

1887 - 2007

Celebrating 120 years of protecting innovation



Message from David Griffith, Managing Principal

It is a great honour for me to be in a leadership role of Spruson & Ferguson at this time of rapid awareness and growth in intellectual property throughout the world. Our firm has always enjoyed a special place in Australia's patent and trade mark profession and I am very proud to have been part of Spruson & Ferguson over the last 34 years.

Spruson & Ferguson has represented many leading companies and inventors. We are very fortunate to have had, and continue to have many of the finest patent attorneys and IP lawyers in the country. When I joined the firm in 1973, George Rance and Ron Pickering were widely considered to be the best intellects in the profession. On retirement, they were both acknowledged as such by the Commissioner of Patents of the day. Dan Shanahan's scholarly work on trade mark law was internationally acclaimed by practitioners, academics and the judiciary. Patricia Kennedy and Kate Johnston carried Dan's work through to an updated edition and now Annette Freeman and Tracey Berger are continuing the tradition, which will see the 4th edition published next year. Dr Colin Bodkin is also about to join this elite group when his book on Australian Patent Law is released next month.

Many of our current and past Principals have played, and continue to play, leading roles in the education of trainee patent and trade mark attorneys by lecturing and examining at various Institutions. Spruson & Ferguson Principals based in our joint venture office in Singapore train local engineers and scientists to become patent attorneys, both through in-house training and public institutions in Singapore

Spruson & Ferguson has always maintained a real and substantial commitment to local and international professional associations. Our Principals devote large amounts of time and resources to developing intellectual property regimes and assisting local inventors.

We have had the pleasure of many foreign attorneys, aspiring attorneys and paralegals, spending time with us as they broadened their skills and contributed to our breadth of knowledge and development. Some have remained with us in Australia.

Spruson & Ferguson has a very fine and dedicated staff and group of Principals in Australia, Singapore and Malaysia. They are committed to the highest professional standards to deliver the best advice and service to our clients.

As recognition of the value of intellectual property sweeps the world, we at Spruson & Ferguson have both the fortune and challenge of continuing the great tradition and professionalism of the last 120 years in the decades ahead.

We are well placed, both professionally and structurally, to do so.

David Griffith
Managing Principal

The history of Spruson & Ferguson

As one of the first patent and trade mark attorney firms in Australia, SPRUSON & FERGUSON is proud of its unique heritage.

The history of SPRUSON & FERGUSON dates back to 1887 when Wilfred Joseph Spruson, a civil and mechanical engineer and the son of the New South Wales Registrar of Copyrights, entered into partnership with Charles Graham Hepburn. At the time he was only 17 years old.

Wilfred Spruson was a founding fellow of the Australasian Institute of Patent Agents. He later became a founding fellow of the Institute of Patent Attorneys and was an active member of the parliament that completed the formalities of Federation.



Wilfred Joseph SPRUSON
(1870 - 1939)

In 1923 Wilfred Spruson was joined by Robert Given Ferguson, an engineer and former Commissioner of Patents, giving rise to the present name Spruson & Ferguson.

SPRUSON & FERGUSON has since continued to grow and enhance its expertise by engaging some of the most highly regarded IP professionals in Australia.

2007 marks the firm's 120th anniversary and provides an opportunity to reflect on the rich and successful history of SPRUSON & FERGUSON.

This publication provides a brief overview of the historic events of the past 120 years that have influenced SPRUSON & FERGUSON and Australian innovation.



Robert Given FERGUSON
(1875 - 1944)

A refreshing change

Introducing our new logo

To coincide with SPRUSON & FERGUSON's 120th anniversary, we are proud to announce the launch of our new "look". Our new logo reflects the progression of the firm over the past 120 years and the dynamic nature of intellectual property. The three lines in the logo represent the organic nature of ideas, which flow through different stages of the intellectual property cycle including, protection, commercialisation, management and enforcement. The four boxes represent our four practice areas of Patents and Designs, Trade Marks, Commercialisation and Litigation.



Over the past 120 years SPRUSON & FERGUSON's look has changed to reflect the times. Below are some samples of past letterheads used by the firm over the years.



The good old days

Looking back on how times have changed

Greg Turner, Principal of SPRUSON & FERGUSON's Mechanical team, reflects on his 35 years with the firm.

