

**IN THE MATTER OF THE INTELLECTUAL PROPERTY REGULATION
BOARD JOINT DISCIPLINARY PANEL**

THE PATENT REGULATION BOARD

APPLICANT

-and-

DAVID JOHN RICKARD

RESPONDENT

**STATEMENT OF FACTS ON UNDERTAKINGS
GIVEN BY DAVID JOHN RICKARD**

1. From in or around 2001 to October 2008 the Respondent was retained as Patent Attorney on behalf of Desk Space Ltd. On termination of the retainer Desk Space Ltd required payment from the Respondent in relation to user licences granted to him by Desk Space Ltd for use of office management software, which in part constituted the IP which the Respondent had previously been retained to protect.
2. The Respondent refused to make payment for the user licences, asserting no fees were due and in December 2008 Desk Space Ltd commenced proceedings in the Small Claims Court to recover payment.
3. The Respondent counterclaimed alleging that the software covered by the user licences was defective and there was no right under the contract to claim license fees and that he had complained of defects prior to termination of his retainer. He also raised seven invoices alleged to cover work carried out before termination of his retainer but un-billed at the date of termination. He did not include a claim for those invoices in his counterclaim against Desk Space Ltd.
4. Instead, on 20th March 2009, the Respondent gave notice by e-mail to Deskspace Ltd that it was required under the terms of business to execute a transfer of its IP to him as a result of the

invoices raised by the Respondent and disputed by Deskspace Ltd. On a date between 20th March 2009 and 16th June 2009 the Respondent executed a deed purporting to assign to himself from his former client, Deskspace Limited, the intellectual property rights of Deskspace Limited, without authority from Deskspace Limited to do so. The Respondent executed the deed under powers he claimed to have acquired under his terms of business, alleged by him to have applied during his professional retainer with DeskSpace Ltd. The Respondent recognises and acknowledges that this inadvertently gave rise to a conflict of interest with his former client.

5. On or about 16th June 2009, the Respondent registered the intellectual property rights at the Office for Harmonization in the Internal Market ("OHIM") which he purportedly assigned from Deskspace Limited to himself having notified Deskspace Limited, but without authority from Deskspace Limited to do so.
6. The Respondent recognises and acknowledges that this inadvertently gave rise to a conflict of interest with his former client.
7. On or about 16th June 2009 and 19th October 2009, the Respondent sent facsimiles to World Intellectual Property Organisation ("WIPO") in Geneva and purportedly arranged for the transfer of Deskspace Limited's patent application to himself, without the knowledge of Deskspace Limited and without authority from Deskspace Limited to do so.
8. The allegations made against the Respondent, Mr David John Rickard, on behalf of the Case Manager appointed by the Patent Regulation Board (IPReg), are that he:
 - a) Acted in a manner likely to undermine public confidence in the intellectual property system and its regulation;
 - b) Acted in a manner in which a conflict of interest arose between his own interests and his professional duty to a client and former client, namely Deskspace Limited;
 - c) By reason of the matters set out above, acted in breach of:
 - i. Rule 2 of the Conduct Rules of CIPA;
 - ii. Rule 5 of the Conduct Rules of CIPA.
9. The Respondent recognises that this inadvertent conflict of interest gave rise to potential breaches as outlined above.

10. To remedy this the Respondent has provided undertakings to the Intellectual Property Board Joint Disciplinary Panel and to IPReg in the form recorded and published by the Panel and he has agreed to make a contribution to the costs of IPReg in the sum of £8,000.

Professional Details

The Respondent was registered as a Patent Attorney on or about 23rd June 1999. His current address for these purposes is Ipulse, Carrington House, 126-130 Regent Street, London, W1B 5SE.