

*15/12/93
P232*

TRANSCRIPT OF SECOND TELEPHONE CONVERSATION BETWEEN
ANDREW LAZENBY (SHELL) AND JOHN DONOVAN (DON MARKETING)

COMMENCED AT A FEW MINUTES PAST 6PM ON FRIDAY 18 JUNE 1993

LAZ: HI JOHN

DON: HI

LAZ: HOW ARE YOU DOING

DON: OKAY. JUST TO LET YOU KNOW THAT WHAT I'VE SPENT THE DAY DOING IS DRAFTING A LETTER TO YOU.

LAZ: RIGHT

DON: TO GET IT RIGHT IT NEEDS ME TO SPEND THE WEEKEND ON IT AND WHAT I PROPOSE TO DO IS TO FAX IT TO YOU FIRST THING ON MONDAY MORNING WHAT I'M REALLY SAYING IS THAT WE'VE GOT A CASE FOR BREACH OF CONFIDENCE OF THE INFORMATION THAT WE PROVIDED IN THE PROPOSAL AND I HAVE SET OUT WHY I HAVE SAID THAT AND YOU CAN JUDGE THAT YOURSELF. THE OTHER THING THAT'S HAPPENED TODAY IS THAT I'VE GOT HOLD OF A NUMBER OF THESE LEAFLETS. ARE YOU AWARE THAT YOU CAN PICK THE DIFFERENT PRIZES OUT ON THEM, WITHOUT SCRATCHING THE LATEX OFF.

LAZ: NO, RIGHT, HOW

DON: WELL ALL YOU'VE GOT TO DO IS HOLD THEM UP TO THE SUNLIGHT. YOU DON'T EVEN NEED A TORCH AND JUST WAVE IT AROUND IN YOUR HAND AND IT CAPTURES THE LIGHT AND YOU CAN READ THE PRIZE SYMBOL AND THE WORDS UNDERNEATH IT.

LAZ: OKAY, NOW I WASN'T AWARE OF THAT

DON: YOU SEE WHAT'S HAPPENED HERE IS THERE IS NO OVERPRINT ON THE LATEX, THERE IS NO CAMOUFLAGE PATTERN OR DARK PRINT ON THE REVERSE OF THE LATEX AND SO THAT IT'S COMPLETELY OPEN TO STAFF AT THE PETROL STATION PICKING OUT ALL OF THE RARES AND GIVEN OUT THE COMMONS TO MOTORISTS

LAZ: RIGHT OKAY

DON: I WILL GO INTO THAT IN FURTHER DETAIL WITH MY FAX ON MONDAY.

LAZ: I'M NOT, I'M NOT, FEEL FREE TO WRITE A LETTER UM, I DON'T AGREE WITH IT AND IF IT STARTS TO TALK ABOUT BREACH OF CONFIDENCE AND SO ON, OF COURSE I'D HAVE TO PASS IT IMMEDIATELY TO, TO MY LEGAL ADVISOR. YEAH. HAVE YOU SPOKEN TO NINTENDO.

DON: I HAVE, I'VE SPOKE TO DAVID PATTON. JUST LET ME MOVE UP ON MY SCREEN TO WHAT HE HAD TO SAY. HE SAID FIRST OF ALL THAT SHELL, THE PROPOSAL WAS TAKEN UP BY SHELL NOT BY NINTENDO. HE NEVER HAD ANY CONTACT WITH YOU PERSONALLY,

LAZ: NO

DON: IN FACT HE'D NEVER EVEN SPOKEN TO YOU.

LAZ: NO

DON: THE MECHANIC WAS FURTHER DEVELOPED BY SHELL AND A PROMOTIONS AGENCY. HE IS NOT IN A POSITION TO CONCEDE ANYTHING. HE TOOK QUITE A HARD LINE STANCE ABOUT IT REALLY ER HE WAS TALKING ABOUT PASSING OFF BUT PASSING OFF REALLY ISN'T THE ISSUE AT STAKE HERE.

LAZ: WHAT'S PASSING OFF

DON: PASSING OFF IS WHEN SOMEONE COPIES USES SOMEONE ELSE'S DESIGN, THAT'S PASSING OFF SOMEONE ELSE'S PROPRIETARY RIGHTS. BUT WHAT THIS REALLY COMES UNDER IS WHERE WE'VE PRESENTED SOMETHING TO NINTENDO AS WELL IN STRICTEST CONFIDENCE AND I WOULD HAVE THOUGHT YOU WOULD QUESTION THEIR ETHICS HAVING LEARNED WHAT ~~IT~~ HAD TO SAY, THAT WE GAVE THEM A COPY OF THE PROPOSAL WE WANTED TO PUT TO YOU TO GET THEIR CONSENT. AFTER WE TOLD THEM IN CONFIDENCE WE DIDN'T SAY THAT YOU HAD TURNED IT DOWN, WE SAID THAT YOU DIDN'T THINK IT WAS RIGHT FOR THE TIMING AND IT WAS STILL ON THE BACK BURNER, THAT IT WAS GOING TO BE LEFT ON THE BACK BURNER, BUT THEY WEREN'T PREPARED APPARENTLY TO WAIT AND THEY WENT TO ANOTHER OIL COMPANY, ASKED THEIR AGENCY TO GO TO ANOTHER OIL COMPANY AND ONLY CAME BACK TO SHELL WHEN THE OTHER OIL COMPANY TURNED IT DOWN.

LAZ: THAT'S THE ONE SO IF THE OTHER OIL COMPANY HAD GONE WITH IT, WHAT WOULD YOU HAVE THEN DONE?

DON: I DON'T, I REALLY DON'T KNOW

LAZ: RIGHT

DON: I DO NOT KNOW

LAZ: THAT'S A SCENARIO YOU SHOULD CONSIDER.

DON: WELL IT IS A SCENARIO, THAT'S TRUE BUT WHAT ACTUALLY ...

LAZ: IT'S A SCENARIO WHICH ACTUALLY HAPPENED AND THAT'S WHAT YOU SHOULD CONSIDER

DON: WELL IF ...

LAZ: WHEN THEY GIVE A BRIEF TO THEIR AGENCY, TO THEN GO BACK TO US OR WHOEVER THEY LIKE, THEN THAT HAS TO BE TREATED AS A FRESH APPROACH. I GET, I GET PROPOSALS ACROSS MY DESK EVERY DAY OF THE WEEK AND, YOU KNOW, SOME OF THEM I ACCEPT AND SOME OF THEM, SOME OF THEM I BIN STRAIGHT AWAY, SOME OF THEM I FILE AWAY.

DON: ANDREW, WE'VE PUT SO MANY PROPOSALS FORWARD TO YOU ON A SPECULATIVE BASIS, THAT WAS ACCEPTED. ONE OF THEM, MEGAMATCH, WE PUT A LOT OF EXTRA WORK INTO WITH YOUR ENCOURAGEMENT

LAZ: I RESEARCHED IT ...

DON: YOU RESEARCHED IT, I KNOW THE RESULTS BUT

LAZ: THE RESULTS WEREN'T THAT GOOD

DON: BUT BUT AT THE END OF THE DAY, HOW FRUSTRATING IT IS THAT WHEN AN IDEA IS TAKEN UP, THE CONCEPT IS TAKEN UP, THE DESIGN IS NOT THE SAME, IT'S NO USE GOING THROUGH WHAT WE DISCUSSED THIS MORNING, THAT THEN WE GET ABSOLUTELY NO BENEFIT FROM IT. NO RECOGNITION. WE CAN THROW ALL OUR OLD BROCHURES AWAY WHERE WE SAY THAT WE'VE SUPPLIED ALL OF SHELL'S GAMES IN THE LAST DECADE BECAUSE THATS NO LONGER THE CASE. IT'S IRONIC WHEN THE IDEA THAT IS BEING USED COMES FROM DON MARKETING

LAZ: NO IT'S NOT, I MEAN, I'D HAVE MORE SYMPATHY WITH WHAT YOU'RE SAYING IF WHAT THE MECHANIC IS, IS BRILLIANTLY CREATIVE AND ORIGINAL, YEAH. AS IT HAPPENS THERE ARE LOT OF GAME TYPE MECHANICS OF THIS SORT AROUND PROBABLY ABOUT ONE IN EVERY FIVE OF THE PROPOSALS THAT COME ACROSS MY DESK ARE BASED ON THIS TYPE OF GAME MECHANIC AND THAT'S A FACT.