Over the last four decades SPRUSON & FERGUSON has undergone enormous change, due in part to advances in technology, but also as a result of changes in clients' expectations of our services.

Technology has had a major impact on the environment that I have worked in over the last 35 years. In 1973 when I joined SPRUSON & FERGUSON, the working aids at my desk were a phone, a pad and a pen. I was fortunate to have support staff with good shorthand skills and able to keep up with the rapid fire of my dictation, keeping in mind that the corrections required a complete retype. 'Cut and paste' was unheard of. My accuracy in drafting and dictating was fundamental to the relationship with my secretary. Next came typewriters with a memory function, followed by basic word processors.

Imagine, if you can, running a patent attorney practice without a photocopier. The only way to reproduce a page of typed text or a drawing would be photographically, or with the use of stencils or multiple layers of carbon paper. Changes to everyday work tools have transformed our work practices beyond recognition.

The means and speed with which we communicate with our clients, locally and internationally, has been revolutionised. Within Australia, in 1973, there was only the telephone and surface mail (Australia Post). In emergency cases, correspondence was sent by telex. I suspect the vast majority of our staff today would not even know what a telex was, what a telex machine looked like nor how it operated. I can recall despatching urgently needed documents via courier to the airport to be placed in a satchel carried by the pilot. In 1973, DHL and other express international couriers rarely ventured to Australia. Documents arrived thanks to the pilots ensuring delivery.

The tyranny of distance, for what is such an international profession, has now been conquered by the electronic



Greg Turner, c1975

communication means that we use so readily. Older attorneys will remember a time when their day did not include the background score of beeps emanating from their computer, heralding the arrival of yet another e-mail – one of the many that we receive daily. Now, communication between our clients and each other has become almost instantaneous. I can fire off an e-mail to New York early in the morning, and despite the frequency that this takes place, I am still amazed to get an immediate reply from someone finishing his or her working day. However, the advent of the "Digital Age" has also significantly accelerated the pace of the working environment. The 'immediate reply', by becoming a possibility, has also become an expectation.

In 1973, on my first day, I was introduced to the five partners of the practice; George Rance, Ray White, Ron Pickering, Neville Anderson and Barry Hodgkinson. The firm was comprised of several basic departments such as filing, accounts and lodgements together with patents and trademarks sections. The patents section was divided into the broad technologies of mechanical/electrical and chemical. An IT department was nowhere to be found. Now we have twenty-four principals, each having a particular

technological speciality such as biotechnology, ICT and aeronautical engineering. As far as SPRUSON & FERGUSON is concerned, gone are the days of the "general practitioner".

The growth of the partnership from five to twenty-four principals reflects the overall increase in the size of the firm. The passing parade included the erudite George Rance, Ron Pickering and Dan Shannahan, who could pluck from the neuronal connections of their minds an appropriate piece of case law for any application. Others, such as John Hinde, ran the business side of the firm. There were the 'workhorses' of the firm such as Patricia Kennedy, John O'Connor, Brian Munday and Ken Niblett, who looked after the day-to-day needs of the clients. Then, of course, there are those that have supervised and enjoyed the public relations side of the firm, principals such as Neville Anderson and Barry Hodgkinson. There were not many places with a Patents Act to which Neville had not travelled.



Greg Turner, Present

Simon Williams, founding Principal of SPRUSON & FERGUSON LAWYERS, looks back on the past 30 years.

When I started with the firm, we occupied a single floor in ESSO House (now an upmarket set of apartments). We then upgraded with a move to a single floor in what was then the newly built Westpac building. The next move was uptown to St Martins Tower, where we leased approximately one and a half floors. We now occupy the equivalent of five floors in the building. The move from ESSO House to the Westpac building went reasonably smoothly but the move to St Martins Tower is hard to forget. I walked into the car park early on a Saturday morning to see David Griffith (aka "Griffo") wearing an expression of absolute panic. The files had been stacked in boxes that could not support their load. We had a sea of files that arrived in waves. Yet we survived.

Whilst the numbers have changed, many of the substantive but less tangible aspects of the practice remain the same, such as the personal relationships that we develop with clients. The firm has foreign and local clients for which it has been acting in excess of half a century. Personally, I gain enormous satisfaction in acting for clients for whom I am now working with the second and third generation of family ownership. I have had the privilege of being involved with the development of such family businesses and seeing first-hand, the transformation of small local operation to international corporations employing hundreds.

