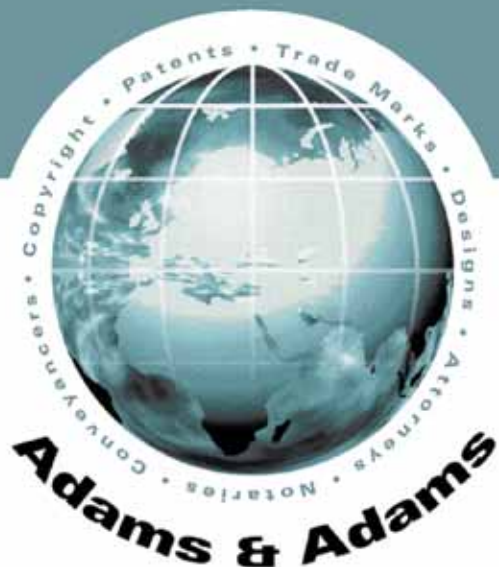


Pretoria

Johannesburg

Durban

Cape Town  
South Africa

## Focus on Adams & Adams

### A&A top-rated again

Adams & Adams has been top-rated for the last few years, both nationally and internationally. The firm did it again in surveys conducted during 2002.

International surveys are conducted annually in 30 leading jurisdictions by the Euromoney Publication Group through its well-known international magazine Managing Intellectual Property. A&A received top rating for South Africa since the surveys commenced, in either patents or trade marks. In 2001 it was rated top for both patents and trade marks, and this achievement was repeated in 2002.

National surveys have been conducted for several years now by the business magazine Professional Management Review. In the category for legal services, A&A was rated the top firm providing specialised services in the area of intellectual property. For the past two years, A&A received diamond awards - the highest award - on the basis of overall performance and category winner.

**A&A top-rated again**

**New management team**

**Training at A&A**

## New management team

Governance of Adams & Adams is based on a tiered governance structure. The firm is organised in three departments for Patents, Trade Marks, and General Law respectively, each with a chairperson and each responsible for its area of practice. The branch offices function within the departmental structure. The General Partners' meeting is the highest decision-making body, while the day-to-day management of the firm has been delegated to a Management Committee comprised of the firm chairman, the three departmental chairpersons, a representative for the branch offices, and the general manager.

New departmental chairmen and branch office representative, and thus a new Management Committee, were recently elected:

**From left to right:**

Adrian Schweizer - representative: Branch offices  
Colin MacKenzie - chairman: Patents Department  
Chris Job - chairman: Adams & Adams  
Jeremy Botha - General Manager  
Eugene Eybers - chairman: General Law Department  
Brett Oldridge - chairman: Trade Marks Department



PATENT, TRADE MARK AND COPYRIGHT ATTORNEYS  
ATTORNEYS, NOTARIES AND CONVEYANCERS

**Adams & Adams**

## Training at A&A

Adams & Adams holds the view that upliftment, transformation and empowerment of persons from disadvantaged backgrounds can best be achieved by creating opportunities for such persons to work and be trained within a firm context. We firmly believe that a full process of transfer of skills and expertise should take place which will enable persons so trained to join the professional staff of our firm, or to set up their own independent practices, or to find placement elsewhere.



As part of our training initiatives A&A annually engages a full complement of candidate attorneys, fully representative of gender and race diversity. The photograph above shows 14 of the first-year candidate attorneys for 2003 with (from left) Eugene Eybers, chairman of General Law department; Colin MacKenzie, chairman of Patent department; Chris Job, chairman of A&A; and Howard Rogers, former chairman of Trade Marks department



The firm also opened in 2000 its own secretarial training school for the training of black legal secretaries. Training takes place by a full-time trainer, with a training programme which entails integrated behind-the-desk training in the offices of A&A. The photograph on the left shows the first class for 2003 with trainer Charlotte de Waal.

## Recent successes by A&A patent litigators

The patent litigation team of A&A achieved success in the High Court and the Supreme Court of Appeal during 2002 in the following cases:

In *Aktiebolaget Hässle and AstraZeneca Pharmaceuticals (Pty) Ltd vs Triomed (Pty) Ltd* the Supreme Court of Appeal had to decide whether a claim including an integer in which certain terms were referred to in the plural, covered those terms in the singular. The court stated that context determines the construction of language used in any document, including a patent specification. The claim must therefore be construed so that subsidiary claims and the specific description would not be inconsistent with the construction. While the words 'excipients' and 'compounds' were in the plural in the main claim, the examples and the dependant claims clearly referred to the singular. The court accordingly found that a single excipient and a single compound were also covered by the main claim.

In *Koninklijke Philips Electronics v First Kenwood Home Appliances (Pty) Ltd* the court had to decide whether the registered design of the applicant, relating to an iron, had been infringed. In assessing the similarity and the differences between the features of shape and configuration of the registered design and those of the respondent's iron, the court had regard, for purposes of comparison, not only to the two-dimensional representations forming part of the applicant's design registration, but also to the three-dimensional article made by the applicant according to the representations. The court found that the differences were slight and apparent only after close inspection when the two articles were viewed side by side and, applying the doctrine of imperfect recollection, found that infringement had occurred.