DON: BUT IT WASN'T A MECHANIC THAT WE WERE SUGGESTING

LAZ: NO, BUT I EQUALLY SAID TO YOU THIS MORNING THAT IN THE PAST YEAR OR SO I'VE HAD AT LEAST 9 OR 10 PROPOSALS FOR LINKAGES WITH NINTENDO OR SEGA ON A VARIETY OF THINGS. I CAN'T REMEMBER ALL OF THEM BECAUSE MOST OF THEM I JUST REJECT

DON: BUT OURS WAS IN MAY LAST YEAR AND I CONTEND IT WAS THE VERY FIRST SUGGESTION FOR AN INSTANT WIN GAME

LAZ: WELL I CAN'T REMEMBER THAT BECAUSE ONCE THESE THINGS COME IN, WHEN I SAY I GET ONE A MONTH, I CAN'T POSSIBLY REMEMBER WHAT EACH ONE IS WHEN I REJECT THEM OR WHEN I DECIDE NOT TO TAKE THEM FORWARD IMMEDIATELY

DON: THE REACTION AT THE TIME WASN'T THAT YOU'D SEEN ANYTHING LIKE THAT BEFORE

LAZ: I TOLD YOU THERE ARE GUYS IN MY UNIT WHO ARE ON MY BACK SAYING WE SHOULD DO SOMETHING WITH NINTENDO OR SEGA BUT AT THE TIME I WASN'T IN A POSITION TO DO ANYTHING AND WHEN THIS PROPOSAL CAME ALONG, AS A TOTALLY FRESH PROPOSAL, TOTALLY DIFFERENT, I DIDN'T KNOW THAT THESE GUYS HAD ANY CONTACT WITH YOU AT ALL, YEAH, AND IT WAS THE AGENCY THAT PUT IT FORWARD AND THEY TOLD ME THEY WERE ACTING ON BEHALF OF NINTENDO. INDEED, THEY ARE PAID BY NINTENDO, NOT BY SHELL

DON: I ACCEPT THAT AND I

LAZ: MY QUESTION IS GOING TO BE ... FINE, WE CAN TALK IT THROUGH JOHN, BUT WHAT I DON'T WANT TO DO IS START GETTING MY LAWYER INVOLVED ...

DON: I DON'T WANT TO GET ANY LAWYERS INVOLVED. I'M INVOLVED IN A CASE RIGHT NOW AS A EXPERT WITNESS ON A DISASTER GAME FOR A BREWERY AND THANKS VERY MUCH IT'S PROVIDING A NICE INCOME FOR ME AND I'VE BEEN INVOLVED IN SO MANY OF THEM AS AN EXPERT WITNESS AND IT IS FRUSTRATING WHEN THE SILLIEST MISTAKES ARE MADE AS THEY APPEAR TO HAVE BEEN MADE WITH THIS PROMOTION HERE.

LAZ: NO WE HAVEN'T MADE ANY SILLY MISTAKES

DON: WHAT, WHEN YOU CAN PICK OUT THE DIFFERENT PRIZES ON THE LEAFLET WITHOUT PLAYING THE GAME

LAZ: WE'LL SEE WHAT HAPPENS. WHAT THIS ONE IS JOHN, IT'S A LOT OF GOOD FUN, OUR RETAILERS ARE TREATING IT AS THAT. IT'S A SHORT TERM ONE, IT'S NOT A STAR TREK, THERE IS NO HUGE PRIZES EXPOSED FOR WINNING. IT'S A BIT OF FUN, IT'S SOMETHING ON TOP OF EVERYTHING ELSE, IT'S NOT EVEN WHAT WE WERE TALKING ABOUT WITH YOU WHICH WAS AN ABSOLUTE EXCLUSIVE ON, THE ONLY PROMOTION... WE DO THIS AS WELL AS EVERYTHING ELSE

DON: WELL PRESUMABLY BECAUSE THE INTER-CITY PROMOTION HAS FALLEN FLAT ON IT'S FACE I PRESUME, TALKING TO SHELL DEALERS

LAZ: THAT'S, THAT'S A LOAD OF BULL SHIT

DON: WHY WOULD YOU SUDDENLY RUSH TO PUT A PROMOTION TOGETHER IN SIX WEEKS YOU SAY TO RUN AT THE SAME TIME AS THE INTER-CITY ONE

LAZ: WELL, YOU'RE TRYING TO BE TOO CLEVER. WE'VE GOT A SIX MONTH PROMOTION HERE AND YOU CAN LOOK BACK AT MINUTES I MADE A YEAR AND A HALF AGO WHICH SAY WHEN WE GOT A SIX MONTH PROMOTION WE CAN'T POSSIBLY LEAVE IT THERE FOR THAT LONG BECAUSE PEOPLE WILL GET BORED OF IT ABOUT HALF WAY THROUGH. I MEAN PEOPLE ARE COLLECTING BUT WE NEED TO DO SOMETHING TO GET EXCITEMENT AND TO ATTRACT PEOPLE IN HALF WAY THROUGH. WE'VE ALWAYS KNOWN THAT WE NEED TO DO A BOOST AND WE'RE LOOKING FOR BOOSTS AND WE'VE HAD ALL SORTS OF OTHER IDEAS AND I'VE GOT A LIST OF TEN POTENTIALS AS I ALWAYS DO WHICH I CAN ROLL OUT. IT JUST SO HAPPENS THAT THIS ONE CAME ALONG AT THE RIGHT TIME BEFORE WE COMMITTED OURSELVES TO ANY OF THE OTHERS AND IT'S A GOOD IDEA AND IT'S EXACTLY WHAT I WAS LOOKING FOR AND WE DECIDED TO DO IT AS A TOTALLY NEW PROPOSTION PUT FORWARD BY A DIFFERENT AGENCY, ON BEHALF OF A DIFFERENT PARTNER.

DON: WELL WE SEEM TO HAVE AN INTRACTIBLE SITUATION THEN BECAUSE

LAZ: THAT THAT'S INCONTESTIBLE SO BUT AS I SAY I'M QUITE WILLING TO SIT DOWN AND DISCUSS IT ALL WITH YOU TO GET IT SORTED OUT

DON: BUT IF YOU'RE ...

LAZ: AS LONG AS YOU'RE GIVING

DON: IF WE'RE BOTH SO, YES BUT IF WE'RE BOTH SET IN WHAT WE'RE SAYING, THERE DOESN'T SEEM TO BE ANY POINT, DOES THERE, IN HAVING ANY DISCUSSIONS

LAZ: WELL THE OTHER QUESTION IS JOHN ARE YOU WRITING TO NINTENDO AS WELL

DON: NO I'M NOT BECAUSE OUR PROPOSAL WAS TO SHELL, NINTENDO WERE NEVER GOING TO PAY US A PENNY BUT OUR PROPOSAL WAS TO SHELL AND IT'S SHELL THAT'S RUNNING THE PROMOTION

LAZ: LOOK JOHN, IF YOU, IF YOU INVENTED A CAR, I CAN'T POSSIBLE SAY THAT I'M NOT GOING TO BUY A CAR BECAUSE YOU DIDN'T INVENT IT BECAUSE OTHER PEOPLE HAVE CARS.

DON: I'M NOT, I DON'T WANT TO GET INVOLVED IN SOME LEGAL ACTION IF IT CAN POSSIBLY BE AVOIDED. THAT'S THE LAST THING I WANT.

LAZ: ALL RIGHT

DON: I WANT TO TRY TO GET THIS SETTLED WITH YOU

LAZ: YES

DON: IF YOU, IF YOU

LAZ: WHAT DO YOU WANT TO DO TO SETTLE IT I HAVEN'T GOT A CLUE WHAT YOU'RE ASKING FOR

DON: WELL I AM ASKING FOR SOME PAYMENT AND CREDIT FOR THE GENERAL CONCEPT

LAZ: WELL THERE IS NO PAYMENT OR CREDIT DUE SO THERE IS NO QUESTION ABOUT THAT

DON: OKAY, WELL THERE IS NO POINT IN DISCUSSING IT AT ALL IS THERE. THERE WOULD BE NO POINT IN IT, IT WOULD JUST BE WASTING FURTHER TIME

LAZ: YOU BETTER PUT IN THE LETTER THAT YOU'RE WRITING WHAT YOU ARE LOOKING FOR BECAUSE OTHERWISE THERE IS NOT REALLY ANY POINT IN SENDING IT IS THERE

DON: WELL I AM DOING EXACTLY THAT BUT WHAT I AM SAYING IS THAT I WANT YOU TO HAVE THE OPPORTUNITY TO DECIDE WHETHER WHAT YOU THINK I'M SAYING IS REASONABLE OR NOT. AT THE MOMENT YOU'RE SAYING THAT IT ISN'T.

LAZ: NO, I'VE NO QUESTION THAT IT'S REASONABLE. I'VE NO QUESTION ALSO, BECAUSE I DIDN'T EVEN REMEMBER UNTIL YOU RANG THIS MORNING THAT YOU HAD PUT UP THIS PROPOSAL, THAT WE HAVE NOT USED AN IDEA WHICH YOU PUT FORWARD TO ME.