So as I muse on the passage of these last 35 years with cup of a coffee in hand, I appreciate one of our office icons that I hope will never change; the tea lady patrolling the corridors with her tea trolley, at a tea lady pace.

SPRUSON & FERGUSON LAWYERS was originally known as K.E. Niblett & Company in the late 1970's. Ken Niblett, a "legend" at Trade Marks Office hearings, had previously come to SPRUSON & FERGUSON from private industry and initially set up the law firm of K.E. Niblett & Company, acting as a sole practitioner. Whilst Ken continued to act as a senior assistant in respect of trade mark prosecution matters with SPRUSON & FERGUSON, his law practice assisted SPRUSON & FERGUSON's clients in connection with various contentious matters (most notably appeals and patent extension matters).

I joined the law firm (and SPRUSON & FERGUSON) in 1984 resulting in the law firm being re-named "Williams Niblett". The law firm expanded rapidly, gaining new principals including Kate Johnston (since retired), John Afaras, Khajaque Kortian, Delwyn Everard (since retired), Rob McInnes and Philip Heuzenroeder. Kate collaborated with Patricia Kennedy of SPRUSON & FERGUSON in the publishing of the 3rd Edition of "Shanahan's Australian Law of Trade Marks & Passing Off".

Williams Niblett subsequently changed its name to Sprusons: Solicitors and then to its present name, SPRUSON & FERGUSON LAWYERS.

More recently, SPRUSON & FERGUSON LAWYERS has been increasingly engaged in the commercialisation of intellectual property with the creation of its commercialisation group led by Rob McInnes and Philip Heuzenroeder.



SPRUSON & FERGUSON LAWYERS now has five principals, seven lawyers plus paralegals. It has a well established reputation in relation to intellectual property litigation and commercialisation in Australia. As such, it complements the intellectual property registry and opposition practice of its associated firm, SPRUSON & FERGUSON patent and trade mark attorneys.

SPRUSON & FERGUSON LAWYERS has been involved in numerous successful proceedings before the Federal Court of Australia, the Full Federal Court of Australia and the High Court of Australia. Many of those cases are considered to be important and leading cases in relation to the development of the law of intellectual property in Australia.

Timeline

120 years of history

1887

Wilfred Joseph Spruson enters into partnership with Charles Graham Hepburn to form Hepburn & Spruson



1890

W.J. Spruson is a founding member of the Institute of Patent Attorneys, Australia (IPTA)

1902

Spruson is awarded the Cross of Leo for having advised Cardinal Moran



1923

Robert Given Ferguson joins the firm. The firm begins to practice under the name



Spruson & Ferguson

1931

W. J. Spruson is elected President of IPTA

1939

W.J.Spruson passes away

1944

R.G. Ferguson invites Timothy (Kim) Hodgkinson to join the firm

1944

R.G.Ferguson dies

1945

Before leaving the Patent Office Hodgkinson promises the Commissioner not to recruit staff from the Patent Office before the end of the war. When the war ends a stream of senior staff come to the firm from the Patent Office and the Universities

1952

Spruson&Ferguson acquires the practice of Percy Newell

1887

1906

The first Commonwealth Designs Act is passed

1905

The first Commonwealth Trade Marks Act is passed

1903

The first Commonwealth Patent Act is passed

1903

The High Court of Australia is established with Samuel Griffith as the first Chief Justice



1901

Australia becomes a Federation

1887

The Australian cricket team is established, defeating Britain in the first Ashes series



1932

The Sydney Harbour Bridge Opens



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1945

World War II ends

1945

Australia becomes a founding member of the United Nations

1945

The Sydney-Hobart Yacht Race is held for the first time



1942

The UK Statute of Westminster is formally adopted by Australia. The Statute formally grants Australia the right to pass laws that conflict with UK laws

1954

Queen Elizabeth II visits Sydney. It is the first time a reigning monarch has visited Australia



National Archives of Australia: A1773/1

1957
Spruson & Ferguson acquires the practice of Osborne Cartwright

1964
Kim Hodgkinson is made an Officer of the Order of the British Empire for services to the law profession, specifically in relation to the foundation of the Australian Branch of the International Law Association

