

CASE STUDY

Company: Haberman Associates

Product: The Anywayup Cup

Summary: *In the early 1990s UK Inventor Mandy Haberman developed and patented an innovative "no spill" training cup for babies and toddlers. She took out patent protection insurance for her invention and in 1998 had to enforce her patent against a large manufacturer of nursery products. Her case was successful, and she has since successfully enforced her patent rights in Europe and elsewhere.*

THE BACKGROUND:

In 1990 mother of three Mandy Haberman watched, with some concern, a friend's child trailing blackcurrant juice from a feeder cup across a light coloured carpet. Mandy, believed that there was a better solution to the problem of spillage from the widely used toddler cups. She investigated the market and had a patent search undertaken. Her worldwide investigations revealed little of significance.



Mandy, who had earlier designed a very successful bottle feeder for infants with feeding difficulties, commenced her development of a non spill feeder and filed for patent rights.

Between 1992 and 1994 she approached a number of leading UK nursery product companies with her product to see if they might be interested in the cup that she was developing. Not one was willing to take a licence or make a reasonable offer for the rights to manufacture the cup.

In 1996 Mandy, together with V&A Marketing Ltd who she appointed as sales agents, launched the Anywayup cup on the market and within 12 months nearly 1 million units had been sold.

THE INFRINGEMENT:

In 1998 Jackel International PLC, one of the companies that Mandy had approached several years before, brought out their own range of Tommee Tippee non-drip cups. Sales of Mandy's product plummeted as this brand leader encroached on her market using her patented technology without permission.

THE OUTCOME:

Fortunately Mandy had insured her patents. In conjunction with V&A Marketing, she took Jackel International to the High Court where the judge found that her patent was both valid and had been infringed. The infringing product was removed from the market.

Sales of Anywayup technology have now exceeded 25 million units worldwide. Mandy continues to have to take legal action to protect her intellectual property rights around the world.

Mandy believes that big industry is often loathe to invest in new ideas until competition forces its hand. She comments that it is generally quicker and cheaper for them to spot new products in the marketplace and copy them, than it is to research and develop their own products from scratch. She believes that the current system encourages them to do so, because the cost of litigation is prohibitive for most independent inventors or fledging companies.

Patent protection Insurance is now regarded as a means of providing the financial support for smart product developers who by patenting and insuring their intellectual property can enforce their rights in the courts throughout the world.

LINKS:

www.mandyhaberman.com

www.makesparksfly.com