DON: NO WE HAVEN'T

LAZ: RIGHT

DON: INDEED WE HAVEN'T

LAZ: SO I DON'T UNDERSTAND WHAT YOUR QUESTION IS. IF WE'VE AGREED THAT I HAVE NOT DEVELOPED AN IDEA WHICH YOU PUT FOWARD TO ME ...

DON: I SAY THAT YOU HAVE DEVELOPED AN IDEA THAT WE PUT FORWARD WHICH IS THE PROMOTION WHICH WAS LAUNCHED TODAY

LAZ: WELL I QUESTION I QUESTION HOW YOU PROVE THAT

DON: WELL I'VE GOT A WHOLE LIST, I'VE GOT A WHOLE LIST OF SIMILARITIES BETWEEN THE TWO PROMOTIONS

LAZ: WELL THERE IS A WHOLE LIST OF SIMILARITIES BETWEEN EVERY PROMOTION THAT'S OUT THERE

DON: NO, THE PROMOTION HAS A NINTENDO VIDEO GAME THEME INTENDED TO EXPLOIT THE HUGE POPULARITY OF THEIR PRODUCTS. IT USES A SCRATCH OFF INSTANT WIN MECHANIC, GAMEBOYS AND GAMEBOY PACKS ARE OFFERED AS MAJOR PRIZES, EVERY GAME

LAZ: FAR MORE PRIZES ARE BEING GIVEN OUT AS POSTERS BUT POSTERS, THE POSTERS

DON: YES, MAYBE BUT AS MAJOR PRIZES IT'S GAMEBOY AND GAMEBOY PACKS. EVERY GAME PIECE

LAZ: IF YOU'RE DOING A LINKAGE WITH NINTENDO WHAT ELSE ARE YOU GOING TO GIVE AWAY AS THE MAIN PRIZES ...

DON: NEVERTHELESS ...

LAZ: LET'S BE SERIOUS

DON: OKAY EVERY GAME PIECE CONTAINS A HIDDEN PRIZE. WE STATED ON OUR PROPOSAL ON OUR GAME PIECE VISUAL EVERY CARD CAN WIN, THE LEAFLET STATED EVERYONE'S A WINNER. THE BACKGROUND

LAZ: IT'S NOT A VERY ORIGINAL IDEA, EVERYONE BEING A WINNER

DON: WELL, WELL, ALL OF YOUR EVERY CARD CAN WIN GAMES THAT YOU HAVE RUN HAVE BEEN SUPPLIED BY DON MARKETING, EVERY SINGLE ONE OF THEM.

LAZ: WAS STAR TREK AN EVERY ONE CAN WIN

DON: IT SURE WAS AND BRUCES LUCKY DEAL

LAZ: SO ARE YOU TRYING TO CONTEND THAT EVERYBODY WHO GOT A STAR TREK CARD ACTUALLY WON SOMETHING.

DON: NO, NO THERE WAS THERE WAS A PRIZE HIDDEN ON EVERY CARD

LAZ: NO AND THAT'S DIFFERENT FROM WHAT I ASKED YOU SO THE ANSWER TO MY QUESTION WHICH YOU MADE WAS NO. WHAT WE'RE DOING IS A DIFFERENT MECHANIC

DON: IT IS NOT THE SAME DESIGN OR MECHANIC AS THE ONE THAT WE PUT FORWARD. I SAID THAT EARLIER ON TODAY. IT'S A DIFFERENT EXECUTION OF THE SAME CONCEPT.

LAZ: DIFFERENT DESIGN, DIFFERENT CONCEPT AND THE SAME THEME. THE THEME IS NOT PARTICULARLY ORIGINAL. KELLOGGS ARE DOING A NINTENDO PROMOTION, SEGA ARE DOING 4 OR 5 OR 6.

DON: THEY ARE NOW

LAZ: WELL IT'S NOT EXACTLY ...

DON: I PUT THE, I'M TALKING ABOUT A PROMOTION, AN INSTANT WIN GAME ON PETROL FORECOURTS. NO-ONE ELSE HAS EVER RUN A GAME THAT'S LINKED INTO VIDEO GAMES ON PETROL FORECOURTS. THIS IS THE FIRST ONE.

LAZ: NO-ONE ELSE FOR A VERY LONG TIME JOHN HAS RUN ONE WITH THE MECHANIC WHICH WE'RE USING. SO I MEAN WHEN IT COMES DOWN TO IT, YES THE THEME IS SIMILAR TO SOMETHING WHICH YOU PROPOSED TO ME A LONG TIME AGO AND WHICH I'D FORGOTTEN

DON: BUT I MENTIONED TO YOU IN A FAX DATED THE MIDDLE OF FEBRUARY

LAZ: OKAY, I'M NOT TRYING TO ARGUE THAT, THE THEME IS INDEED THE THEME OF ONE OF MANY IDEAS WHICH YOU'VE PUT FORWARD TO US VERY VALUABLY. HOWEVER, THE MECHANIC IS DIFFERENT, THE EXECUTION IS DIFFERENT, THE CREATIVE IS DIFFERENT, THE TOTAL PRIZE STRUCTURE IS VERY DIFFERENT, PART OF IT IS THE SAME BUT THAT'S THE OBVIOUS PART, THE TOTAL PRIZE STRUCTURE IS VERY DIFFERENT AND I MEAN THE TOTAL THING IS TOTALLY TOTALLY DIFFERENT

DON: BUT WHAT WE PUT FORWARD, THAT WAS JUST ONE EXAMPLE OF WHAT COULD BE DONE. IT WASN'T THAT THAT WAS IT, THAT'S WHAT WE WANTED YOU TO ACTUALLY DO

LAZ: WHAT YOU'RE SUGGESTING NOW IS THAT PUTTING FOWARD THAT MEANT THAT YOU'D THEN TAKEN THE CREDIT FOR ANYTHING, FOR ANY POSSIBLE EXECUTION FOR ANY VARIATION OF THAT BECAUSE THAT'S BEING UNREALISTIC

DON: WELL ON AN INSTANT WIN GAME ON THAT BASIS WITH A NINTENDO THEME

LAZ: INSTANT WIN GAME, WELL WE'RE NOW TALKING AT CROSS PURPOSES BECAUSE WHEN YOU'RE SAYING INSTANT WIN GAME IT'S VERY DIFFERENT TO WHAT WE'VE GOT. WE HAVEN'T INFACOT GOT A GAME, WE MIGHT JUST AS WELL HAVE PRINTED A LEAFLET AND DISHED THEM OUT DIRECT. OURS IS NOT EXACTLY A GAME, EVERYTHING, EVERY LEAFLET EVERYBODY WINS SOMETHING. THE MINIMUM IS A POSTER AND THE MAXIMUM IS WHATEVER THE BIG PRIZE IS, THE GAMEBOY

DON: IF THEY EVER GET TO THE PUBLIC

LAZ: COURSE THEY'LL GET TO THE PUBLIC ...

DON: NOT IF THE INFORMATION LEAKS OUT THAT YOU CAN

LAZ: I'LL BE ABLE TO PROVE TO YOU NEXT WEEK JOHN THAT HOW MANY OF THEM ACTUALLY GET INTO THE HANDS OF THE PUBLIC. I'LL BE ABLE TO PROVE THAT TO YOU

DON: WHAT I'M SAYING IS, THAT YOU'VE GOT TO BELIEVE ANDREW, I HAVE MORE EXPERIENCE WITH PROMOTIONAL GAMES THAN YOU DO, AND WHAT HAS HAPPENED IN THE PAST, IS IF NEWS LEAKS OUT THAT THE STAFF ARE ABLE TO PICK OUT ALL THE WINNERS, LEAVING JUST THE POSTERS FOR THE PUBLIC, THAT WOULD GET TREMENDOUS ADVERSE PUBLICITY. THAT HAPPENED WITH A GUINNESS GAME A COUPLE OF YEARS AGO WHERE PEOPLE COULD USE THEIR TORCHES TO PICK OUT THE WINNING ANSWERS AND THERE WERE CARTOONS IN THE NEWSPAPERS, GUINNESS BECAME A LAUGHING STOCK BECAUSE OF INSECURE, SECURITY. NOW IT'S POSSIBLE THAT NO-ONE WOULD EVERY NOTICE THIS PROBLEM WITH THE, THAT YOU CAN SEE THROUGH THE LATEX AND IT WILL ALL GO FINE, THAT WOULD BE GREAT. BUT I'M SAYING IT SHOULD NEVER HAVE HAPPENED. I AM SURE THAT SHELL WOULD NEVER WANT TO RUN A GAME WHERE THE STAFF COULD PICK OUT THE HIGHER VALUE PRIZES AND THEREFORE THERE WAS THE CHANCE THAT THEY MAY NOT GET THROUGH TO THE PEOPLE THEY WERE INTENDED TO AND I AM SURE FROM PAST EXPERIENCE THAT SHELL WOULD NOT WANT THAT.