1975
G H Rance, Principal, is made President of the Australian Group of International Association for the Protection of Industrial Property (AIPPA)

1982
Dan Shanahan, Principal, publishes *Shanhan's Australian Law of Trade Marks & Passing Off* - a seminal text for practitioners and the judiciary alike

1984
Simon Williams partners with Ken Niblett to establish Williams Niblett, a boutique intellectual property law firm

1995
Williams Niblett changes its name to Sprusons: Solicitors

1997
Spruson & Ferguson Singapore office commences its operations

2000
Annette Freeman, Principal, establishes the post graduate trade marks course at the University of Technology, Sydney

2001
Ella Cheong Spruson & Ferguson, Singapore established

2001
Sprusons: Solicitors changes its name to Spruson&Ferguson Lawyers

2003
Rob McInnes joins Spruson&Ferguson Lawyers and established the firms Commercialisation practice

2007

1977
Referendum held to decide Australia's national anthem. Advance Australia Fair is chosen to replace the Royal anthem, God Save the Queen


1990
The Patents Act 1990 is passed

1995
The Trade Marks Act 1995 was passed. The new Act expands the definition of a registerable trade mark to include aspects of packaging, shape, colour, sound and scent

2006
Australia qualifies for the FIFA World Cup for the first time in 32 years

2003
The Designs Act 2003 is passed introducing a new system for protecting industrial designs in Australia

1973
The Sydney Opera House is opened




© City of Sydney

1983
Australia wins the America's Cup

1986
The Australia Act removes the right of appeal from State courts to the British Privy Council, making the High Court the final court of appeal in Australia. The Act also removes all remaining rights of the UK Parliament to pass law for Australia



2000
Sydney hosts the Summer Olympic Games



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An innovative history

10 famous Australian inventions

National Archives of Australia: L26848



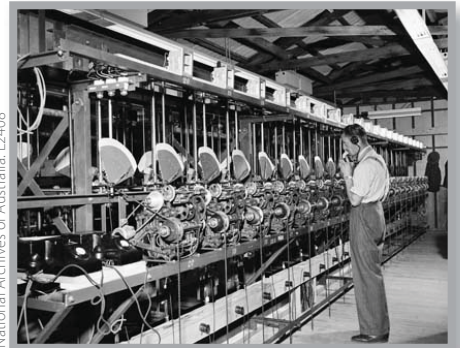
1906 - The Surf Reel

In 1906 Lyster Ormsby of the Bondi Surf Bathers Lifesaving Club built a model of a piece of surf rescue equipment using a cotton reel. Based on this model, a full-size reel was built by Sgt John Bond and was used by Australian Surf Lifesavers until 1994. The reel provided for a lifesaver wearing a belt with a rope attached to reach a swimmer in rough surf and then be pulled back to the beach by the crew winding up the rope.

1913 - Automatic Totalisator

George Julius invented the first automatic totalisator in his home workshop in Western Australia. The invention was originally intended to be a mechanical vote-counting machine, however, it found its ultimate success as a machine to record bets and calculate the changing odds and dividends at the racecourse. The totalisator was first installed at Ellerslie racecourse in New Zealand and was so large that it took up an entire building.

National Archives of Australia: L2408



1926 - Heart Pacemaker

The first electronic pacemaker was invented by Dr. Mark Lidwell from the Crown Street Womens Hospital in Sydney. Lidwell discovered that by stimulating muscles electronically, the pace of a heart could be artificially set. He employed this technique for the first time in 1926, when he used an electronic device to resuscitate a newborn baby. However, given the ethical and religious climate of the time, Lidwell desired to remain anonymous and did not apply for a patent for fear of persecution for the artificial extension of human life.

1933 - Utility Vehicle

The ute was built in response to a request made to Ford Australia in Geelong, Victoria, for a car that could be used to "go to church in on Sundays...and take the pigs to the market on Monday." The request was shown to 22 year old Lewis Thornet Bandt who worked in the designs department in the Ford Geelong plant. Thornet developed a design which reworked the 1933 Ford Coupe to include a tray on the back.

National Archives of Australia: N960C



National Archives of Australia: N960C



Howard Florey

1941 - Penicillin

In 1941, Australian scientist Howard Florey led a team in extracting and refining penicillin for the first time. Penicillin was the first antibiotic used to successfully treat people with serious infectious diseases and went into production in time to be used on World War II casualties.



