

Popular statements are often a deception that, when used as a propaganda tool, impose an idea. Easily assimilated by the credulous mass, such statements become unquestionable facts for which any demonstration is naturally useless.

**Dear Intellectual Property Lawyer,
give us your opinion on this document *.
Are you in agreement or disagreement?**

Michel Dubois

**The economic revitalization of industrialized nations
and commercial growth of developing countries occur by
democratizing the Small and Medium Enterprises' access
to Intellectual Property**

* Amongst the thousands of international judgments rendered in favor of the Author's Rights or Copyright © since their promulgation (*United States Code, Royal Assent, etc.*), some jurisprudences have proven the Legal Power of literary or artistic creations in the industrial and commercial realms. Instances of some of these jurisprudences have been cited for the reader in this brief informational document.

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What one must always keep in mind

It is in the SMEs that one finds most Creators of original industrial (*inventions*) or service-oriented concepts. SMEs are the greatest suppliers of innovations for major industries, and are also the main creators of wealth and jobs!

Since their innovations are directly coveted by international and national predators, the SME has become their favorite prey. With a temporary **title** such as patent, the Rights held by **title holders** (*i.e. employees or collaborators*) and their employers (*i.e. SMEs*) are first and foremost defended under Civil Law. Now, similar to their staff, SMEs hardly ever have the means required to take legal action against their counterfeiters under Civil Law.

This cruel injustice costs their country much wealth and many jobs!

Faced with the insurmountable ordeal of this parody of Justice, SMEs have only one efficient means to secure the ownership of their employees' or collaborators' creations: Copyright! ... Why? Because it provides free of charge access to **Criminal Law**. It is the only strategy that allows an SME (*not the self-employed inventor*) to take legal action against its predator without having to spend a fortune.

Copyright results from the **Ownership** of each Creator's original work (*literary and/or artistic*) which is the only natural property that exists in the World. For this single reason, PLAGIARIZING his work is **THEFT**, meaning a criminal offense. The copier as a natural entity (*the president of the enterprise violating copyright*) can therefore be charged with theft of property and identity, and even vandalism if the work is distorted.

It is with the police that the author and the SME can directly lodge a complaint report such criminal offences, without incurring fees that they could not afford to pay under Civil Law.

Later, when a Criminal Court rules in their favor, theft having been established, the victims can collect penalties from the defendants that allow them to bring a Civil suit for damage estimation purposes. Even though proceedings can vary from one Nation to another, the chronological order ~ Criminal Proceeding è Civil Proceedings ~ is applicable in almost any Nation deemed lawful.

Due to the fact that their works seldom lead to industrial applications, most authors who are victim of plagiarism do not receive such advice. It is a different matter with our international edition consortium, which edits (*without publishing*) the works of creators of original concepts, of which the intrinsic literary and/or artistic descriptions *are a constitutive part* of industrial products and/or business services.

World premiere

Court ruling in favour of a prototype in an unpublished *Intellectual Passport CB*

In 1994, a French “**creator**” (i.e. *an inventor who became a creator through a Work of the Mind*) included an original and aesthetic container in an **unpublished** literary and artistic work (*prototype of the Intellectual Passport CB*) entitled “*Change the city*” (*Librairie bleue editions – library of inventions N° 2221 – Troyes – France*). In early 1997, namely one year after this innovative product had first been introduced into the market, a third party decided to copy and market it. Unaware of the existence of the **creator’s** literary and artistic work ~ *and doubtless influenced by his legal counsels* ~ the **so-called inventor** registered a “*model*” (a European form of design patent) on this container on July 31st, 1997. Since no previous monopolistic title had ever been registered on this product at the “*INPI*” (*French equivalent of the U.S. Patent and Trademark Office*), the **so-called inventor** thought that he could safely claim monopolistic rights on this aesthetic container... By the end of the year 2000, claiming that he was the true inventor, the counterfeitor/plagiarist initiated legal proceedings against the chains of stores that were exploiting the product included in the **creator’s** work: Slymag Super U, System U’s Eastern Regional Head Office and Alliance Development Innovation. At first, the **creator** tried, but in vain, to reach an out-of-court settlement with the **so-called inventor**. In December 2001, he asked Michel Dubois to help solve this matter. As editor and expert in Intellectual Property, Mr. Dubois then started a correspondence with the **so-called inventor’s** legal counsels. This correspondence was based on a strategy aimed at obtaining a settlement or a prompt and favorable court ruling.

Having learned that the **creator** was legally the author ~ *hence the owner* ~ of the aesthetic containers, the **so-called inventor** asked one of Europe’s leading expert on Intellectual Property, Mr. Jacques Azéma (*professor at Lyons, France*), to confirm the authenticity of the **creator’s** literary and artistic work which the latter had deposited at his lawyer’s office in Paris. Upon complying with this request, Mr. Azéma confirmed without hesitation that this **creative** work represented a legally valid anteriority that could be used against the **so-called inventor’s** subsequently filed title.

Disgruntled, our **so-called inventor** then brought the matter before the Tribunal of Commerce of Lyon. On September 30th, 2003, after a single hearing and a six-month delay, the court ruled in favor of the **creator’s** copyright and dismissed the **so-called inventor’s** suit on the grounds that his “*model*” (bearing INPI N° 974631) **lacked novelty**. Undeterred, the **so-called inventor** appealed the judgment. On April 1st, 2004, the case was heard by the Court of Appeal of Lyon; less than two months later, the appellate court upheld the verdict (**Court of Appeal of Lyon, May 27th, 2004 – R.G. 03/06633**) and thus confirmed the judgment rendered 7 months earlier by the Tribunal of Commerce. The Cassation Court (*France’s Supreme Court*) (**Conclusion on July 4, 2006 – N/Ref : 05/4797 DCI**) confirmed the ruling by the Lyon Court of Appeal (**Conclusion on May 27 – R.G. 03/06633**) Justice was well served, at an affordable cost: one year of correspondence between Michel Dubois and the plagiarist’s legal counsels, ten months for the ruling by the Tribunal of Commerce and seven months for the ruling by the Court of Appeal (*in each court, there was but one hearing*). This should encourage inventors and owners of small or medium-sized enterprises, few of whom have the means, time and competence required winning a counterfeit suit.

Open letter by the author

Lawmakers have one main objective, namely, to develop a harmonious society. "The Universal Declaration of Human Rights" is inspired by such an ideal objective. Nothing therefore is more logical than to denounce abuse, mistakes and errors for the good of our society. Consequently, one must forgive me if I sometimes criticize certain institutions when their actions reach the opposite of what initially was supposed to be their goal. Officially, patent should stimulate creativity. Unfortunately, for approximately nine million original concepts created annually around the world, only about a hundred thousand are patented internationally out of two million national patent registrations.

In view of this fact, I therefore feel compelled to publish the reasons why inventors' creativity is hindered; these distinguished individuals who are the very source of technical progress that will ensure humankind's quality of life in the 21st century. What I am actually questioning in this work is the way in which patent is used, not the title itself. Nonetheless, I would not allow myself to criticize the system unless I had an alternative to suggest. Nonetheless, if I allow myself to criticize this system, it is because after thirty years of research and experiences dedicated to intellectual property in the sphere of international economics, I now have a remedy the efficiency of which has been recognized by the French Court of Cassation.

In most cases, the inventor is an imaginative person who cannot fulfill himself without being freed from the material constraints that, on the one hand, are foreign to his nature, and that, on the other hand, are unaffordable for him. Indeed, only titans of the industry with their army of lawyers can assume the legal costs of procedures for extending internationally and protecting patents. Shall we stand idly by when it seems possible to restore the situation to fairer conditions that can benefit the entire human community?

*Without changing the International Copyright Conventions which almost every Nation on the planet follows under the **W.I.P.O.**'s authority*, one can help the inventor regain his rightful place: sequentially the first place, for the sake of anteriority. Such a change is within his financial reach, since prior to being an inventor, anyone who creates something new literally is a **creator**, by the mere fact that he has put his original idea into concrete form onto some physical medium. Editing consists in transcribing mere writings into literary works. My team and I therefore chose that solution to allow the inventor ~ as the Author of a literary and artistic work ~ to claim natural rights intrinsic to his creation: **Copyright and the resulting Royalties!***

In order to do this, we had to develop a lawful technique which every entity (legal or individual) and institution wishing to join our project can use. To this effect, we notably welcome patent agents as well as industrial and intellectual property consultants who want to participate with us in democratizing access to intellectual property.

*** W.I.P.O.:** World Intellectual Property Organization (Member of the UN).



*"Share my enthusiasm! My greatest wealth is my team. I am talking about the individuals who have been working by my side with abnegation and professionalism in the sphere of international economics since 1983. They are the 21st century pioneers who inspired the creation of the present work. As a result of our collective experience. I bear good news for **Inventors** and **Leaders** of **Small and Medium-sized Enterprises** who are excluded from international **Intellectual Property**. In addition to our activities in France where our concept saw the light of day, we have until then worked discretely in Canada, in Australia, in the US, in Central America and in Singapore. Now the time has come to make public our action. I therefore welcome anyone who is interested in democratizing access to **Intellectual Property** to join U.S.D. System*, our USD International Editions Consortium, and thus participate in the creation of an economy more dedicated to serving Humankind."*

The author

* **U.S.D.** stands for **Universal Strategy Development** (in French: **Universel Stratégie Développement**)

Intellectual Property Victory on Copyright In China Microsoft Case August 22-2009

Please read the articles shown below

Article #1

http://www2.chinadaily.com.cn/china/2009-1/04/content_7363400.htm#

Microsoft case shows China's resolve in IPR protection



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BEIJING -- Legal experts said on Saturday that this week's conviction of 11 people who were involved in an organized piracy ring involving Microsoft showed China's resolve in global intellectual property rights (IPR) protection.