LAZ: ABSOLUTELY NOT. I MEAN FRANKLY FRANKLY JOHN, THE PUBLIC, THE PUBLIC WILL ALWAYS FIND OUT ALL SORTS OF THINGS AND I GET LETTERS ACROSS MY DESK EVERY DAY ACCUSING US OF RIGGING THINGS SO THEY CAN'T WIN

DON: WELL, THAT'S WHY....

LAZ: FRANKLY, IT'S NOT AN ISSUE IT REALLY IS'NT

DON: IT ISN'T AN ISSUE AS IT STANDS

LAZ: IT BECOMES AN ISSUE IF SOMEBODY GETS EXCITED OR IF, OR IF I DON'T KNOW, IF SOMEBODY IN THE KNOW BLOWS THE WHISTLE OR SOMETHING LIKE THAT AND THE PAPERS DON'T HAVE ANYTHING ELSE TO DO AND IF THEY FEEL LIKE TRYING TO TAKE ON SHELL AND UPSET SHELL AND ALL OF THAT STUFF, THEN IT BECOMES AN ISSUE

DON: THE THING IS THAT THE NEWSPAPERS

LAZ: FRANKLY, WHEN THERE IS ONLY SMALL PRIZES AT STAKE, LET'S FACE IT, WHEN IT'S A BIT OF FUN AS YOU RIGHTLY POINTED OUT, IT'S AIMED AT CHILDREN. UM, YOU KNOW IS ANYONE GOING TO GET PARTICULARLY EXCITED ABOUT IT

DON: I THINK THAT FROM PAST EXPERIENCE YES, AND I WILL SEND YOU COPIES OF THESE CARTOONS AND NEWSPAPER ARTICLES I REFERRED TO AND YOU CAN JUDGE FOR YOURSELF WHETHER PEOPLE GET EXCITED ABOUT DISASTER GAMES WHERE STAFF AND OTHER PEOPLE CAN CHEAT

LAZ: YOUR STATING DISASTER GAMES?

DON: DISASTER GAMES YES, WHERE THE GAME ENDS UP WITH EGG ON THE PROMOTORS FACE BECAUSE THE GAME IS BROKEN THROUGH SOME BREACH OF SECURITY AND I'M SAYING THAT IS THE POTENTIAL FOR THE GAME YOU HAVE AT THE MOMENT BECAUSE WHOEVER PUT IT TOGETHER ...

LAZ: NO NO NO NO NO NO

DON: ANY RATE I WILL SEND THE FAXED LETTER TO YOU ON MONDAY AND IF YOU THINK THAT IT'S WORTHWHILE YOUR LOOKING AT IT

LAZ: AS I KEEP SAYING, I HOPE YOU'RE LISTENING TO ME, I WILL LISTEN TO IT, I WILL READ IT. WE CAN CERTAINLY SIT DOWN AND DISCUSS THINGS ANY TIME YOU LIKE. HOWEVER, I DO NOT BELIEVE THAT YOU'VE GOT A CASE AT ALL BECAUSE THE FACTS ARE INDISPUTABLE.

DON: OKAY WELL THERE DOESN'T SEEM TO BE ANY POINT IN....

LAZ: WELL I'LL REPEAT THEM AGAIN JUST SO THEY'RE FRESH IN YOUR MIND

DON: DON'T BOTHER TO REPEAT THEM ANDREW BECAUSE IT'S FRIDAY NIGHT

LAZ: OKAY JOHN. UM, THE PROMOTION IS ON THE SAME THEME WHICH IS NOT AN ORIGINAL THEME, THE MECHANIC ...

DON: IT IS AN ORIGINAL THEME ON PETROL FORECOURTS, IT HASN'T BEEN RUN BEFORE

LAZ: NO, BUT ...

DON: IT HASN'T ANDREW, IT HAS NEVER BEEN RUN BEFORE ON BRITISH PETROL FORECOURTS OR ANY OTHER THAT I AM AWARE OF

LAZ: YOU'RE BEING TOO SPECIFIC JOHN

DON: WELL, THAT'S THE WAY YOU HAVE TO BE

LAZ: THE THEME IS NOT ORIGINAL

DON: IT IS ORIGINAL AS FAR AS PETROL FORECOURTS ARE CONCERNED. NO OTHER OIL COMPANY HAS RUN IT

LAZ: OKAY, IF YOU WANT TO BE SPECIFIC, IT IS AN ORIGINAL THEME IN THAT IT HAS NEVER BEEN DEVELOPED AND ACTUALLY FACILITATED AND DONE. HOWEVER I THINK YOU MIGHT FIND THAT THERE IS GOING TO BE ANOTHER ONE OUT VERY SHORTLY. SECONDLY, I GET A PROPOSAL FOR A LINKAGE WITH NINTENDO AND SEGA AT LEAST ONCE A MONTH ACROSS MY DESK, ONCE A MONTH

DON: WELL IF YOU CAN

LAZ: THEREFORE IT'S DEFINITELY NOT AN ORIGINAL CONCEPT ...

DON: WELL IF YOU CAN DEMONSTRATE THAT YOU

LAZ: THIRDLY, THE PROPOSAL, YEAH, WHICH YOU PUT FORWARD IS VERY VERY DIFFERENT FROM WHAT WE'VE DONE. FOURTHLY, WE DIDN'T DEVELOP WHAT WE'VE DONE FROM YOUR PROPOSAL. FIFTHLY, WE WERE PROVIDED WITH A PREPARED DOCUMENT BY A TOTALLY INDEPENDENT AGENCY WHO WE'VE NEVER WORKED WITH BEFORE WHO MADE A SPECULATIVE APPROACH TO ME AND WHO HAD A PREPARED DOCUMENT WITH A PROPERTY WHICH WE COULD GO WITH INSTANTANEOUSLY PUTTING ME TOGETHER WITH A PARTNER IMMEDIATELY AT A TIME WHEN I COULD DO IT, AT A PLACE WHEN I COULD DO IT AND I HAD BUDGET TO DO IT SO THEREFORE, YOU KNOW, IT'S TOTALLY DIFFERENT. JUST BEAR ALL THAT IN MIND WHEN

DON: I'LL CERTAINLY BEAR THAT IN MIND

LAZ: BEAR IN MIND THAT I HAVEN'T GOT ANY, I CAN FAX YOU MY DIARY NOW, I HAVEN'T GOT ANY TIME ON MONDAY, TUESDAY OR WEDNESDAY AT ALL TO SEE YOU BUT WE CAN GET TOGETHER LATER ON IN THE WEEK FOR HALF AN HOUR OR SO BECAUSE I'M TOTALLY WILLING TO TALK TO YOU BECAUSE I DO WANT TO KEEP THE OPPORTUNITY OF DOING GAMES IN THE FUTURE, RIGHT

DON: I DON'T ER ...

LAZ: IT WOULD BE USEFUL AS WELL...

DON: YOU'RE MAKING ME THINK THAT WRITING A LETTER TO YOU AND HAVING A MEETING WOULD BE A FRUITLESS EXERCISE

LAZ: WELL IT DEPENDS WHAT YOU WANT OUT OF IT YOU SEE

DON: WELL, WELL I'VE ALREADY STATED THAT EARLIER ON HAVEN'T I. MY OTHER OPTION WHICH I HAVE PUT IN THE LETTER IS THAT IF I FEEL THAT YOU ARE NOT TREATING THIS FAIRLY THEN I SHALL WRITE TO, IS IT DAVID VARNEY, AND PUT ALL THE INFORMATION TO HIM, ALL THE COPIES OF THE DOCUMENTS AND LET'S SEE WHAT HE THINKS ABOUT IT BECAUSE I DO WANT TO AVOID LEGAL ACTION. I DON'T THINK THAT'S IN ANYONE'S INTEREST BUT I FEEL AGGRIEVED, YOU MUST ACCEPT THAT FROM WHAT I'VE HAD TO SAY TODAY. I DO FEEL AGGRIEVED BY WHAT HAS HAPPENED EVEN IF YOU THINK THAT'S UNFAIR.

LAZ: IT'S NOT UNFAIR, I UNDERSTAND THAT YOU FEEL AGGRIEVED BUT UNFORTUNATELY THAT'S BUSINESS. YOU MADE A PROPOSAL WHICH WE DIDN'T PURSUE, AND HAVE NOT PURSUED

DON: BUT I DON'T ACCEPT THAT, THAT MAY BE THE WAY ...

