAT EXCEED EXPECTATIONS AND STAND OUT FROM THE CROWD.



Working with clients across a broad range of sectors, Duku bridges the gap between the design's conception and the delivery of the product. From research and development to testing and manufacturing we use cutting-edge technology, including state-of-the-art 3D printing.

Over the last few months, Duku has been working on a ground-breaking project which is now the UK's first fully accessible on-street electric car charger, after discovering there was a gap in the market for an EV charging point that can be used by everyone, regardless of their disability.

*The charger is completely unique compared to anything else on the market.*



The Duku team were thrilled to receive a visit from accessibility expert and mobility consultant, Helen Dolphin MBE, who recently tested the charger first-hand. Helen has been working for many years in the industry, and as well as running her own consultancy, holds a position on the Consumer Panel of the Civil Aviation Authority and is a Member of the Disabled Persons Transport Advisory Committee (DPTAC).

After visiting, Helen commented: *"The charger is completely unique compared to anything else on the market, it eradicates the need to pull a heavy cable which can be a major barrier preventing disabled people from owning a vehicle".*

Designed in Cheltenham, the charger has involved stakeholders from around the UK throughout its development and features a crash-resistant base, carefully designed screen, motorised cable management system and a number of other unique features.



The Duku team are now working hard to develop the next iteration of the charger with the aim of achieving additional funding and investment to take the project to large-scale manufacturing after a period of rigorous testing.

Visit [www.duku.co.uk](http://www.duku.co.uk) to learn more about the project, or phone +44 (0) 1242 697666 to find out how their team of experts can help bring your idea to life.

duku<sup>ev</sup>



# Keep your invention secret until you have filed a patent application



**Frederick Noble**  
PATENT  
ATTORNEY



THIS IS PROBABLY THE SINGLE PIECE OF ADVICE I GIVE OUT MOST OFTEN AS A PATENT ATTORNEY. IT SOUNDS SIMPLE BUT IT'S NOT ALWAYS AS EASY AS IT SEEMS.

*The result may seem harsh, but the law is clear – public disclosure before filing will invalidate a patent.*



Secrecy is important because for a patent to be valid, the invention must be a new invention on the date of filing. So, any disclosure before that will invalidate the patent.

Two recent cases show just how serious this rule is. Our first tale is about the validity of a patent on the 'Xhose', invented by Michael Berardi working at home. It is one of those great stories of someone working alone to come up with a simple but effective product which ends up being a big commercial success.

However, when Hozelock were accused of infringing the patent, they claimed it was invalid. Why? Because before filing his patent application Mr Berardi had made prototypes in his garden. Of course, his garden is private property, but anyone standing on the street can see in.

Here the judge accepted that if someone had been looking in, Mr Berardi would have packed up and moved out of public view. The experimenting in the garden did not destroy the patent, but perhaps it nearly did.



Our next hero, inventor Jeffrey Claydon, tested his new seed drill on private land. However, a public footpath ran alongside. Again Mr Claydon said that if anyone had appeared on the footpath, he would have moved so the invention couldn't be seen. But a seed drill is a lot bigger than a garden hosepipe. The judge concluded that hiding it away would have been impossible – and so the patent was invalid.

The result may seem harsh, but the law is clear that public disclosure before filing will invalidate a patent. So, I repeat, keep your invention secret until you have filed!

If you have any questions around patents or disclosure, please get in touch. We'd love to hear from you.

## Register your trade mark... and then keep an eye on it

NEWS EARLIER THIS YEAR (REPORTED WORLDWIDE!) OF THE LAWYERS' LETTER RECEIVED BY THE STAR INN AT VOGUE (THE VILLAGE) UNSURPRISINGLY CAUGHT OUR EYE.



After landlords Mark and Rachel Graham incorporated their established business as a limited company, Condé Nast, publishers of Vogue magazine, wrote to say that use of the word 'Vogue' as part of the company name "might cause problems".

It's not the first time a letter defending a trade mark has hit the news for being a little heavy-handed. In this case at least the publishers have apologised and admitted that "further research" should have been done before firing off the letter. Swift correction seems to have done the trick, and the mistake apparently hasn't caused any serious hard feelings.

The publishers of Vogue very sensibly have trade mark registrations protecting their valuable brand. Your business may well have done the same. But do you have a watching service to

monitor for potential conflicting marks or business names which come into use? Ongoing watching for conflicting trade mark registrations, company name registrations, and other uses of your brand is a vital part of protecting the value and uniqueness in your name. Nowadays, technology makes effective automatic watching affordable for businesses of all sizes – and this really is something that everyone should have in place. As the Vogue story demonstrates though, you do need the human touch as well – a real person to check the notices from the computer-based watch and to decide what (if anything!) needs to be done with them.

At Albright IP we can provide both of these essentials – computer-based watching, and a team of attorneys who promise to check carefully before sending letters. So if you want to discuss protection of your brand, please get in touch.



**Katie Oliver**  
TRADE MARK  
DIRECTOR



*Nowadays, technology makes effective automatic watching affordable for businesses of all sizes.*







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