

HEADLINE NEWS

AG versus Copeland over patent rights

PAN WAR

By SEAN DOUGLAS

ATTORNEY GENERAL Anand Ramlogan yesterday alleged that engineer, Professor Brian Copeland's firm, Panadigm Innovations Limited, is making and selling special steel-pans to which the Government owns the patent.

In reply, Copeland told *Newsday* he had no comment to make except that he is referring the matter to his attorneys. Former PNM San Fernando West MP Junia Regrello, (a one time Panadigm director) vouched for Copeland as being "an honest and decent person."

Copeland was awarded the nation's highest honour, the Order of Trinidad and Tobago, under the former PNM regime, for his work on developing the G-pan, a point noted by Ramlogan who said this showdown with Copeland brings him no delight.

He raised concerns about the matter at a press conference at the Office of the Attorney General, Cabildo Chambers, Port-of-Spain.

Ramlogan said that since 2005, the Government funded public research in pan under the Steelpan Initiatives Committee (SIC) and Steelpan Initiatives Project (SIP) to the tune of \$34.5 million. The aim was to develop steelpan technology to create a more compact pan - in the form of the G-pan and secure a patent for this instrument. Ramlogan said the SIC's intent was always that steelpan rights be awarded to the Government and people of Trinidad and Tobago. He added that while Copeland had been made to assign the patent for the G-pan to the Government, nonetheless he had made and sold G-pans without Government's permission. The mat-



PROF BRIAN Copeland, worked on the inventions of the G-pan and PHI.

ter, said Ramlogan, is being investigated by Vincent Nelson QC.

So many students at the University of the West Indies (UWI) have worked on the project, on behalf of their country, said Ramlogan, that no one person could claim it as their own. Ramlogan said this case was "a particularly troubling matter."

However, Ramlogan said the substantive claim against Copeland related to another steelpan invention, the Percussive Harmonic Instrument (PHI), or electronic pan. Ramlogan alleged Copeland registered himself as patent holder of the PHI Pan.

Saying he has authorised legal action, Ramlogan gave reporters a pre-action protocol letter on behalf of the Government as client, dated July 8, addressed to Copeland and signed by Tamara Maharaj for the Chief State Solicitor. Ramlogan said the letter

**"We are instructed that you have wrongfully registered the patent jointly in your name and that of others."**

was sent to Copeland yesterday, and he promised further action on Monday. Later, Ramlogan said a copy will be sent to Regrello if he is still a Panadigm director.

The letter provided by Ramlogan states: "Our client instructs us that it paid for and commissioned the invention known as the PHI Pan, initially through the Steelpan Initiatives Committee (SIC) and later from the Steelpan Initiatives Project (SIP)."

The letter said the Government owns the intellectual property (IP) rights and patent to the PHI Pan. "We are instructed that you have wrongfully registered the patent jointly in your name and that of others," the pre-action protocol letter stated. The letter cited several documents to show the intention for the Government to be owner of the rights and show that the Government paid for and commissioned the project.

This letter calls on Copeland to do six things. He must disclose all agreements he entered into regarding rights in respect of the invention of the PHI Pan, disclose all registrations of patent rights in any jurisdiction in the world and identify the person(s) in whose name(s) the PHI Pan intellectual property (IP) rights and patent rights have been registered. The letter requires an assignment of all IP rights

in the PHI Pan in all jurisdictions. Also sought is, "An account of all the revenue, with supporting evidence that has been obtained from the use and exploitation of the PHI Pan to date..." The letter seeks an undertaking that they (Panadigm) cease representing themselves as owner of the invention known as the PHI Pan. The letter threatens High Court action if no reply is sent within 14 days.

The pre-action protocol letter lists several documents showing the intent for the Government to own the patent to the PHI Pan. Minutes of a meeting on October 26, 2005, between then prime minister Patrick Manning and the SIC quoted Manning as mentioning "an award of a patent in the name of the Government of Trinidad and Tobago for development of the steel pan described and for all intellectual property rights arising from the development and research activities leading to the creation of the new instrument..."

The letter indicated that Copeland had said the patent and intellectual property rights would be awarded to the Government, at an SIC meeting in 2005. Likewise, in a 2006 letter to Sandra Marchack, then permanent secretary in the Office of the Prime Minister, Copeland had said an invention, innovation or information concerning the SIC "shall, with payment, belong to and be the absolute property rights of GORT (Government of the Republic of Trinidad and Tobago)..."

The Government's stake in the project was shown in three Cabinet Notes in 2007 and a Cabinet Minute in 2005, spelt out the pre-action protocol letter.

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