LAZ: IT'S A FACT JOHN THAT UNFORTUNATELY SOME YOU WIN AND SOME YOU LOSE

DON: IT MAY BE THAT THAT'S THE WAY THAT SHELL CONDUCTS BUSINESS NOW. IT IS NOT THE WAY THAT SHELL HAVE CONDUCTED BUSINESS IN THE PAST

LAZ: THE WAY THAT SHELL CONDUCTS BUSINESS FULL STOP IS THAT IF YOU MAKE A PROPOSITION WHICH WE ACCEPT THEN WE ACCEPT IT AND WE RECOMPENSE YOU DIRECTLY FOR IT. IF HOWEVER YOU MAKE A PROPOSITION WHICH WE DON'T ACCEPT OR DON'T DO ANYTHING WITH THEN OF COURSE WE DON'T GIVE ANY RECOMPENSE FOR IT

DON: ALL YOU HAVE TO DO IN THAT CASE IS WHENEVER AN AGENCY PUTS UP A PROPOSAL TO YOU YOU ONLY NEED TO CHANGE THE DESIGN AND SOME OF THE PRIZE ELEMENTS AND SAY SORRY BOYS THIS IS A DIFFERENT PROMOTION TO THE ONE YOU PUT FORWARD. THAT WOULDN'T BE ACCEPTABLE

LAZ: WE NEVER HAVE DONE THAT AND WE NEVER WOULD DO THAT

DON: MY CONTENTION IS THAT WHAT HAS HAPPENED IS UNFAIR, IT IS UNREASONABLE. THERE IS A PROMOTION OUT THERE NOW WHICH BEARS REMARKABLE SIMILARITIES TO THE GENERAL CONCEPT WE PROPOSED, IT IS DIFFERENT IN FORMAT AND IN DESIGN BUT IT IS A NINTENDO BASED INSTANT WIN GAME WITH NINTENDO PRIZES.

LAZ: CATEGORICALLY I DIDN'T TAKE YOUR PROPOSAL, I DIDN'T EVEN TALK ABOUT IT TO ANYONE ELSE IN THE TEAM, I JUST DISMISSED IT, I DID NOT TAKE YOUR PROPOSAL, DEVELOP IT UP, CHANGE IT, DISGUISE IT AND PUT IT OUT

DON: I'M NOT SUGGESTING THAT ANDREW, I HAVEN'T SUGGESTED THAT AT ALL

LAZ: YOU HAVE, I DON'T UNDERSTAND WHAT YOU'RE SUGGESTING THEN OR WHY YOU FEEL THAT THERE IS SOME MONEY DUE TO YOU IF THAT'S NOT WHAT YOU'RE SUGGESTING

DON: I ACCEPT WHAT YOU SAID THAT NINTENDO ... I QUESTION THE ETHICS OF NINTENDO IN THIS

LAZ: RIGHT

DON: I DO NOT QUESTION

LAZ: I DO HOPE THAT YOU'RE WRITING TO THEM TOO

DON: NO I AM NOT WRITING TO THEM BECAUSE MY PROPOSAL WASN'T TO NINTENDO, IT WAS TO SHELL

LAZ: DO YOU ~~QUESTION MARK~~ DID YOU GIVE THEM THE CONCEPT

DON: DID WE GIVE THEM THE CONCEPT?

LAZ: DID YOU GIVE THEM THE DOCUMENT DESCRIBING WHAT YOU'RE PROPOSING?

DON: YES WE DID

LAZ: THEN, THEN, THEN, YOU JUST STATED YOURSELF WHO YOU KNOW PUT THE PROMOTION TOGETHER

DON: YES, BUT WE ALSO

LAZ: THEY EVEN PUT IT TO A DIFFERENT OIL COMPANY. WHAT I SUGGEST YOU DO IS THINK ABOUT IF THEY HAD ACTUALLY GONE WITH THE OTHER OIL COMPANY, WHAT YOU WOULD THEN BE DOING BECAUSE WHAT YOU SHOULD BE DOING NOW ...

DON: I'VE GOT... I'VE GOT VERY LITTLE TIME FOR NINTENDO AND EVEN LESS AFTER THE DISCUSSIONS TODAY. I AM GOING TO RELY ON MY PAST ASSOCIATION WITH SHELL FOR BEING A FAIR COMPANY AND ~~PERSUE~~ THAT

LAZ: YES, I MEAN, YES, WE'RE A FAIR COMPANY. HOWEVER, YOU HAVEN'T GOT A CASE WITH US AND WHAT YOU NEED TO DO IS TO PURSUE IT WITH NINTENDO

DON: UM... WELL, WHY

LAZ: I DON'T WANT TO FOUL THE RELATIONSHIP SO THAT WE DON'T HAVE ANY ACCESS AT ALL TO YOUR IDEAS

DON: I REALISE THAT SITUATION BUT I DON'T THINK EITHER OF US ARE GOING TO BE HAPPY IN THE FUTURE ARE WE TO BE HONEST

LAZ: I DON'T HAVE A PROBLEM YOU OBVIOUSLY HAVE A PROBLEM BUT AS I SAY, AS I KEEP SAYING, YOUR PROBLEM ACTUALLY IS WITH NINTENDO BY THE SOUND OF IT

DON: WELL ... IT WAS

LAZ: YEAH, AND IT PROBABLY SEEMS TO YOU TO BE THE EASIER OPTION TO COME TO SHELL

DON: IT'S NOT THAT

LAZ: FRANKLY IT'S NOT A PROBLEM AND WHAT YOU SHOULD THINK ABOUT IF THE OIL COMPANY, OR IF ANY OF THE OTHER OIL COMPANIES HAD PICKED IT UP, APART FROM US, ANY OF THEM. WHAT WOULD YOU THEN BE DOING. THAT IS WHAT YOU SHOULD BE

DON: THAT WOULD BE A DIFFERENT QUESTION WOULDN'T IT, DIFFERENT SITUATION. I SUPPOSE THAT WE WOULD THEN HAVE TO, WE'D HAVE TO PERSUE NINTENDO BECAUSE WE NEVER PRESENTED THE IDEA TO ANY OTHER OIL COMPANY

LAZ: AND THAT'S WHAT YOU SHOULD DO BECAUSE I ... YOUR DOCUMENT IS STILL IN MY CUPBOARD HERE SOMEWHERE. I MEAN I HAVEN'T EVEN PULLED IT OUT I HAVEN'T EVEN LOOKED AT IT TODAY BECAUSE I HAVE NO QUESTION AT ALL, I HAVEN'T CHECKED THE FAX THAT YOU PUT FORWARD

DON: NO, WELL LOOK AT THE HEADING ON THE DOCUMENT

LAZ: I HAVEN'T EVEN PULLED IT OUT

DON: IT SAYS PROPOSAL FOR NINTENDO THEMED PROMOTIONAL GAME. THAT'S THE HEADING FOR THE WHOLE PROPOSAL. THAT'S WHAT YOU'RE RUNNING TODAY. AN INSTANT WIN GAME WITH A NINTENDO THEME AND THERE ARE SO MANY SIMILARITIES, THERE ARE DIFFERENCES BUT THERE ARE SO MANY SIMILARITIES

LAZ: YOU WON'T GET ANYWHERE WITH SHELL BECAUSE YOU HAVEN'T GOT A CASE YOU SHOULD CONSIDER WHAT YOU WOULD DO IF IT WAS BP YOU WERE TRYING TO TALK TO JUST NOW, OR IF IT WAS ESSO, YEAH.

DON: I HEAR WHAT YOU SAY BUT I DON'T AGREE AT ALL. I TAKE YOUR POINT BUT I DON'T AGREE, THAT SHELL ARE THE PEOPLE WE MADE OUR ACTUAL PROPOSAL TO, THEY WERE THE POTENTIAL CLIENTS

LAZ: SHELL AND NINTENDO ARE THE PEOPLE YOU GAVE THE INFORMATION TO

DON: YES, WE GAVE THE INFORMATION TO

LAZ: I HAVE NOT DEVELOPED OR USED YOUR PROPOSAL FULL STOP PERIOD

DON: WELL IF WE TAKE OUT WHAT HAPPENED INBETWEEN AND I ACCEPT WHAT YOU SAY THAT YOU HAVEN'T DONE ANYTHING WRONG OR AS FAR AS THAT'S CONCERNED YOU HAVEN'T KNOWINGLY PINCHED OUR IDEA. I'M NOT. I DON'T THINK.....

LAZ: WE HAVEN'T PINCHED YOUR IDEA AT ALL

DON: BUT WHAT HAS HAPPENED IS AT THE BEGINNING WE PUT FORWARD AN IDEA FOR A GENERAL CONCEPT. WE GIVE AN EXAMPLE OF A PARTICULAR EXECUTION NOT NECESSARILY WHAT WE'RE SUGGESTING IS USED, SOMETHING FOR DISCUSSION AND DEVELOPMENT AND THEN LATER ON THIS PROMOTION OR A VARIATION OF IT IS ACTUALLY LAUNCHED AND I REPEAT AGAIN A NINTENDO THEMED INSTANT WIN GAME, IT ISN'T THE SAME DESIGN IT'S....