Related readings:

• MS software pirates sent to prison

The Futian Court in the southern city of Shenzhen on Wednesday sentenced 11 people who violated Chinese criminal and copyright laws to make pirated Microsoft software and distribute copies to Australia, Canada, Germany, the United States and other countries.



File photo of counterfeit cd's and dvd's about to be destroyed by police in Beijing. China gave its harshest sentence yet to domestic copyright violators when the mastermind behind an 11-man Chinese gang counterfeiting Microsoft software got a punishment of six-and-a-half years imprisonment and a fine of 1.5 million yuan (\$220,000).[Agencies]

The three principal offenders face stiff sentences of six and a-half years, five years and three and a-half years respectively, the stiffest sentences from Chinese courts for IPR infringement.

Li Shunde, a law scholar who heads the Chinese Academy of Social Sciences Intellectual Property Research Center, told Xinhua on Saturday: "This [case] shows China's sincerity in implementing intellectual property law enforcement."

In an official statement from its Redmond, Washington headquarters in the United States shortly after the sentencing, Microsoft said it "greatly appreciates" the work done in China in "taking strong enforcement action against global software counterfeiting syndicate."

"Thanks to the actions of the Chinese government, we have seen a significant improvement in the environment for intellectual property rights in China," Fengming Liu, vice president of Microsoft Greater China Region, said in the statement.

According to the court, ringleaders Wang Wenhua, Zhang Da'an and Che Tingfeng organized a group to use sophisticated facilities to replicate Windows XP Professional, Windows XP and Office 2003 as well as holograms of Microsoft's Certificate of Authenticity. They sold fake software products not only in the Chinese mainland, but also in the Hong Kong Special Administrative Region and other countries, via online distribution.

Related readings:

- MS software pirates sent to prison
- Software piracy is the biggest threat
- Steps to protect IPR

Wang Jun, an IPR scholar at the Shanghai-based Fudan University, said, "Our eyes shone as we heard the verdicts. I and my fellow researchers sensed that China meant business this time," Wang said.

"However, as the verdicts were meted out at a local district court and Shenzhen took the lead in doing many things, further observation is needed to determine whether the case will be a 'milestone' for the country's intellectual property law enforcement."

Wang Quan'an, the press office director of the Shenzhen Intermediate People's Court, told Xinhua that "We only meted out verdicts according to facts and proof" but refused to give further comments.

With concerted efforts of China's Public Security organs and the U.S. Federal Bureau of Investigation, transnational law enforcement staff in July 2007 cracked down on the Microsoft counterfeiting syndicate and arrested Wang, Zhang, Che and the other perpetrators.

China's Criminal Law states that especially grave violations of copyright, involving 2,500 or more copies, warrant imprisonment of three to seven years. Suspects in similar cases could face up to five years in prison in the United States.

According to the Futian Court, the principal offenders made more than 2,500 copies.

Wang, Zhang and Che plead guilty but have already appealed. A final verdict is estimated to take at least four months, a law expert said.

Microsoft claimed that the 11 people were part of a network responsible for manufacturing and distributing an estimated 2 billion U.S. dollars worth of high-quality counterfeit Microsoft software.

The court did not accept Microsoft's calculations. Its verdict, in line with Chinese law, totals the actual income from illegal activities and the value of counterfeits fixed by Chinese law enforcement officials.

"China has, all along, been earnestly enforcing laws on intellectual property protection," Li said.

He attributed "heavier penalties imposed on intellectual protection infringement in recent years" to the seemingly-stiffer verdicts in the case.

A judicial explanation that took effect in 2007 lowered the threshold for especially grave copyright violations prescribed in the 2004 edition from copying 5,000 or more to 2,500 or more pirates.

Fudan University's Wang said 2,500 pirated CDs might be just a month's sales for a street vendor.

Despite repeated complaints of being a primary target of piracy, Microsoft aroused controversy in China by launching in October a tracking and warning campaign against unauthorized Windows XP users in China.

The online test tool, Windows Genuine Advantage (WGA), would send constant reminders to users and "black screen" their desktop background after 60 minutes if WGA could not authenticate their copy of Windows.

A Beijing-based lawyer, Dong Zhengwei, told Chinese law enforcement that Microsoft's test tool was a form of trespassing on private property such as personal computers.

Article #2

http://www2.chinadaily.com.cn/cndy/2009-01/02/content_7360066.htm

MS software pirates sent to prison

By Cui Xiaohuo (China Daily)

Updated: 2009-01-02 07:25



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China gave its harshest sentence yet to domestic copyright violators when the mastermind behind an 11-man Chinese gang counterfeiting Microsoft software got a punishment of six-and-a-half years imprisonment and a fine of 1.5 million yuan (\$220,000).

A local court in Guangdong's Shenzhen, one of the nation's top IT industrial hubs, sentenced the 10 other members of the group on Wednesday to imprisonments between one-and-a-half years and five years.

Those 10 men also received a collective fine of more than 1.5 million yuan.

The head of the gang, Wang Mouhua (alias), made 1.5 million software discs and published 60,000 bogus discs on the global market. The group made an estimated \$2 billion.

Their counterfeit software was discovered in 36 countries, such as Canada and Brazil, priced between \$12 and \$65, only about one-tenth of the genuine price. It was also found in 11 different languages.

Their production techniques were so advanced that the bogus software not only contained legitimate computer code written by Microsoft for programs such as Windows XP, Vista and Microsoft Office, but also had touches of the criminals' own coding as well.

That was apparently added to mimic security programs and fool users into believing the product was authentic.

Prosecutors said the group put up online ads and bargained with global buyers through emails.

In July 2007, 25 members of the syndicate were arrested by Chinese authorities after a joint investigation by the US Federal Bureau of Investigation and China's Public Security Bureau.

The harsh punishment demonstrates China's toughening measures on copyright violators and helps China improve its image as a country that is relatively lenient on such matters, said the US-based software giant.

Much of the bogus software was detected by the controversial Windows Genuine Advantage program, which turns a user's screen black if installed software fails a validation test, Microsoft said.

Promotion of genuine software and a crackdown on piracy has contributed to the drop of China's rate of piracy among individual users from 78 percent in 2006 to 69 percent in 2007.

(China Daily 01/02/2009 page3)

The harsh punishment demonstrates China's toughening measures on copyright violators.

Article #3

http://www2.chinadaily.com.cn/china/2007-12/11/content_6313509.htm

[CHINA](#) / National

Steps to protect IPR

(Xinhua)

Updated: 2007-12-11 15:21

BEIJING -- China has enacted new programs to protect intellectual property rights (IPR) since the 17th Sino-US Joint Commission on Commerce and Trade in 2006. Below are some of these steps:

-- China is working on national strategic IPR protection guidelines and more than 20 departments already have detailed medium- and long-term plans.

-- Action Plans on IPR Protection were drafted in 2006 and 2007, laying out 438 specific tasks involving legislation, law enforcement, special drives, international cooperation and public education. The 162 plans for 2006 were finished and 80 percent of the 276 measures for 2007 have been completed to date.

-- As part of a crackdown on pirated software, the government ordered municipal and local authorities to buy computers with pre-installed legitimate software and required all domestic and imported computers to be sold with legitimate software pre-installed. Sales of legitimate software in China have benefited as a result.

Microsoft, for instance, projected in April a 20-percent rise for the year's sales in China due to a combination of government anti-piracy efforts and new products. And China's software industry registered a 23.1 percent rise in sales from 390 billion yuan (52.77 billion US dollars) in 2005 to 480 billion yuan in 2006.

-- In 2007, China's supreme court issued new judicial interpretations, which lowered the threshold for prosecution of those making or selling counterfeit products. An interpretation issued in April stipulates that anyone who manufactures 500 or more counterfeit copies (discs) of computer software, music, movies, TV series or other audio-video products can be prosecuted and imprisoned for up to seven years.

-- Special courts for IPR cases were established across the country, including 172 courts of appeal and 140 collegial panels. The Office of the National Working Group for IPR Protection set up a national service network in 50 cities to handle IPR complaints.

-- The government has rolled out advocacy campaigns to raise public awareness of IPR laws, particularly among local officials and corporate officials.

-- China has consistently worked against piracy, destroying pirated books and DVDs, cracking down on peddlers selling counterfeit products and raiding factories churning out fakes. Law enforcement agencies confiscated 49 million illegal books, periodicals and audio-visual products in the first four months of this year during a crackdown on pornographic and illegal publications.

-- Statistics from the Supreme Court indicate that Chinese courts handled 769 IPR cases in 2006 and prosecuted 1,212 offenders, up 52.2 percent and 62.21 percent, respectively, from 2005.

Apple must pay on copyright: Chinese court

December 28, 2012 9:16PM

Following pages →

Apple must pay on copyright: Chinese court

December 28, 2012 9:16PM



A Chinese court has ordered Apple to pay 1.03 million yuan (\$A159,740) to eight Chinese writers. *Source: AAP*

A CHINESE court has ordered Apple Inc to pay 1.03 million yuan (\$A159,740) to eight Chinese writers and two companies who say unlicensed copies of their work were distributed through Apple's online store.

The Beijing No. 2 Intermediate People's Court ruled on Thursday that Apple violated the writers' copyrights by allowing applications containing their work to be distributed through its App Store, according to an official who answered the phone at the court and said he was the judge in the case. He refused to give his name, as is common among Chinese officials. The award was less than the 12 million yuan (\$A1.84 million) sought by the authors.