1945 - Hills Hoist

Lance Hill invented the Hills Hoist in 1946 in response to requests made by his wife for a more efficient way of drying washing. The Hills Hoist consists of a single pole with metal arms extending from the top between which wires extend for hanging clothes. However, the innovation was in the winding mechanism which allowed the frame to be raised to catch the wind so as to dry the clothes more effectively. The Hills Hoist is widely recognised as an Australian suburban icon and was celebrated as such in the opening ceremony of the 2000 Sydney Olympic Games.

1979 - Bionic Ear

The cochlear implant known as the Bionic Ear was invented by Professor Graeme Clark of the University of Melbourne. The prototype for the multiple-electrode Bionic Ear was implanted in the first adult at The Royal Victorian Eye and Ear Hospital in Melbourne by Graeme Clark in 1978. After being awarded a public interest grant from the Australian Government, Clarke and his team went on to commercially develop the Bionic Ear.



1987 - Gene Shears

In 1987 Scientists from the Commonwealth Scientific and Industrial Research Organisation (CSIRO) designed molecules that could, in effect, selectively cut out unwanted DNA. This cutting action resulted in the name "Gene Shears" and in 1989 Gene Shears Pty Ltd was established to commercialise the new technology.

1988 - Plastic Bank Notes

In 1988 CSIRO and Note Printing Australia, a subsidiary of the Reserve Bank of Australia, developed the polymer or 'plastic' banknote. The polymer notes provide for a more durable banknote and reduce the possibility of counterfeiting. Polymer notes have since replaced paper notes in Australia and are now used in 22 countries around the world.



2000 - Biodegradable packaging

In 2000 CSIRO and the Cooperative Research Centre for International Food Manufacture and Packaging Science developed a new and cost effective biodegradable packaging material based on starch.

Source:

Australian Institute for Commercialisation, *2007 Year of the Idea*, as viewed at 1 October 2007, available at <http://yearoftheidea.com.au/filelib/106_years_of_innovations.pdf>

IP Australia, *Imagination - 100 Years of Bright Ideas in Australia*, as viewed at 1 October 2007, available at <<http://www.ipaustralia.gov.au/centenary/page1.shtml>>

White Hat, *White Hat* <www.whitehat.com.au>

Making a mark

5 famous Australian trade marks*

Vegemite

In 1922, a young Australian chemist at the Fred Walker Cheese Company developed a spread from yeast. In a novel marketing approach the company held a competition, inviting the public to suggest a name for its new spread. From the many entries received, Vegemite was chosen. Due to slow sales, the name was changed to "Parwill" in an attempt to compete with the successful English spread Marmite, because "If Marmite...then Parwill". Ultimately, however, consumers failed to appreciate the pun and it was decided to return to the initial Vegemite brand. Today Vegemite is found in the kitchen cupboard of most Australian homes with more than 22 million jars being consumed each year in Australia.



Penfolds

Penfolds, one of Australia's oldest wine companies, was established in 1845 by Dr. Christopher Rawson Penfold. Dr Penfold held firm beliefs in the health benefits of wine, so in order to supply his patients with fortified wines, he planted vine cuttings he had obtained in the south of France. Demand for the wine grew and by 1900, Penfolds was a household name. Over the past 150 years, Penfolds red signature logo has remained a constant fixture on their bottles and continues to be one of the most well recognised Australian brands.



Arnott's

In 1865, William Arnott opened a small bakery in Newcastle, New South Wales to supply the local townspeople. As the demand for his goods grew, Arnott rapidly expanded his business, building his first factory in 1875 and producing 1.5 tonnes of biscuits daily by 1878. In 1888 Arnott's introduced its famous parrot logo which, it is claimed, was first drawn by William Arnott's daughter-in-law. Today, Arnott's supplies biscuits to more than 40 countries around the world.



Qantas

Qantas was established in 1920 with the kangaroo symbol first featured on a Qantas aircraft in 1944, following a decision to name the Qantas Indian Ocean passage the Kangaroo Service. The Flying Kangaroo has undergone many transformations since its introduction, losing its wings in 1984. The kangaroo however has continued to be a constant feature of the Qantas logo and remains a well recognised symbol of the airline and Australia.