LAZ: WHEN YOU SAY INSTANT WIN, IT'S NOT AN INSTANT WIN GAME. IT'S IN FACT NOT EVEN A GAME BECAUSE EVERYONE WINS, IT DEPENDS WHAT YOU.. ISN'T IT.

DON: IT WOULD STILL BE DESCRIBED AS AN INSTANT WIN BECAUSE IT'S GOT A LATEX PATCH ON THERE

LAZ: WELL, IN A WAY YES, BUT YOU ACTUALLY THEN DON'T HAVE TO SPECIFY IT, IT'S A DIFFERENT SPECIFICATION, YEAH.

DON: I'M JUST LOOKING THROUGH THE THING QUICKLY NOW, SEE THE BACKGROUND COLOUR FOR THIS IS PRACTICALLY IDENTICAL TO OUR VISUAL AND YET ~~THROUGH~~ I'VE LOOKED THROUGH ALL THE MATERIALS WHICH

LAZ: I DON'T KNOW WHAT YOU'RE TRYING TO SAY JOHN ...

DON: BECAUSE THEY HAD A COL ...

LAZ: ARE YOU TRYING TO SAY WE COPIED

DON: NO, NO, THEY HAD A COPY OF THE VISUAL AS WELL

LAZ: SO IF YOU'RE SAYING THAT THEY'VE COPIED WHAT YOU ...

LAZ: JOHN, I HAVEN'T STOLEN YOUR IDEA AND YOUR CLAIM IS WITH NINTENDO. YOU SHOULD BE PURSUING THEM AND YOU SHOULD CHANNEL YOUR EFFORTS TO THEM BECAUSE IF THERE IS ANY RECOURSE AT ALL, THEN IT IS WITH THEM WHO DEVELOPED THE CONCEPT ASSUMING THEY DID DEVELOP THE CONCEPT WHICH YOU PUT FORWARD TO THEM WENT OUT SOUGHT AN ALTERNATIVE COMPANY, OIL COMPANY WHO THEY WERE ON THE VERGE OF DOING THE DEAL WITH, THEY PULLED OUT FOR A DIFFERENT REASON WHICH MAY BECOME APPARENT SOON AND THEN IT WAS BROUGHT BACK TO ME BY SOMEBODY WHO DIDN'T KNOW THE ORIGINAL PROPOSAL WAS WITH ME, I ASSUME, I DON'T KNOW BUT I ASSUME SO BECAUSE THEY DIDN'T COME TO US IN THE FIRST PLACE, IN THE FIRST INSTANCE. I MEAN YOU REALLY SHOULD BE PERSUING THEM AND NOT US. *persuading*

DON: WELL, THE OTHER SIDE TO THAT IS THAT THE PROPOSAL WAS ACTUALLY TO SHELL AND SHELL ARE THE PROMOTER OF THE PROMOTION WHICH IS NOW IN OPERATION

LAZ: WE'RE A JOINT PROMOTER WITH NINTENDO

DON: WELL IT DOESN'T SAY THAT ON YOUR RULES. IT SAYS THE PROMOTER IS SHELL UK LTD

LAZ: OKAY, WELL, YES YOU'VE GOT A POINT THERE

DON: IT SEEMS TO BE CORRECT THAT WE SHOULD COME CALLING AT YOUR DOOR TO

LAZ: NO, NO, WE'VE GOT FULL DOCUMENTS AND STUFF WHICH WILL SHOW THAT IT'S ACTUALLY THE AGENCY WORKING ON BEHALF AND PAID BY NINTENDO WHO CAME TO US, SOLD THE PROMOTION INTO US AND THEY DID PHYSICALLY SELL THE PROMOTION INTO US AND ALL THIS STUFF IS DOCUMENTED AND I SHOULD DEFINITELY REMEMBER IT. I DIDN'T EVEN REMEMBER AT ANY STAGE UNTIL YOU RANG THIS MORNING THAT YOU PUT UP THE PROPOSAL ON THE SAME THING BECAUSE AS I SAY I GET SO MANY BRIEFS ACROSS MY DESK ON THIS, YOU WOULDN'T BELIEVE IT AND HONESTLY THAT IS THE CASE

DON: I DO BELIEVE THAT

LAZ: ALRIGHT

DON: I DO BELIEVE THAT

LAZ: I CAN'T POSSIBLY REMEMBER ALL OF THE ONES THAT COME ACROSS MY DESK, THAT'S WHY I ONLY KEEP THE GOOD ONES, I ONLY KEEP THE ONES THAT ARE WORTH KEEPING, YEAH. THERE IS NO DISPUTE ABOUT IT, WE HAVE TO BE THE PROMOTOR BECAUSE OF IT GOING THROUGH OUR SITES BUT WE HAVEN'T PAID THE AGENCY FOR THE PRODUCTION FEE AND THE THING WAS PRODUCED BY NINTENDO FOR USE WITH AN ALTERNATIVE OIL COMPANY. WE KEEP COMING BACK TO THAT

DON: HE SAID..

DON: THAT'S WHAT I SUSPECT BUT I'M NOT SAYING

LAZ: IS YOUR ARGUMENT WITH ME OR WITH THEM THEN

DON: ~~THE~~ ^{my} ARGUMENT IS WITH SHELL BECAUSE IT WAS SHELL I PUT
....

LAZ: YOU SAY THERE'VE TAKEN YOUR PROPOSAL, THEY'VE COPIED IT,
THEY'VE EVEN GOT THE SAME COLOURS IN IT, HOW CAN YOU
POSSIBLY COME BACK TO SHELL AND SAY IT'S MY PROBLEM AND
I'VE GOT TO PAY YOU SOMETHING

DON: BECAUSE SHELL WERE THE COMPANY THAT WE PUT THE PROPOSAL
UP TO, TO ACTUALLY USE AS A CLIENT NOT NINTENDO, WE ONLY
NEEDED THEIR PERMISSION THAT WAS ALL. IT WAS SHELL WE
THAT WERE EXPECTING, THEY WERE OUR POTENTIAL CUSTOMER.

LAZ: TELL ME.. ANSWER THIS, WHO HAS DEVELOPED THIS PROPOSAL

DON: APPARENTLY NINTENDO'S AGENCY HAVE DEVELOPED IT

LAZ: RIGHT

DON: ON THEIR INSTRUCTIONS

LAZ: ON THEIR INSTRUCTIONS

DON: YES, YES, AND I'M SAYING PROBABLY USING THE IDEAS AND
SO ON THAT WE PUT FORWARD, I DON'T KNOW THAT FOR CERTAIN
BUT PROBABLY

LAZ: IF THEY'VE DEVELOPED IT PROBABLY USING THE IDEAS THAT YOU
PUT FORWARD HOW CAN YOU POSSIBLY, POSSIBLY MAINTAIN THAT
IT'S SHELL'S FAULT OR THAT SHELL ARE DOING ANYTHING EVEN
REMOVEDLY UNDERHAND

DON: YES, IT MAY BE POSSIBLE THAT DAVID PATTON IS TOTALLY
INNOCENT AND THAT SOMEONE ELSE IN NINTENDO THOUGHT OF THE
IDEA OF MOUNTING A PROMOTIONAL GAME ON PETROL FORECOURTS
AND INSTRUCTED THE SOLICITORS AND ALL OF THIS IS ABSOLUTE
PURE COINCIDENCE. NOW IF THAT IS THE CASE, EVEN SO, MY
CASE IS THAT WHEN THE IDEA WAS PRESENTED TO YOU BY THIS
AGENCY, THAT YOU WOULD HAVE SAID, I'VE ALREADY HAD
SOMETHING SIMILAR PRESENTED BY ANOTHER AGENCY FOR AN
INSTANT WIN GAME FOR A NINTENDO THEME, AND WE, I RECALL
THAT WE DID HAVE SOMETHING SIMILAR HAPPEN TO THIS MANY
YEARS AGO WITH SHELL AND AN ARRANGEMENT WAS REACHED WITH
THE OTHER PARTY, SO THAT THE FEES AND SO ON WERE SPLIT
BUT IN THIS CASE, IT SEEMS THAT YOU DIDN'T RECALL

LAZ:ANY FEES INVOLVED HERE FOR A START JOHN. THERE AREN'T
ANY FEES INVOLVED FOR ORIGINATION HERE, BECAUSE I DIDN'T
ORIGINATE THE PROJECT