The case grouped together eight lawsuits filed by them and their publishers. An Apple spokeswoman, Carolyn Wu, said the company's managers "take copyright infringement complaints very seriously". She declined to say whether the company would appeal. Unlicensed copying of books, music, software and other products is widespread in China despite repeated government promises to stamp out violations. Apple's agreement with application developers requires them to confirm they have obtained rights to material distributed through the company's App Store.

"We're always updating our service to better assist content owners in protecting their rights," Wu said. The Chinese writers said they saw applications containing unlicensed versions of their books last year. In November, a court ordered Apple to pay 520,000 yuan to the Encyclopedia of China Publishing House for copyright infringement in a separate case. Apple is appealing, according to the official Xinhua News Agency. In the latest case, the Beijing court awarded 605,000 yuan to one company and 21,500 yuan to the second, according to the court official. The biggest individual judgment went to writer Han Ailian, who was awarded 186,000 yuan.

RELATED ATTORNEYS Mark Walters
Frommer Lawrence & Haug Attorney Mark P. Walters Gains
One of the Largest Awards Ever for Indirect Profits in a
Copyright Matter for Lucky Break

SEATTLE – (April 9, 2010) – Plastic Thanksgiving turkey wishbones selling for \$.99 each really turned out to be worth \$1.7 million to a Seattle company.

The Ninth Circuit Court of Appeals on Wednesday affirmed an award of \$1.7 million to Lucky Break Wishbone Corporation over retailer Sears, Roebuck and Co. and advertising giant Young & Rubicam, Inc. The decision was seen as a victory for U.S.-based intellectual property rights and small business competing in a global environment.

The copyright case concerned the plastic turkey bones used in a Thanksgiving promotion for Sears and was argued for Lucky Break by Frommer Lawrence & Haug attorney, Mark P. Walters.

Lucky Break first filed its suit in March 2006, alleging that in June 2005, Young & Rubicam approached Lucky Break to express interest in distributing their wishbones as part of a Thanksgiving promotion for Sears. Lucky Break provided a sample of the product – a plastic wishbone able to break like a real wishbone – and prepared to manufacture one million wishbones, but no deal was reached.

Lucky Break later determined that Sears had hired a company called Apex Products LLC to produce the wishbones in China for the Sears 2005 WISH BIG campaign, which Lucky Break said were “substantially similar or virtually identical” to its copyrighted product, which is proudly made in the USA. Sears and Young & Rubicam maintained that the wishbone used in their promotion was an imitation of a real turkey bone, rather than any competing plastic wishbone.

The matter was brought to trial in July 2008, where a jury in the district court ruled that Sears had infringed Lucky Break Wishbone Corp.'s copyright on their wishbone design. The jury also ruled that both Sears and Young & Rubicam had infringed Lucky Break's copyrighted product warning statement. Key testimony was provided by an expert in avian osteology, or bird bones, who testified that Lucky Break's product differs substantially from actual turkey bones.

Specifically, seven different artistic features of design make Lucky Break's wishbone unique.

As a result, the osteologist argued, Sears' plastic wishbone could not have been copied from nature and instead must have been copied based on Lucky Break's product. The district court agreed with the osteologist's determination.

The court denied Sears' appeal over the initial ruling, resulting in one of the largest-ever awards for indirect profits from an infringing advertisement or promotion. \$1.5 million was awarded as indirect profit.

The decision, overseen by Judge Thomas S. Zilly and Circuit Judges William Fletcher, Arthur Alarcon and Johnnie Rawlinson, comes after a lengthy appeal process beginning in 2008. Sears challenged the initial ruling of the U.S. District Court for the Western District of Washington on several counts, including whether Lucky Break's wishbone was protectable under the Copyright Act and whether Sears in fact infringed Lucky Break's copyright. In this week's ruling, the Ninth Circuit Court of Appeals denied each of Sears' challenges in support of Lucky Break's initial award.

The wishbones were invented and are marketed by Seattle businessman, Ken Ahroni, President of Lucky Break. "The Ninth Circuit's decision reaffirms the validity of Lucky Break's claims and originality in product design," said attorney Walters. "As business becomes more globalized, it will be critical that U.S. courts uphold intellectual property rights in a manner that continues to encourage innovation and creativity. This case is an excellent example of the principle in action," he added.



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Judge Upholds \$1.7M Sears Fine In Wishbone Case

By **Liz McKenzie**

Law360, New York (October 29, 2008) -- A federal judge dismissed a motion for judgment as a matter of law on Tuesday, reaffirming a \$1.7 million jury verdict against Sears Roebuck & Co. in a copyright case over plastic turkey bones used in a Thanksgiving promotion for Sears.

A jury in the U.S. District Court for the Western District of Washington ruled July 9 that Sears and advertising agency Young & Rubicam had infringed Lucky Break Wishbone Corp.'s copyright, and ordered the companies to pay \$200,000 in actual damages and \$1.5 million in profits attributable to infringement.

Sears and Young & Rubicam filed a motion for judgment of law later that month, asking the judge to review the verdict and damages based on the facts of the case. The defendants said the jury verdict was decided "completely contrary to the great weight of the evidence." "No reasonable jury could have found in favor of Plaintiff Lucky Break Wishbone Corporation ("Lucky Break") on this claim, or could have found the damages awarded by the jury," the defendants said in the motion.

The defendants also requested a remittitur of the jury's damages that would lower the fines against Sears and Young & Rubicam. However, Judge Thomas S. Zilly dismissed the motions and entered the jury verdict as the final judgment on Oct. 28. "The Court will not substitute its computations or otherwise disturb the jury's verdict, which is supported by substantial evidence and is not grossly excessive in light of the record in this case," Judge Zilly wrote.

Lucky Break's suit, filed in March 2006, alleged that in June 2005, Young & Rubicam expressed interest in distributing Lucky Break's wishbones as part of a Thanksgiving promotion for Sears. Lucky Break provided a sample of its product – a plastic wishbone designed to break like a real turkey bone – but no deal was reached.

Instead, Young & Rubicam hired a company called Apex Products LLC to produce one million plastic wishbones, which Lucky Break said were "substantially similar or virtually identical" to its copyrighted product, for the Sears campaign.

Sears and Young & Rubicam maintained that the wishbone used in their promotion was an imitation of a real turkey bone, not any competing plastic wishbone. "Any originality inherent in a replica of a wishbone was invested so by nature, by a supreme being, or by the turkey itself," the companies wrote in a legal filing. "By any account, however, it was not done by Lucky Break." However, key testimony in the five-day trial came from experts in avian osteology – that is, bird bones – who testified that Lucky Break's product differs substantially from actual turkey bones in several important ways. As a result, the experts said, the plastic wishbone used in the Sears promotion could not have been copied from nature and must have been copied from Lucky Break's product. Sears said in a statement that it is disappointed in the verdict and is "exploring our post-trial options." Lucky Break owner Ken Ahroni told the Seattle Times after the verdict that Sears "got caught with their hands in the cookie jar this time.

They kept claiming independent creation and never presented any evidence." Sears' "Wish Big Wishbone" promotion, which ran in 2005, distributed the plastic wishbones to shoppers who made a purchase at Sears on Nov. 19. If they returned to the store within the following four days, they could redeem their wishbones for \$10 off their next purchase of \$100 or more. Lucky Break advertises its product as a "revolutionary advance in plastic wishbone technology." Its tagline is, "Tired of fighting over the turkey wishbone? Now, finally, there are enough to go around." The wishbones retail for \$4 for a four-pack and \$196 for 400. They were sold in 1,000 stores in 2006, and are now sold in about half that number, a fact Ahroni attributed to Sears' infringement. The copyright at issue is U.S. Copyright Registration Number VA 1,325,348.

Darby & Darby PC represented Lucky Break in this matter.

Davis & Gilbert LLP and Yarmuth Wilsdon Calfo PLLC represented Sears. Perkins Coie represented Young & Rubicam. The case is Lucky Break Wishbone Corp. v. Sears Roebuck and Co et al., case number 06-cv-00312, in the U.S. District Court for the Western District of Washington.

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DARBY & DARBY WINS \$1.7 MILLION VERDICT FOR LUCKY BREAK WISHBONE CORP. IN COPYRIGHT INFRINGEMENT CASE AGAINST SEARS AND Y&R

SEATTLE – July 10, 2008 – Seattle attorneys David Tellekson and Mark Walters of intellectual property law firm Darby & Darby recently won a \$1.7 million verdict in actual damages and profits for their client, Lucky Break Wishbone Corporation of Seattle against Sears, Roebuck and Co. and Young & Rubicam (Y&R). A Seattle jury in the District Court for the Western District of Washington returned a verdict of copyright infringement on two copyright registrations, finding that Sears used Lucky Break's wishbone design without permission in a national advertising campaign before Thanksgiving 2005. Both Sears and Y&R were found liable for infringing Lucky Break's registered product warning.

Developed by Y&R under the theme "Wish Big," Sears gave away more than 1,000,000 infringing plastic wishbones with a discount coupon, and more than 39,000,000 images of the copyrighted work were distributed on the front cover of newspaper circulars promoting the campaign.

Ken Ahroni is president of Lucky Break (www.LuckyBreakWishbone.com), the leading manufacturer of a novelty wishbone, designed to break like a real turkey wishbone. The wishbones are made in Auburn, Wash., and distributed world-wide.

Darby & Darby P.C. is a full-service intellectual property firm focusing on patents, copyrights, trademarks and false advertising for more than 110 years. As one of the oldest and largest intellectual property firms in the United States, with over 100 professionals, Darby & Darby has long been important in pioneering and precedent-setting IP matters. The firm has offices in New York, Seattle, Washington, D.C., Florida and Frankfurt, Germany.