R.M. Williams

Reginald Murray Williams established the famous bushwear company R.M. Williams in 1932 in a shed behind his fathers house. The signature R.M. Williams and its famous Longhorn trade mark have become locally and internationally recognised and synonymous with the Australian outback.



* As determined by the 2006 competition 'Australia's favourite Trade Mark', coordinated by IP Australia (source: <http://www.ipaustralia.gov.au/tmcentenary/top10.html>)

Moving with the times

Sydney has been the home of SPRUSON & FERGUSON for the past 120 years. As the firm grew, SPRUSON & FERGUSON relocated numerous times to various Sydney locations. The following is a selection of photographs of various office locations showing how Sydney has changed over the years.

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1934



2007

130 Elizabeth St.

(1887 - c.1893)

© City of Sydney



Early 1920's



2007

169 King St.

(1893 - c.1920)

© City of Sydney



1919



2007

16-18 O'Connell St.

(c.1945 - 1957)

© City of Sydney



c.1970



2007

Caltex House, 167 Kent St.

(1958 - 1972)

Esso House, 127 Kent St.

(1972 - 1979)

© City of Sydney



1930's



2007

31 Market St.

(1983 - present)

SPRUSON & FERGUSON

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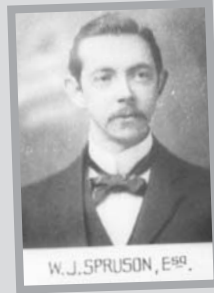
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Principals - past and present

Wilfred SPRUSON	1887-1939
Charles HEPBURN	1887-1909
Robert FERGUSON	1923-1944
Kim HODGKINSON	1944-1967
George RANCE	1945-1976
Raymond WHITE	1946-1974
Barry HODGKINSON	1946-1984
Ronald PICKERING	1954-1983
Arthur PLASKITT	1963-1972
Neville ANDERSON	1964-1999
Dan SHANAHAN	1967-1999
Andros CHRYSILIOU	1970-1987
John HINDE	1971-1999
John O'CONNOR	1972-2004
David GRIFFITH	1973-Present
Greg TURNER	1973-Present
Kerry MOORE	1977-1987
Fraser OLD	1977-2000
Annette FREEMAN	1979-Present
John McCANN	1982-Present
Patricia KENNEDY	1982-2003
Simon WILLIAMS	1984-Present
Kate JOHNSTON	1986-2002
Khajaque KORTIAN	1986-Present
Lee PIPPARD	1988-Present
Brian MUNDAY	1988-2002
Colin BODKIN	1991-2002
Robert MILLER	1992-Present
Scott BERGGREN	1994-Present
Andrew BLATTMAN	1995-Present
Tracey BERGER	1995-Present
Ryan CURNICK	1996-Present
Greg GURR	1996-Present
Martin POLLOCK	1996-Present
John AFARAS	1997-Present
Shahnaz IRANI	1997-Present
Paul MASSEY	1997-Present
Gerard SKELLY	1997-Present
Martin O'BRIEN	1998-Present
Delwyn EVERARD	1998-2004
John BRASS	1999-Present
Rob MCINNES	2003-Present
Philip HEUZENROEDER	2004-Present
Michael KOCH	2006-Present
Kristian ROBINSON	2006-Present



1966
Left to Right: George Rance, Kim Hodgkinson, Ray White, Nev Anderson, Ronald Pickering



W.J. SPRUSON, Esq.



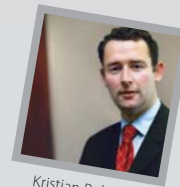
Robert Given FERGUSON
(1875 - 1944)



c.1982
Standing: David Griffith, John Hinde, Dan Shanahan, Kerry Moore, Andros Chrysiliou, Fraser Old
Sitting: Nev Anderson, Ray White, Ronald Pickering, George Rance, Barry Hodgkinson



Michael Koch



Kristian Robinson

Back row: John Brass, Scott Berggren, Khajaque Kortian, Martin O'Brien, Martin Pollock, Lee Pippard, Philip Heuzenroeder, Gerard Skelly, Robert Miller, John Afaras, Paul Massey
Front row: Greg Turner, Tracey Berger, John McCann, Andrew Blattman, Ryan Curnick, Shahnaz Irani, David Griffith, Rob McInnes, Greg Gurr, Annette Freeman, Simon Williams