DON: NO BUT WE DID, WE DID

LAZ: YES, BUT I'M SAYING I HAVEN'T PAID ANY ORIGINATION FEE
SO YOU CAN HAVE A SHARE OF NOTHING, THAT'S FINE BY ME

*Lenora
first on 11*

DON: WELL THAT, THAT, THAT IN EFFECT IS WHAT'S HAPPENED. WE'RE UP AGAINST TWO MAJOR MULTI-NATIONAL COMPANIES. WE'RE A SMALL COMPANY AND WE ACTUALLY COME UP WITH THE IDEA BUT WHAT I THINK HAS HAPPENED

LAZ: THEY THINK THE IDEA THAT WE HAVE DEVELOPED IS NOT YOUR IDEA

DON: NO, BUT

LAZ: THERE ARE ELEMENTS THAT ARE VAGUELY SIMILAR BUT ITS NOT YOUR IDEA

DON: BUT THE IDEA OF RUNNING A NINTENDO THEMED INSTANT WIN GAME ON FORECOURT SCRATCH OFF GAME. LET'S CALL IT A SCRATCH OFF GAME

LAZ: WE ALREADY HAD THE IDEA OF WORKING WITH NINTENDO

DON: PARDON

LAZ: WE ALREADY HAD THE CONCEPT OF WORKING WITH NINTENDO /

DON: BUT NOT A SCRATCH OFF GAME

LAZ: NOW REGARDLESS OF HOW IT MIGHT HAVE BEEN, WE CAN ONLY DO ONE TYPE OF PROMOTION. HOW MANY TYPES OF PROMOTION ARE THERE JOHN

DON: IF YOU CAN SHOW ME ...

LAZ: THERE ARE GAMES, THERE ARE MERCHANDISE PROMOTIONS YEAH WHAT OTHER PROMOTIONS ARE THERE?

DON: MONEY OFF AND SO ON

LAZ: MONEY OFF BUT HOW CAN YOU DO MONEY OFF WITH NINTENDO, WITH A LINKAGE WITH NINTENDO

DON: WE JUST SPECIALISE

LAZ: HOW CAN YOU DO MONEY OFF IN A LINK WITH NINTENDO

DON: WELL YOU CAN PUT THIS ARGUMENT BUT THE FACT OF THE MATTER IS THAT NO-ONE ELSE, NO OTHER PETROL COMPANY HAS RUN A SCRATCH OFF GAME

LAZ: THERE ARE TWO POSSIBLE WAYS THAT YOU CAN DO A PROMOTION WITH NINTENDO, ONE IS THROUGH MERCHANDISE, IN SOME MANNER, ONE IS THROUGH COMPETITION SO IF YOU'RE TRYING TO SAY THAT THE COMPETITION LINKAGE WITH NINTENDO IS A STUNNINGLY CREATIVE ONE, I DON'T SEE HOW YOU CAN POSSIBLY SAY THAT

DON: NO, BUT NO IDEAS ARE GREAT ARE THEY UNTIL SOMEONE THINKS OF THEM AND I'M SAYING THAT WE THOUGHT OF IT FIRST BECAUSE, BECAUSE

LAZ: AND WHAT I'M SAYING IS THAT A. YOU MIGHT HAVE DONE BUT B. I HAVE NOT DEVELOPED THE IDEA THAT YOU PUT FORWARD TO ME FULL STOP AND I HAVE NOT USED IT, ~~I DIDN'T EVEN REMEMBER~~ AND PARTICULARLY ~~I DIDN'T REMEMBER WHEN A VERY DIFFERENT~~ IDEA WAS BEING PUT TO ME, A VERY DIFFERENT CONCEPT. YES, ON THE SAME THEME BUT ON THE SAME THEME THAT I'VE HAD STUFF OVER MY DESK FOR ONCE IN, YOU KNOW, EVERY SIX OR EIGHT WEEKS

DON: I ACCEPT THAT

LAZ: RIGHT

DON: IF YOU CAN SHOW TO ME THAT SOME OTHER AGENCY PUT A SCRATCH OFF GAME WITH A NINTENDO THEME TO YOU ... BEFORE

LAZ: WHETHER IT'S SCRATCH OFF OR NOT ...

DON: AH WELL, ...

LAZ: BECAUSE THE MECHANIC IS LESS IMPORTANT THAT ACTUALLY WHAT YOU'RE GOING TO GIVE CUSTOMERS AND HOW YOU'RE GOING TO DO IT.

DON: WELL SOMETHING ELSE

LAZ: WHAT SOLD THIS PROMOTION TO ME WAS NOT THE FACT THAT IT WAS A COMPETITION, WHAT SOLD IT TO ME WAS NOT EVEN REALLY THE FACT THAT IT WAS NINTENDO ALTHOUGH THAT WAS PRETTY STRONG IN MY VIEW BECAUSE AS I SAY BETWEEN ABOUT EASTER AND NOW I'VE GOT VERY EXCITED ABOUT NINTENDO. BEFORE EASTER I REALLY WASN'T INTERESTED IN IT, IT DIDN'T WORK A. WE WERE NOT INTO COMPETITION AND B. NINTENDO WAS NOT A PROPERTY THAT I WANTED TO DO ANYTHING WITH BECAUSE I DIDN'T FEEL IT WAS OF ANY VALUE OR ENOUGH VALUE ANYWAY, YEAH. IT'S ONLY SINCE EASTER AND THEREFORE I'VE ONLY BEEN AWARE OF IT LOOKING INTERESTED IN DOING SOMETHING ON THAT SENSE SINCE THEN, RIGHT.. THAT IS INCONTESTABLE

DON: YES, WELL,

LAZ: THEY CAME ALONG WITH A VERY DIFFERENT PROPOSAL, AND WHAT SOLD ME THE COMPETITION, THE COMPETITION WAS NOT THE MECHANIC, IT WAS NINTENDO BUT THAT WAS NOT THE KEY THING THAT SOLD IT, YEAH

DON: OF COURSE, EASTER WAS ONLY A FEW WEEKS AFTER MY FAX

LAZ: WHAT EASTER?

DON: YES

LAZ: YOUR FAX IN FEBRUARY SOME TIME

DON: THAT'S CORRECT, YES. IT WAS WITHIN A FEW WEEKS SO I CAN ONLY TAKE IT

LAZ: I DON'T SIT HERE DOING NOTHING JOHN

DON: PARDON

LAZ: I DON'T SIT HERE DOING NOTHING JOHN...

DON: NO, NO I WONDER WHETHER YOU READ THE THING

LAZ: I WROTE ON IT

DON: YOU WROTE ON IT, YOU WROTE A NOTE ON IT BUT I WONDERED WHETHER PERHAPS YOU DIDN'T READ THE SECOND PART OF IT. I DON'T KNOW DO I

LAZ: WELL I MIGHT NOT HAVE DONE BECAUSE AS I SAY THE IMPORTANT THINGS FOR ME IS TO GET ALL THE CORRESPONDENCE I GET IN ANSWERED AS QUICKLY AS POSSIBLE AND I MUST HAVE SEEN THAT IT WAS NINTENDO AND THAT IT WAS A COMPETITION WITH DON MARKETING AND THEREFORE I HAVE TO SAY BECAUSE I CAN'T AND I'M NOT LOOKING FOR A COMPETITION. IT'S OUT BUT THE MECHANIC AT THAT STAGE WAS OUT, FEBRUARY

DON: IT WAS HARD CHEESE ON DON MARKETING BUT A FEW WEEKS LATER IT WAS IN AND THAT

LAZ: I HATE TO SAY IT BUT THAT'S LIFE

DON: WELL IT ISN'T LIFE, NOT NECESSARILY NOT WHEN A CONCEPT HAS BEEN PROTECTED BY BEING PRESENTED UNDER TERMS OF CONFIDENTIALITY AS WAS THE ESSO NOUGHTS AND CROSSES PROMOTION

LAZ: UNDER TERMS OF CONFIDENTIALITY. I DON'T EVEN KNOW ANYTHING ABOUT THIS STUFF, YOU'RE THE EXPERT BUT I CAN ASSURE YOU THAT I DID NOT DEVELOP, USE YOUR CONTRACT, YOUR PROPOSAL, YOUR CONCEPT IN ANYWAY AT ALL. NOW, IF YOU'RE TELLING ME THAT ESSO TOOK SOMEBODY ELSE'S CONCEPT PROPOSAL AND CHANGED IT AND THEN PUT IT OUT, THAT WOULD BE DIFFERENT

DON: ROUGHLY ALONG THOSE LINES

LAZ: WELL I CAN UNDERSTAND WHY THERE WERE PROSECUTED. THAT'S FINE, THAT'S ABSOLUTELY FINE BUT THAT AIN'T AT ALL, DOESN'T EVEN BEGIN TO RESEMBLE WHAT HAPPENED