Professor Luc Montagnier's case: International copyright vs. a US patent

The public must know that this story gives a fairer idea on the power of copyright over the patent...

The story originates in 1981, as doctors from Atlanta describe a hitherto unknown and deadly disease, which attacked homosexuals, drug addicts, hemophiliacs and people who had had blood transfusions.

In January 1983, Professor Luc Montagnier's team, from the Pasteur Institute, Paris, isolated the virus in question on a patient. They called this "retrovirus" LAV... On the other side of the water, Professor Robert Gallo believed that the disease resulted from a retrovirus from the already known family called HTLV.

Both teams exchanged samples of the virus. Meanwhile, the French scientist filed for a patent in the USA in order to protect his invention and collect significant royalties over the world. His claim remained unanswered.

Thereafter, Robert Gallo claimed that he discovered the AIDS virus and called it HTLV III. Unlike his French counterpart, Gallo's invention was granted a patent (*Comment: how odd!*). The Pasteur Institute decided to take the matter to court. As a copyright holder on his published discovery, Professor Montagnier (*Comment: text published in 1983*), proved his antecedence, thus had Professor Gallo's subsequently filed patent invalidated (*Comment: * the invalidation being de facto, it was not necessary to have it confirmed by a judgment*).

Finally, the matter was settled (*Comment: secretly*) in 1987 and Professor Montagnier could claim royalties... Clearly, Professor Montagnier's invention was secured internationally (*comment: without denying the evidence*), since his copyright established his unquestionable Intellectual Property.

This famous case, once again, proves that published works can legally prevent a third party from using a subsequently filed patent.

Synopsis of a decision rendered by the Court of Appeal of the United States' Federal Circuit of Courts, in favor of the University of Colorado on November 19, 1999, bearing number 97-1468, 98-1113

In the aforementioned case, the Court of Appeal of the United States' Federal circuit of Courts examines several points concerning the illegal use of innovative concept concerning a new formula for prenatal multivitamin food supplement, posterior to the publication made by a team of professors of the University of Colorado on identical topics.

This ruling is very important in that it shows how the Intellectual Passport C.B. unquestionably is the best strategy when one wants to develop and market a patentable original idea.

The invention allegedly had been discovered by several professors of the University of Colorado. Unbeknown to them, the multinational AMERICAN CYANAMID COMPANY (& Leon Ellensbogen), deposited a patent on the original process for which they claimed authorship. Alleging that the multinational had improperly taken advantage of their work, the professors asked the court to grant them compensation plus interests. Moreover, they also requested to be included among the patent holders of their invention.

The Court determined that the recourse of the professors' were founded to take legal action by virtue of the laws of the State of Colorado in order to obtain compensation for the unauthorized (i.e. illegal) misappropriation of their invention. Thus the judges of the Court of Appeal ordered the case to be heard by the Superior Court of first instance.

From a more technical point of view, the Court of Appeal also ruled that, having used, in its patent claim, part of an article written and published by the professors, the multinational was liable of plagiarism (illegal infraction by virtue of the Copyright Act). The Court of Appeal also ruled that, in certain cases, the author could obtain damages and interests. However, the Court determined that the professors did not prove that they wanted to earn profits by marketing their invention, thereby limiting their prejudice and therefore the amount of damages granted by the Court.

The Intellectual Passport clears the way for its owner to claim all damages that a copier of his concept or product could cause. Indeed, it is clear from the figures included in the business planning section of the Passport that the inventor wishes to gain profits by marketing his invention. Furthermore, the Passport establishes the inventor's inalienable and universal property on his concept and/or product, and the Court can only grant full damages if such property and therefore its resulting right, fully proven, are infringed.

According to the Court of Appeal in the present case, the Professors can nevertheless claim a limited Copyright infringement because the Patent copies verbatim extracts from their article. The Court also granted the professors to add their names to the List of patent holders of the invention. The Intellectual Passport C.B. broadens considerably this recourse by allowing the inventors to enjoy full copyrights on a natural, universal and inalienable intellectual property. Such recourse is therefore applicable on a worldwide basis, thus allowing the inventor to seek redress in any country where his invention is patented or simply copied illegally.

Had the professors been aware of the Intellectual Passport C.B., and had they used it, the first instance Court would have been able to render a simple and unequivocal ruling. It would have granted damages and interests proportionate to the prejudice suffered by the professors, without any need for a further hearing.

Jacques Duchastel, Attorney

Four Examples of Canadian Jurisprudences on Copyright *(Author's Rights)*

Judgments by the Supreme Court of Canada on the following cases:

- 1 - Massie & Renwick Ltd. against Underwriters' Survey Bureau Ltd. (1940) SCR 218
- 2 - Paul Trudel against Clairol Inc. of Canada (1975) 2 SCR 236
- 3 - Apple Computer Inc. against Mackintosh Computer Ltd. (1990) 2 RCS 209
- 4 - Euro-Excellence Inc. against Kraft Canada Inc. (2007) 3 RCS 31, 2007 CSC 37

Michel Dubois' Introduction: These four jurisprudences were researched, presented and commented by a notable Montreal Patent Agents firm. The copy of these documents is outlined below. Although these four cases do not cover the totality of all of the defense and offense possibilities afforded by Copyright, they are sufficiently clear to appreciate its benefits.

The four jurisprudences presented in this excerpt partly confirm the judicial merits of the unpublished Intellectual Passport CB Omnibus Volume in the informative documents published by the USD System International Editions Consortium.

I - Massie & Renwick Ltd. against Underwriters' Survey Bureau Ltd. (1940) SCR 218*

An association of insurance companies against Ontario and Quebec Fire implemented a building risk assessment system since 1900. To that effect, it created: evaluation rules, a manual, rates, evaluation cards and management plans. All of these elements are recognized as Copyright. The discussion of this case is based on the property of these rights in a complex context involving members of an association who created an incorporated office for precise goals with partial property transfers.

Patent's Agent Conclusion:

Copyright is a complementary tool that is sought at the time of the work's creation. One must remember that any document, form, manual, plan, organization chart and decision tree can, one day, prove to be useful, 50 years after the passing of the author (Article 6 of the Law governing Copyright).

- *Translated from French text for USD System.*

* Quotation: each of the **Patent Agent's conclusions** included in the present document, pages 14 to 20, was taken from Montreal (Canada) lawyer Benoît Côté's mail, dated December 21st, 2009.

Comment by Michel Dubois: The opinion of the Canadian Patent Agents firm, in support of this jurisprudence, proves the interest that any creator of a service concept and inventor of an industrial product has to proceed with the edition of his creation before any other legal or commercial endeavor.

II. Paul Trudel vs. Clairol Inc. of Canada (1975) – 2 S.C.R. 236

“Respondent manufactures and sells a haircoloring called “Miss Clairol Hair Color Bath”. It maintains for this preparation two separate markets: one for personal use at home, the other for professional use in beauty salons or hairdressing schools. The product is identical in both cases; the difference lies in the distribution, packaging and pricing. The product for home use is sold to wholesalers who resell it to various dealers who sell it at retail. The product for professional use is sold to wholesalers with the understanding that they will only sell it to hairdressers or other professionals in the trade, who use it in the course of their professional operations. It is sold at a price substantially less than that of the product for personal use and the “directions” for use packed with each bottle intended for personal use are not packed with each bottle for professional use. However, there is on every bottle a warning concerning the possibility of skin irritation or loss of sight that could result from using this product unless certain precautions are taken.

Respondent sells the product for professional use only to wholesalers who agree to sign an undertaking whereby they promise to sell the preparation only to professionals who use it only in their establishments. Appellant, who is the owner of seven hairdressing establishments, sells this product at retail. As he is not a wholesaler authorized by respondent to sell this product, he has never signed the undertaking. Appellant appeals to this Court from a judgment of the Superior Court, affirmed by the Court of Appeal, which granted an injunction prohibiting him from continuing to sell this product.

Held: The appeal should be dismissed.

Per Martland, Ritchie, Spence, Pigeon and Laskin JJ.: Appellant, by inducing party to a breach of the contract between respondent and each of its agents, committed a delict for which he is liable, because it is an act of dishonesty to be associated knowingly with a breach of contract. He was aware of respondent’s policy and instructions concerning the sale of its product. He had an obligation not to prejudice respondent by favouring even indirectly a breach of an undertaking which was justified by a significant interest and which was validly assumed. Appellant has been unable to cite anything contrary to these principles of jurisprudence and case law on which the trial judge and the Court of Appeal have mainly relied in reaching their conclusions. Furthermore, in the record of the present case there are none of the elements required to conclude that the contracts between respondent and its distributors are invalid.”

Comment from Michel Dubois: The opinion of the Canadian Patent Agents firm, in support of this jurisprudence, proves the interest that any creator of a service concept and inventor of an industrial product has to proceed with the edition of his creation before any other legal or commercial endeavor.

In their motives for judgment, the judges specify:

*“... respondent’s counsel stressed that the packaging of every bottle intended for sale to the general public contains not only the necessary instructions for the suggested test to detect an allergy or hypersensitivity, but also **directions** on how to obtain the desired color and satisfactory results. These directions were said to be protected by copyright and, consequently, there would be an infringement in delivering copies, which were not supplied by respondent. According to a recent judgment of the Supreme Court of Ontario in Godfrey Etc. Ltd. v. Coles Book Stores Ltd., the holder of a copyright may make use of it to prohibit a Canadian bookseller from selling an inexpensive edition published in the United States. This is of quite substantial interest since, for one of the works, the regular price of the only authorized Canadian edition is \$8, while the inexpensive edition distributed in the United States sells for 99 cents. Can a manufacturer make use of copyright on the directions for use of his product so as to subject its sale to all the rights provided in the Copyright Act (R.S.C., c. C-30)?”*

Patent Agent’s Conclusion*:

Although the heart of this trial is a civil matter surrounded by a private contract, it is interesting to note that a mere directions for use can hold its importance. An instructions guide is covered by Copyright.

On the one hand, the complete unauthorized reproduction is a violation of Copyright and could be used to prevent the reproduction of a product or service accompanied by this instructions guide.

On the other hand, a partial or incomplete reproduction of the instructions guide could endanger the public or would not achieve the expected results.

A skillful application of Copyright for directions for use or an instructions guide can constitute a supplementary protection tool, while remembering the relative fragility of this right.

** Translated from French text for USD System.*

Comment from Michel Dubois: The opinion of the Canadian Patent Agents firm, in support of this jurisprudence, proves the interest that any author of a service concept and/or an industrializable invention has to describe the instructions for his creation... Which is not pertinent in a Patent... With an unpublished volume of the Intellectual Passport CB omnibus, we further the process since the author must embed therein three instruction manuals:

- 1 – The instructions for the producer or the manufacturer;***
- 2 – The commercial instructions for the sale of the innovation;***
- 3 – The client’s user guide for the product that he has purchased.***

This method impedes the commercialization of a similar product by a competitor who may have copied the author’s creation.

III. Apple Computer Inc. vs. MacKintosh Computers Ltd (1990) – 2 S.C.R. 209

The respondent (Apple Computer Inc.) is the titleholder of a Copyright filed for two programs of the Apple II+ Computer exploitation program that it manufactures. These programs were first written in Assembly language, then converted to hexadecimal code. Finally, the programs were burned on an electronic microchip. Aided by a read-only memory programming method, the appellants (MacKintosh Computers Ltd.) copied the programs burned on the microchip of the respondent (Apple).

The respondent (Apple) won a violation action on its Copyright. The first instance judge carefully examined the experts' complex and contradictory testimonies and concluded that the programs embedded into the microchips had to be considered as software, rather than data. She concluded that the circuits of the electronic microchip were both a translation and an exact reproduction of the program written in Assembly language, therefore, would be treated as Copyright, according to par. 3(1) of the *Copyright Law*. The Federal Appeal Court rejected the appeal made by the appellants. This appeal aims at determining if a computer program, whose written source may fall under Copyright, continues to be protected when it is reproduced on the circuits of an electronic microchip. *

Held: The appeal should be dismissed.

The Court states: "The individualized nature of a computer program was emphasized at trial by experts for both the appellants and the respondent. The trial judge observed that Professor Forbes J. Burkowski, who testified on behalf of the appellants, compared the possibility of two programmers creating identical programs without copying to the likelihood of a monkey sitting at a typewriter producing a Shakespearean sonnet."

"The appellants admitted that the written assembly language versions of the programs are copyrightable and that the respondent owns the copyright in these programs. However, they argued that since they had copied only the silicon chip, and not the assembly program, they had not infringed the respondent's copyright."

Finally, the Court states: *"I agree with MacGuigan J. that the silicon chip should be viewed as a static object encoded with written instructions rather than as constituting a dynamic interchange of electrical impulses. It follows that the program embodied in the silicon chip is properly subject to protection by copyright and the unauthorized copying of that program constitutes a violation of copyright."*

Patent Agent's Conclusion: Software is covered by Copyright. It is instructive to note that the debate to determine if the microchip is covered or not highlights the real issues:

Or we consider the work as *"static objects that are accompanied by written instructions"* and Copyright applies, but is limited to static work.

Or we consider the work as a *"process"* and the Copyright does not apply.

If Copyright applies, it is thus limited to the static work, without considering the consequences of a process in which the work could be implicated.

** The two first paragraphs and Conclusion were translated from the French text for USD System*

Comments by Michel Dubois: Indeed, Copyright (Author's Rights) does not cover the realization of an original process... It specifically covers its description (texts and drawings).

Note: without the legal possession of the description (texts and drawings), through assigned rights or licensing, it is impossible for a third party to put in practice (implementation and/or production) an original process... Why? Because without transmitting the description (texts and drawings) via copies (that must be sent from office to office, office to workshop and workshop to workshop), it is impossible to achieve it. Moreover, it is precisely this right to copy © the description (texts and drawings) that is covered by the Author's Rights (Copyright).

Given that the author's work is his worldwide property by its mere creation:

- that it is from this property that results Author's Rights over the world;
- that the Intellectual Passport CB is an unpublished omnibus volume.....

it is thus unfeasible for third parties to be acquainted with the description (texts and drawings) other than by illegal means that, over and above plagiarism, are related to unfair competition and commercial and/or industrial espionage.

In this way, it is easy to understand and appreciate the arsenal of rights at the author's disposal (having embedded his work in an unpublished Intellectual Passport CB Omnibus volume); a powerful arsenal to which imposture* and vandalism* can possibly be added to the copier's crimes.

* * *

* **Imposture:** due to the fact that plagiarism consists in fraudulently impersonating the natural person of the author.

* **Vandalism:** in the case when the copier denatures all or part of the work.

Note: henceforth and to our knowledge, it seems that imposture and vandalism have not yet been pleaded in such situations. This lack does not, in any way, impede a despoiled author of his rights to this recourse in case of necessity.

* * *

IV. Euro-Excellence Inc. C. Kraft Canada Inc., (2007) – 3 S.C.R. 21 2007 CSC 37

Kraft Canada Inc., called KCI, is the sole Canadian distributor of the Côte d'Or and Toblerone chocolate bars manufactured by its Kraft Foods Schweiz parent companies, called KFS, and Kraft Foods Belgium, called KFB.

Euro-Excellence Inc., called Euro, imported and distributed Côte d'Or and Toblerone chocolate bars that it had purchased in Europe at KFS and KFB.*

“In 2002, in order to allow KCI to mount the present case, KFB registered three Côte d'Or logos in Canada as copyrighted artistic works and granted KCI an exclusive licence in the works as used in association with confectionary products. KFS did the same with two Toblerone logos.

KCI then called upon Euro to cease and desist distribution of any product to which the copyrighted works were affixed. When Euro refused, KCI brought an action against Euro alleging that it had engaged in secondary infringement under s. 27(2) of the [Copyright Act](#) by importing copies of KFS and KFB's copyrighted works into Canada for sale or distribution. KCI does not rely on its rights as a trademark holder.

At trial, KCI was awarded \$300,000 in damages and Euro was restrained from selling, distributing, exposing or offering for sale any copies of the copyrighted logos. It was also ordered to render the product non-infringing. KCI's motion for reconsideration was refused.

The Federal Court of Appeal refused an appeal on the merits, but referred the matter of damages back to the trial judge. On hearing further submissions, the trial judge confirmed his original award.”

Euro requests an appeal to the Supreme Court of Canada; appeal is welcome (accepted).

The court confirms that the logos are legitimately copyrightable. The majority reaches a decision on the appeal by simply applying Article 27(2)e of the Copyright Act that stipulates:

*“(2) It is an infringement of copyright for any person to
(e) import into Canada for the purpose of doing anything referred to in paragraphs (a) to (c), a copy of a work, sound recording or fixation of a performer's performance or of a communication signal that the person knows or should have known infringes copyright or would infringe copyright if it had been made in Canada by the person who made it.”*

The court concludes that there was no infringement because it is the copyright owner who produced the logos in question. *“Because a copyright owner cannot be liable to its exclusive licensee for infringement, there is no hypothetical infringement and thus no violation of [s.27\(2\)](#) (e) in this case by Euro-Excellence.”*

Judge Fish adds: *“Without so deciding, I express grave doubt whether the law governing the protection of intellectual property rights in Canada can be transformed in this way into an instrument of trade control not contemplated by the [Copyright Act](#).”*

According to JJ Bastarache, LeBel and Carron: *“The [Copyright Act](#) ought to be interpreted with an eye to the internal coherence of its own scheme and consistently with the [Trade marks Act](#). Trade mark law protects market share in commercial goods, whereas copyright protects the economic gains resulting from an exercise of **skill and judgment**. The law of copyright should not be used to protect market share if that requires contorting it outside its normal sphere of operation where the economic interest at stake is only tangentially related to the copyrighted work.”*

The same judges add: *“[Section 27\(2\)](#) is meant to protect authors from the unauthorized appropriation of the gains of their authorship, but this protection does not extend to include any and all economic gains claimed by an author or copyright owner. If the work in question is **merely incidental** to another consumer good, and it is that consumer good which is being sold or distributed, or dealt with by way of trade, [s.27\(2\)](#) cannot be invoked.”*

Patent Agent's Conclusion:*

Copyright on forms (paper documents), print formats or computer screen images would, indeed, cover the works themselves, but would not protect the totality of the gains generated by an eventual user as an unlicensed holder.

In other words, you sell a service aimed at sustainably increasing the sales of your client, the essential, your chocolate. Forms or other images are ways, accessories, your packaging.

** The two first paragraphs of this case and Conclusion were translated from the French text for USD System.*

** End of Montreal (Canada) lawyer Benoît Côté's conclusions, taken from his aforementioned mail.*

Comments from Michel Dubois: Indeed, the law governing trademark differs from the Copyright (Author's Rights). Furthermore, the wording of K.C.I.'s (distributor of the Copyright holder) complaint was poorly designed since it apparently pertained to a distribution exclusivity breach (possibly assorted by unfair competition), not a Copyright violation... However, according to the jurisprudence won by Paul Trudel (page 3), it seems that by accompanying the product (chocolate) with operating instructions on the packaging for the consumer, the judgment that followed could have substantially differed... It is still interesting to note that judges confirm, once more, the protection offered by Copyright in regards to economic gains resulting from the creator's talent.

Michel Dubois' Conclusions

These four jurisprudences are significant for Copyright (Author's Rights) as they confirm its importance in terms of commercial exploitation of a product or service. They unequivocally demonstrate the extraordinary power of this right, provided that it is used wisely. As seen, the loss of a Copyright trial is mostly caused by people's ignorance who confound it with Patent Law, industrial design and trademark.

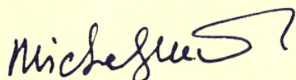
Each of the four jurisprudences is derived from a particular case, confirming that a thorough knowledge of the Copyright (Author's Rights) foundation is required for its suitable defense. In an infringement lawsuit on a Patent, industrial design or trademark, there is rarely as much legal confusion as is found in one on plagiarism.

To that effect, when legally confronted, for or against, to Copyright (Author's Rights), it is not uncommon for most people to refer to Patent or Industrial Design Law. Especially when it concerns anteriority and disclosure... They all refer to "Intellectual Property", although this popularized name regroups as much temporary exploitation titles (Patents, industrial designs, trademarks) as literary and artistic works, indeed, the only true properties.

I would like to recall that the design of a commercial logo (brand) is first and foremost a work of art. It is illegal to file a logo (brand) conjoined to a trademark on a work of art representing the same as a previously created logo (brand). It is also for this reason that it is requested from whomever resorts to an unpublished Intellectual Passport CB Omnibus Volume to produce, as much as is feasible, such a work to dress the creation of his industrializable concept or service.

Notwithstanding the conclusion from the judges on each of the four aforementioned jurisprudences in this document, it would seem that the multidisciplinary International Consortium Business Forecast (ICBF) and the related contract portfolio (an integral part of the unpublished volume) are also imbedded in the literary work covered by Copyright (Author's Rights).

The entire design of the unpublished Intellectual Passport CB Omnibus Volume is founded on the Copyright (Author's Rights) with the full spectrum of its possibilities... In case of plagiarism, if the author recurs to the intervention of a Jurist chosen by the USD System International Editions Consortium, he will be spared the frequent legal errors that I denounce above... It is specifically for the fundamental reason that, unlike the Patent and industrial design, the Intellectual Passport CB is delivered to the client with a "guarantee" on the judicial quality that it procures him with.



Michel Dubois

June 11, 2010

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October 25, 2000

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Re: Passeport Intellectuel C.B.

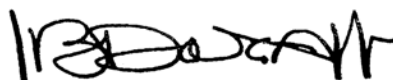
Dear Mr. Dubois,

Further to our discussions I have had the opportunity to review the various explanatory documentation which you have forwarded to me concerning the Passeport Intellectuel C.B. which is to be distributed by USD System.

The Passeport Intellectuel C.B. is a valid and innovative alternative to the traditional route of intellectual property rights registration and which I shall recommend to my present and future clients.

Yours truly,

McININCH MacDOUGALL



John B. MacDougall

JBM/lc

**Attorney John MacDougall's letter of opinion
in favor of the *Intellectual Passport CB***

Opinion Letter

From: Bernard Colas

Date: November 12th, 2010

Subject: Intellectual Passport CB

The Intellectual Passport has the considerable advantage of identifying the author and holder of a creation, of putting it on paper, and of showing its commercial potential, user guides, etc.

This document benefits from copyright's international protection in the member countries of the international treaties and as long as it remains confidential, the trade secrets contained therein are protected in numerous countries by the trade secrets law and unfair competition law. Subject to each national law's specific particularities, its holder will normally be able to prevent any unauthorized reproduction of graphic representations and literary descriptions included in the passport, as well as the use of the literary descriptions in order to make and commercialize a product or service.

In the case of infringement of his rights, the holder of such a right can use the civil recourses and criminal charges included in the Copyright Law. Such recourses should also exist in each member country of the WTO.

As long as they remain confidential, the trade secrets included in the Intellectual Passport enjoy the legal protection of trade secrets and, in some cases, of unfair competition.

Once the passport is disclosed in the sense of patent law, it could be invoked – on condition that the criteria for anteriority are respected – to establish anteriority and prevent the granting of a patent, the essential elements of which have previously been disclosed.

Finally, previous to any assignment of the intellectual property rights on the Intellectual Passport and on the creation that it describes, one should verify the chain of titles in order to ensure that the authors are sole holders thereof and that the assignment act covers not only the copyright, but also the other intellectual property rights.

Bernard Colas

**Excerpts from attorney Bernard Colas' letter
of opinion in favor of the *Intellectual Passport CB***

World premiere

Court ruling in favour of a prototype in an unpublished *Intellectual Passport CB*

In 1994, a French “**creator**” (i.e. *an inventor who became a creator through a Work of the Mind*) included an original and aesthetic container in an **unpublished** literary and artistic work (*prototype of the Intellectual Passport CB*) entitled “*Change the city*” (*Librairie bleue éditions – library of inventions N° 2221 – Troyes – France*). In early 1997, namely one year after this innovative product had first been introduced into the market, a third party decided to copy and market it. Unaware of the existence of the **creator’s** literary and artistic work ~ *and doubtless influenced by his legal counsels* ~ the **so-called inventor** registered a “*model*” (a European form of design patent) on this container on July 31st, 1997. Since no previous monopolistic title had ever been registered on this product at the “*INPI*” (*French equivalent of the U.S. Patent and Trademark Office*), the **so-called inventor** thought that he could safely claim monopolistic rights on this aesthetic container... By the end of the year 2000, claiming that he was the true inventor, the counterfeitor/plagiarist initiated legal proceedings against the chains of stores that were exploiting the product included in the **creator’s** work: Slymag Super U, System U’s Eastern Regional Head Office and Alliance Development Innovation. At first, the **creator** tried, but in vain, to reach an out-of-court settlement with the **so-called inventor**. In December 2001, he asked Michel Dubois to help solve this matter. As editor and expert in Intellectual Property, Mr. Dubois then started a correspondence with the **so-called inventor’s** legal counsels. This correspondence was based on a strategy aimed at obtaining a settlement or a prompt and favorable court ruling.

Having learned that the **creator** was legally the author ~ *hence the owner* ~ of the aesthetic containers, the **so-called inventor** asked one of Europe’s leading expert on Intellectual Property, Mr. Jacques Azéma (*professor at Lyons, France*), to confirm the authenticity of the **creator’s** literary and artistic work which the latter had deposited at his lawyer’s office in Paris. Upon complying with this request, Mr. Azéma confirmed without hesitation that this **creative** work represented a legally valid anteriority that could be used against the **so-called inventor’s** subsequently filed title.

Disgruntled, our **so-called inventor** then brought the matter before the Tribunal of Commerce of Lyon. On September 30th, 2003, after a single hearing and a six-month delay, the court ruled in favor of the **creator’s** copyright and dismissed the **so-called inventor’s** suit on the grounds that his “*model*” (bearing *INPI N° 974631*) **lacked novelty**. Undeterred, the **so-called inventor** appealed the judgment. On April 1st, 2004, the case was heard by the Court of Appeal of Lyon; less than two months later, the appellate court upheld the verdict (**Court of Appeal of Lyon, May 27th, 2004 – R.G. 03/06633**) and thus confirmed the judgment rendered 7 months earlier by the Tribunal of Commerce. The Cassation Court (*France’s Supreme Court*) (**Conclusion on July 4, 2006 – N/Ref : 05/4797 DCI**) confirmed the ruling by the Lyon Court of Appeal (**Conclusion on May 27 – R.G. 03/06633**). Justice was well served, at an affordable cost: one year of correspondence between Michel Dubois and the plagiarist’s legal counsels, ten months for the ruling by the Tribunal of Commerce and seven months for the ruling by the Court of Appeal (*in each court, there was but one hearing*). This should encourage inventors and owners of small or medium-sized enterprises, few of whom have the means, time and competence required winning a counterfeit suit.

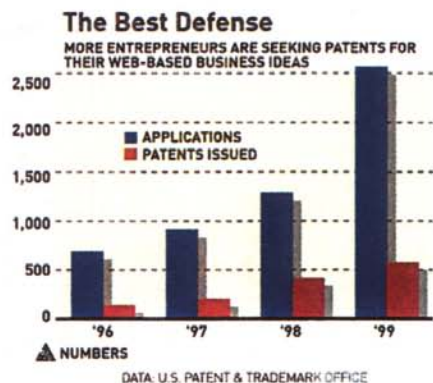
Annex 1

**Comments on the article by Alison Stein Wellner
“Better? Not patently...”
published in Business Week Frontier – F.8 – 11 September 2000**

Better? Not Patently

New patent rules may lengthen the application process

NO ONE HAS PATENTED the concept of a ham sandwich. But until recently, you had to wonder whether the U.S. Patent & Trademark Office would at least have considered the idea. Critics have long charged the agency carelessly put its stamp on overly broad ideas that aren't true innovations, allowing companies to lay claim to vast terrain on the Internet, and that examiners do not adequately review "prior art"—technology that already exists.



That could be changing. In March, the agency introduced a raft of procedures, including a second layer of application review by senior officials, a more rigorous prior-art search, and more training for examiners.

Essentially, the patent office is playing catch-up with the New Economy. The number of applications for so-called business-method patents—mostly for e-commerce businesses and accompanying software—doubled from 1998 to 1999 (chart). It's expected to double again this year, making business-method patents the fastest-growing category

of new patent applications by far.

The new rules could be a mixed bag for entrepreneurs. While they should help ensure that only truly innovative ideas receive patents, the extra scrutiny means that the already difficult process of securing a patent is likely to get tougher—and more time-consuming. That could mean problems for small businesses seeking to rush a new product to market, especially those operating on "Internet time." Even before the rules changed, it took Robert Wolfe, founder of Music-Booth LLC, a 10-person online advertising company in New Rochelle, N.Y., three years and more than \$50,000 to get a patent, which he needed to begin seeking capital. "These new rules could be terrible," he says.

Is there any way to avoid the lengthy process? It depends on the invention, says Don Pelto, head of intellectual property at McKenna & Cuneo LLP, in Washington. A copyright can shield some products that are valuable when copied, such as software code. Declaring your idea a trade secret might work for a time. A trade secret offers limited protection—say, from theft by employees. But once you release your invention on the open market, it's fair game. "A patent allows you to use your intellectual property as an asset you can sell or license," says Pelto. Which means that in most cases, there's no way to avoid the waiting game. Unless, perhaps, you've invented something to circumvent it.

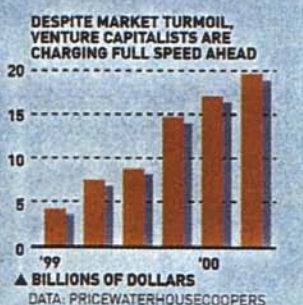
—ALISON STEIN WELLNER



For more on protecting your intellectual property, click Online Extras at frontier.businessweek.com

VC Pollyannas

Some shakeout. When technology stocks took a dive earlier this year, many expected to see a similar swoon in venture-capital investments. In fact, VCs are as optimistic as ever. Entrepreneurs received a record \$19.6 billion in the second quarter, up from \$17.1 billion in the first quarter, according to PricewaterhouseCoopers. More than 90% of those funds went into tech startups. One explanation for the increase: With the initial public offering window closed, many companies returned to VCs rather than go public.



CURRENTS

Small Biz 101

Reading, writing and... entrepreneurship? That'll be the curriculum in about 1,000 elementary, middle-school, and high-school classrooms this fall. The Service Corps of Retired Executives has teamed up with Junior Achievement to bring SCORE's business coaches into the nation's schools to teach youngsters about starting and running their own companies.

Do kids really want to hear about business? "We're not suggesting teaching kindergartners how to write a business plan," says SCORE Executive Director Ken Yancey. "But the more we encourage entrepreneurship, the better off we all will be." Junior Achievement programs, which are designed to get kids thinking about business and economics, already reach 3.5 million students a year. SCORE counselors will augment the curriculum with real-life stories from the trenches. Who knows? Perhaps the next generation of start-ups will be launched from the playground.

Business Is War

If you thought the U.S. job market was tough, take a look at what's happening in Israel. According to the daily newspaper *Ha'aretz*, high-tech headhunting has become so competitive that the military has stopped calling up reservists to some units. It seems that soldiers who work for tech outfits are using their time in the reserves to talk career officers into leaving the military and joining the dot-com world. It's not a tough sell: A programmer in the private sector makes more than three times as much as one in the army. The situation is so dire that the top brass has discussed the issue at its past four meetings. "We're at war," one commander told *Ha'aretz*. "We can't cope with the dot-com revolution," said another. Sounds as if the Israelis need another set of peace negotiations.

CHARTS BY ERIC HOFFMANN/BBW

Comments on the article by Alison Stein Wellner
“Better? Not patently...”
published in Business Week Frontier – F.8 – 11 September 2000

The new rules concerning patent can prolong the delay to apply

Patent agents have been careless in granting patents to ideas that did not meet the Patent Office's basic criteria for validation, thus allowing companies to claim a patent on inventions that are related to Internet. According to their critics, these same patent agents do not review adequately the prior possessions of third parties with regards to technology.

Consequently, **the Patent Office in Washington DC** has established new procedures, including a second review of prior possession by experts who are stricter, with a more thorough training, etc.

In fact, the patent office tries to catch up with the **soaring development of the new Economy**. Patent claims concerning methods of doing business (*note of USD: two out of three innovative ideas are unpatentable*) – for the most part companies that deal with Internet and its related software – have doubled from 1998 to 1999, and will double again in the year 2000.

For entrepreneurs, these news bring both solutions and problems. If the agents examine the patent claims more cautiously, in order to decide whether the content of ideas truly is innovative, the process for applying will fatally be longer (*hence also too costly*). Small enterprises that try to launch their product quickly are the first victims of such new rules. For example, even before these rules were established, **Robert Wolfe**, founder of Music-Booth, an enterprise specialized in promotion online with 10 employees at New Rochelle, N.Y., **waited three years and paid 50,000 \$** before obtaining a patent and thus being able to seek financial support. “Such rules can be disastrous”, according to Mister Wolfe (*note of USD: in this field of activity, products often have an average lifespan of three to five years*).

Is there a way of avoiding such delays? According to Don Pelto, expert in intellectual property at McKenna & Cuneo (Washington), it all depends on the kind of invention. Copyright can protect a product which increases in value once it is copied, for example, a software code. A trade secret offers limited protection, especially with employees. This protection disappears as soon as the product is launched on the market. Don Pelto: “Patent allows you to use your intellectual property as an asset that you may sell or transfer by licence.” **The best solution: circumventing the obligations of patent** (*note of USD: for such a solution, nothing compares with the Intellectual Passport C.B. because, on the one hand, it reinforces secret and, on the other hand, it provides the inventor with a worldwide, non-transferable and perennial property plus business forecasts to develop the project, as well as the related international contracts adapted to the commercial development strategy de development commercial*).

Annex 2

Is the patent insurable?

Conference on growth, prosperity and patents, given by Dr. E. Martin, CEO of M.CAM

At a conference at Aalborg, Denmark, dated October 28, 2002, hosted by Danish E. U. Presidency, Dr. E. Martin, CEO of M.CAM, explains why patent in its present state is uninsurable. Excerpts from the web site www.dkpto.dk are included herein. Insurance giants such as Lloyds of London, Chubb, AIG, etc. concur with the speaker.

Patent cannot be insured unless risk mitigation is present. This would allow capital efficiency. At present, patent is uninsurable because it is likely to be invalidated according to PCT definition. One must restore confidence in patents; SME's, individuals, legitimate corporations and the public are disenfranchised by tactics of economic intimidation rather than innovation.

Volume of disclosures: International focus on number, not quality of patents (*viewed as litigation "insurance"*), has increased volume of work at patent offices beyond production capacity.

Patently obvious problems

Globalization of information makes search for anteriorities impossible. Patent data and non-patent literature measured in terabytes make human review impossible without the aid of machine intelligence. Moreover, Examiners are unable to comply with MPEP and equivalents in EP, JP, and global offices (*Absence of Gold Standard*).

There is no established consensus on:

- what is truly patentable
- what constitutes adequate examination

Similarly, there is no process for monitoring concurrent innovation.

Results of these problems:

I – Patents are often more liability than asset.

- indeed, owners must not only defend but justify validity;
- Small to medium-sized entities decreasing patenting activity

II – Statutory validity of patent is even challenged.

- The odds of court finding invalidity and even inequitable conduct rising at an alarming rate.

III – Business, Government, Banking and Equity markets cannot place confidence in patent rights due to the high probability of successful challenge.

Essential requirements for underwriting:

Clarity of title or ownership of interest.

Patent quality is at all time low with high levels of redundancy and with examination failures at all offices.

Too often, patent does not convey a complete title due to redundancy, dependency or fraud. It can therefore not be considered as an asset.

43 % of patents are not unique; 38 % are dependent on patent or properties owned by third parties.

The "Value" Problem:

Discounted Cash Flow Fails to consider dependencies on properties held by others; highly unstable

Real Options" Patents contain adverse rights, not affirmative

Patent enforcement and transaction insurance Policies failed to adequately account for counter-claims of invalidity

Insurer loss ratios > 200% of premiums

Infringement defense Adverse selection (*undisclosed risks and highly litigious predisposition*)

Conclusion: The patent is not insurable

Is the Intellectual Passport CB insurable?

Following page ➔

The Nations that signed: 1) the World Intellectual Property Organisation (WIPO)'s 1997 copyright * treaty ~ including the European Community and the United States of America ~; 2) one of the two international copyright conventions; 3) the World Trade Organisation... as well as the Nations that respect articles 17 and 27 of the Universal Declaration of Human Rights; all agree on the following points:

- the specific criteria which determine copyright resulting from a (*creative*) Work of the Mind;
- the basic quasi-worldwide right to own a **natural property**... No search for anteriorities is required to establish such property, since, according to the aforementioned organisations:
" an author is the owner of a Work of the Mind by virtue of having creating it. "

Benefits:

I – Copyright represents a true asset, since it results from a **property**.

- " **Copyright** * " is a title resulting naturally from the non-transferable property of a Work of the Mind. Consequently, this transferable title (*made up of patrimonial and moral rights*) is free of charge. Holders of copyright do not have to prove the validity of their rights... Only in cases where evidence proves that an author's work had previously been created by a third party, will the former legally lose all claim to copyright on such a work, since he cannot be considered as the true creator.
- There is no shortage of copyright registrations.

II – Copyright's *statutory* validity has never been questioned.

- Legal actions for plagiarism, counterfeit and unfair competition won by Walt Disney Inc., among many famous creators, as well as by various authors of intellectual creations in the realms of science, industry and business, and notably a court case won by an inventor who purchased an Intellectual Passport CB (*1st instance* ~ Lyons' tribunal of commerce, N° 01J03824, dated September 30th, 2003 ~, *Court of Appeal of Lyons* ~ rendered May 27th, 2004 – R.G. 03/06633 – and *Court of Cassation [France's Supreme Court]* ~ July 4th, 2006 - N/Ref: 05/4797 DCI-), have confirmed copyright's world-wide validity, while condemning plagiarists. Anteriority claims by patent holders (*utility/design patents or any similar title*) have therefore lost much credibility.

III – The business community, Governments, Banks and trade market can safely rely on copyright since it greatly reduces risks of litigation and unfavorable judgments.

The Intellectual Passport CB is insurable, notably because:

- It provides a clear title resulting from a true property; thus it is a personal asset that can be used in a court of law; furthermore, it unquestionably identifies the author of the concept and resulting invention.
- Its legal validity is unquestionable and recognised world-wide.
- Given its non-publication, risks of fraud are kept to a minimum.
- It seldom requires patents or **property** held by third parties.
- Its business forecast (ICBF) allows the author to commercialise his invention internationally after having assessed its market; moreover, the editor of the Intellectual Passport CB is a third party with no vested interests.

The Intellectual Passport CB's value:

Discounted Cash Flow - reliable and stable.

Real Options - Given its non-publication, the Intellectual Passport CB provides rights that prevent litigation.

Copyright enforcement and transaction insurance

- Policies adequately account for counter-claims of invalidity
- In percentage of premiums, insurer loss ratio is reasonable.

Plagiarism defense: *Adverse selection (minimized risks and litigious predisposition).*

* **Copyright.** The true creator's, hence initial, lawful right. From Latin "*auctor*". *He who augments, who founds, a person who is the prime cause, at the origin of something*"

Conclusion: Intellectual Passport is insurable.

**The International Consortium of Editions USD System
guarantees the passport!**

Economic objective of the Intellectual Passport (CB or IND) Omnibus Volume

Article 17 of the Universal Declaration of Human Rights

"Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property."

Article 27 of the Universal Declaration of Human Rights

"Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author."

The **Intellectual Passport** (CB or IND) is the name of an unpublished Omnibus volume that encompasses a collection of literary and artistic books resulting from implementing an original codified system, and serve commercial and social purposes. Its preparation process therefore employs an original operating code called "Conventional Identification and Valuation Dossier" (**C.I.V.D**) which identifies the work with its author, and with the valuation of the commercial project (s) relating thereto. Furthermore, this original operating code is ethical (*respectful of the Universal Declaration of Human Rights*), and its application obligates practitioners to adhere to the chronological order of the natural law: **"CREATION → INVENTION → INNOVATION."** Just as the author of an original idea first conceives it in its virtual form to its implementation on a material medium or:

1st, is the **Creation** (*producing the description of the original concept that establishes its anteriority internationally*)

2nd, the **invention** (*technical applications of the original concept*)

3rd, the **innovation** (*technical production and commercialization of the original concept*).

This procedure restores to moral prejudice its rightful legal primacy over material prejudice, based on the mere fact that **work of the mind** (*unpublished*) is original in nature, its ownership is characteristically inalienable (*non-transferable*), and enforceable against the subsequent filing of monopolistic industrial or commercial exploitation titles (*patent or other State issued title, as shown in ruling of July 4th, 2006 issued by the Supreme court of the Republic of France– Ref number: 05/4797 DCI*). The aforementioned chronological principal is legitimate in all Nations/States having adhered to either one of the two international conventions on copyright (*Berne and Universal*) and/ or having adhered to **WIPO** (*the World Intellectual Property Organization*), and /or the **U.N.'s** (*United Nations*). Charter of human rights. Produced using the **C.I.V.D. code**, each book of the **Intellectual Passport** (CB or IND) Omnibus collection provides to the author of the original concept (*described in the book*) **the proof** of his/ her literary property (*texts*) and/ or artistic property (*drawings*) that no one has the right to reproduce for commercial purposes without their express authorization. It is as much for the security of the author as for that of his/ her licensees or assignees that the **C.I.V.D. code is formulated, by design**, to obligatorily attribute exploitation rights to each of them individually, based on their highest performing specialization.

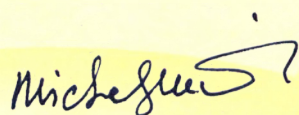
Completing a book in the **Intellectual Passport** (CB or IND) **Omnibus Collection** therefore aims to open to the author of an original concept (*patentable or not*) the possibility to negotiate **equitably** with third parties, of international stature, the transmission of exploitation rights of his creation, by being freed of the financial burdens related thereto (*administrative, industrial, commercial*) which, with some exceptions, are incompatible with his socio-economic conditions and professional competence.

The contractual solidarity which unites the author to his assignees and / or its licensees (*embedded in the aforementioned process of individualized attribution of exploitation rights*) produce the alliance that is necessary for economic and social development of the project, and provide the author with the essential means of legal defense internationally *.

Utilizing the **Intellectual Passport** (*CB or IND*) **Omnibus Volume** liberates international access to intellectual property rights, such that it should strengthen the economic growth of all nations without discriminatory consequence for the poorest. If the invention or the methodology resulting from the application of the author's original concept is commercialized (*by him or by a third party*) prior to producing the book, it is possible to establish his authorship rights (*copyright*).

Furthermore, the non-publication of a book from this original omnibus collection opens to the assignee the option, through contractual authorization from the author, to file a patent (*or any other monopolistic title*) for the invention in the author's name. Namely, the charges and responsibility are exclusively assumed by the assignee. It is always preferable that the book be done first.

The Intellectual Passport (*CB or IND*) omnibus volume, expressly dedicated to the creators of original marketable concepts, is therefore called to play a stimulating role in the continuous emergence of innovations that are necessary for scientific, technical and technological progress, whether it relates to industry, the services or the arts.



Michel Dubois

*** Recommendation:**

The USD System International Editions Consortium encourages an author (*of a literary and/or artistic work*) who has been plagiarized to begin his defense by filing a Report with the police under Penal Law. Due to the natural **property** of the work, its plagiarism is a **theft** (*in the criminal sense of the word*), accompanied by the theft of the author's identity by the plagiarist and even sometimes, vandalism, if the work was denatured by the plagiarist. Later, if the Penal Judgment was rendered in favor of the plagiarized author, this one can initiate a civil suit to estimate the material damages. This strategy may differ according to the Law governing each Nation. However, the Law governing most Nations (*called of Law*) respects this principle.

Example: In Canada, the Ali and 124558 Canada Inc. case against Guardian Insurance Company and Royal Insurance Company (1999 CanLII, 13177 – Qc, C.A.).

Copyright's power! ...

Our strategy which consists in provoking the copier by warning him of the risks he takes under Criminal Law is confirmed by Mr. Alan Amron's lawsuit against the multinational 3M

New battle around the Post-it | Made

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New battle around the Post-it



France-Presse Agency NEW YORK
The American industrial conglomerate 3M, which popularized the Post-it, is sued by an American who claims its paternity. Alan Amron, 67, has just referred a matter to a Fort Lauderdale court and claims at least 400 million dollars for damages, according to court documents viewed on Friday by the AFP.

In his complaint, Mr. Amron, a prolific inventor – according to his Twitter account, he holds 39 patents that are recognized in the United States – claims that he invented the Post-it in 1973. At that time, he would have called it “Press-on Memo”.

But 3M has always pointed out that the post-it, one of its best-known products, was developed in 1974 by its scientists Arthur Fry – facing charges in the complaint – and Spencer Silver. It began commercializing it in 1977 but it was in 1980 that sales of this small removable self-adhesive sheet of paper really took off

In 2015, sales for 3M's everyday consumer product division that markets the post-it rose to 4.4 billion dollars, down by 2.2 %.

Mr. Amron challenges 3M's version and had already brought an action against the group for "**copyright infringement**" in 1997. The two parties reached an agreement the terms of which remain confidential.

In his new legal action, Alan Amron points out that it was agreed that neither he nor 3M would claim paternity of the Post-it in the future. According to him, the conglomerate breached that clause.

Consequently, he requests a trial but the judge recommends mediation and has given both parties until the end of the year to find a common ground.

3M is based at Saint Paul, Minnesota, and is part of the 30 [blue-chip stocks listed](#) on [the](#) famous Dow Jones Industrial Average (DJIA) on Wall Street.

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Note: Published recently in the Canadian daily "La Presse", this article demonstrates that warning the boss (i.e. the plagiarist) of the enterprise guilty of illegal copy that criminal charges ~ *for literary and/or artistic property theft* ~ could potentially be taken against him personally, is the right strategy. The stronger the copier, the more such charges can reflect badly on the boss's character, the more his enterprise's public image is threatened, hence the greater the chances are that the victim reaches an out of court settlement. This is what has just happened to him. It seems that the amount obtained by the victim, during the out of court settlement, enables him to initiate proceedings before the civil courts.

Lawyer's opinions

Notwithstanding the legal precedents identified in the present work validating Copyright on an industrial product and, in spite of the legal opinion from lawyers who support the same principle; should other lawyers, following different principles, still deem it necessary to contradict any part of this document, they can do so hereinafter **by committing their professional accountability**. They must write their objections on the dotted lines below, followed by their signature and address, phone number and email address. *(Given the business issues related to the marketing of innovations that the objections of detractors may raise, we do not need the recurring verbal criticism that some of their peers use solely in order to propagate unfounded rumors).*

Additional page for the lawyer's notes on this document

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Lawyer's Full Name

Signature

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Address, Telephone number and email address:

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Should the lawyer require more space than this page allows,
he may use additional pages to write his answer.

Very important!

In order to publicly certify his opinion, each lawyer must go to the tab

" Press documentation "

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The lawyer will find a copy of the present document entitled:

" Lawyers' objections to the content of the book by Michel Dubois & Co "

The lawyer will register the document to include his answer that he will send to

info@sosinvention.com

**The Consortium undertakes to leave on its Site for one year
the objections that each lawyer will have accepted to publish**

**Michel Dubois reserves the right to publish his answers to the lawyers
if he deems it necessary**