DON: THERE WERE LESS SIMILARITIES IN THAT CASE THEN THERE WERE WITH THIS BUT WHAT I WAS GOING TO SUGGEST IS THAT

LAZ: DID THEY TAKE THE PROPOSAL AND CHANGE IT AND PUT IT OUT THEMSELF

DON: UM, I BELIEVE THAT SOME PARTS OF THE PROPOSAL WERE .. IT'S A VERY COMPLICATED CASE BECAUSE THEIR UK MANAGING DIRECTOR OF GLENDENNING LEFT THE COMPANY AFTER HE MADE THE ORIGINAL PROPOSAL TO ESSO, HE THEN WENT BACK TO ESSO WITH A NEW COMPANY AND PRESENTED THE SAME IDEA WHICH HAD RECEIVED A FAVOURABLE RESPONSE ON HIS FIRST VISIT. ON THE STRENGTH OF THEIR RESPONSE TO THE SECOND PROPOSAL, HE THEN BORROWED MONEY TO FINANCE HIS COMPANY AND SOLD THE PROMOTION TO ESSO AND IT WAS DECIDED THAT THERE WERE SUFFICIENT SIMILARITIES IN THE GAME FORMAT, AND THE RULES, THAT ESSO OUGHT TO SETTLE AND THEY DID, AND THEIR AGENCY PRODUCT PLUS, AND THAT WAS BECAUSE IT WASN'T THE PASSING OFF. PASSING OFF IS PRACTICALLY IMPOSSIBLE TO TAKE ANY ACTION ON THAT BECAUSE PEOPLE HAVE ONLY GOT TO MAKE SLIGHT CHANGES IN THE DESIGN OR THE TEXT AND IT IT ESCAPES SO THE USUAL THING IS THIS TERMS OF CONFIDENTIALITY IS WHEN SOMETHING IS PRESENTED IN CONFIDENCE AS A GENERAL CONCEPT WHICH IS WHY WE THAT WORDING ON THE FRONT OF OUR PROPOSAL WAS ACTUALLY DRAFTED BY A QC SO WE WERE ACTUALLY PROTECTED OTHERWISE YOU ARE OPEN TO YOUR IDEAS BEING TAKEN. I AM NOT SUGGESTING THAT THAT'S WHAT HAS HAPPENED IN THIS CASE. I THINK WHAT HAS HAPPENED IS THAT YOU'RE A VERY VERY BUSY MAN AND THAT YOU HAVEN'T REALISED THAT SOMETHING VERY SIMILAR HAD BEEN PRESENTED BEFORE AND THAT'S WHY WE'VE ARRIVED AT THIS JUNCTURE. IT'S, IT'S VERY UNFORTUNATE FOR US PARTICULARLY WHEN WE'VE PUT FORWARD SO MANY IDEAS AND WE'VE SPENT SEVERAL THOUSAND POUNDS ON A SPECULATIVE BASIS. ONE OF THEM WHICH WENT FORWARD TO A MORE FINAL ART FORM

LAZ: IT FAILED IN COMPETITIVE RESEARCH SO THEREFORE WE DIDN'T PUT IT FORWARD

DON: YES, IT DID'NT FAIL, IT CAME OUT NUMBER 3 AS I RECALL

LAZ: YEAH

DON: AND IN YOUR LETTER THAT YOU SENT ME

LAS: YEAH, AND THEN WHICH ONES HAVE WE USED

DON: NO IN THE LETTER THAT YOU SENT ME ...

LAZ: NO NO JOHN, WHICH OF THE EIGHT WHICH WE RESEARCHED HAVE WE THEN USED

DON: I DON'T KNOW

LAZ: NUMBERS ONE AND TWO

DON: RIGHT, I CAN ONLY GO ON WHAT YOU TELL ME ANDREW, IT'S HERE IN PRINT YOUR LETTER THAT YOU'RE STILL CONSIDERING, YOU'RE GOING TO BEAR IT IN MIND AND PERHAPS YOU WERE JUST BEING POLITE AND NICE. I DON'T KNOW ABOUT IT. I'M NOT MOANING WHAT I'M SAYING IS ...

LAZ: THE OTHER THING IS THAT WE MIGHT ALMOST SAY IN FACT, MEGA-MATCH OR WHATEVER IT WAS, WE COULD EASILY HAVE IN FACT, WE COULD SAY IT WAS OUR PROPERTY ANYWAY BECAUSE WE
...

DON: WELL THAT'S ONE THING YOU WILL NEVER BE ABLE TO DO BECAUSE I CAN PROVE OTHERWISE ON THAT. YOU KNOW I'VE GOT SO MANY DOCUMENTS I'VE GOT WITNESSES INCLUDING KEN DANSON WHO WAS THE PROMOTIONS DEVELOPMENT MANAGER 10 YEARS AGO

LAZ: I'M NOT TRYING TO STATE THAT AT ALL, WHAT I AM TRYING TO SAY IS THAT WE WANTED TO RUN MAKE MONEY AGAIN, WE WOULD PROBABLY DO IT OFF OUR OWN BACKS

DON: I HAVE GOT A LETTER FROM SHELL SAYING WE HAVE EQUAL RIGHTS TO MAKE MONEY AND I WILL PRODUCE THAT LETTER ANYTIME YOU WANT TO SEE IT

LAZ: I DON'T CARE ABOUT THAT, WHAT I'M SAYING IS IF WE WANT TO RUN MAKE MONEY AGAIN, THEN WE KNOW HOW TO DO IT, WE CAN GO OUT AND DO IT

DON: YOU DON'T KNOW HOW TO DO IT BECAUSE YOU'VE JUST PROVED THAT BY WHAT'S HAPPENED WITH THIS GAME THAT'S RUNNING ON YOUR FORECOURTS RIGHT NOW BECAUSE IT ISN'T SECURE

LAZ: NO, NO, NO, NO, NO, THAT'S NOT THE CASE

DON: WELL IT IS THE CASE. I'VE GOT THE LEAFLETS HERE AND YOU CAN SEE THROUGH THE LATEX AND YOU CAN PICK OUT AND YOU CAN SEE WHAT THE WINNING SYMBOLS ARE. THERE IS NO WAY THAT YOUR TOP MANAGEMENT WOULD BE HAPPY WITH THAT

LAZ: UM, WHAT'S THE BIG PRIZE JOHN

DON: IT'S A GAMEBOY

LAZ: RIGHT, SO LET'S GET IT IN CONTEXT. HOW MUCH IS A GAMEBOY WORTH

DON: ER, RETAIL VALUE ABOUT 70 POUNDS WHEN I LAST

LAZ: NOTHING LIKE THE BIG PRIZE THAT WAS AVAILABLE IN STAR TREK OR MAKE MONEY

DON: THE SECURITY FOR THIS LEAFLET IS IN NOWHERE NEAR THE SAME AS STAR TREK AND HASN'T GOT TO BE, ACCEPTED.

LAZ: CORRECT

DON: BUT YOU MUST ACCEPT THAT THERE IS NO WAY THAT YOU WOULD HAVE AGREED IF YOU'D KNOWN

LAZ: IT'S NOWHERE NEAR AND IT HASN'T GOT TO BE IS THE RELEVANT STATEMENT

DON: I AGREE WITH THAT BUT WOULD YOU, [REDACTED] YOU HAPPY THAT [REDACTED] SEE THROUGH THE LATEX ON THIS?

LAZ: [REDACTED] PERFECTLY HAPPY BUT FRANKLY YOU KNOW [REDACTED] COST TO EVERYTHING

DON: THERE'S A COST TO EVERYTHING BUT THIS WOULD HAVE BEEN MINIMAL TO MAKE THIS ABSOLUTELY SECURE. WE HAVE SUPPLIED LEAFLET GAMES WHERE THERE IS A POTENTIAL OF £100,000 PRIZE ON IT AND WE HAVE MADE IT SECURE BY USING FAINT PRINT, CAMOUFLAGE PATTERN ON THE REVERSE OF THE LEAFLET, OVER PRINT ON THE LATEX. IT CAN BE DONE AND THE EXTRA COST IS MINIMAL. WHAT I'M SAYING IS THAT BECAUSE THE PEOPLE WHO DID THIS AREN'T EXPERIENCED, [REDACTED]

LAZ: [REDACTED] DON'T KNOW WHAT YOU ARE TRYING TO PROVE

DON: I'M ONLY SAYING, I'M ONLY GIVING YOU SOME INFORMATION ABOUT THIS

LAZ: IF YOU SAY THIS, I'LL ACCEPT IT

DON: WE'VE SUPPLIED YOU WITH SEVERAL HUNDRED MILLION GAME PIECES OVER A NUMBER OF YEARS YOU'VE NEVER HAD ANY PROBLEMS WITH SECURITY. THE MAJOR COMPETITOR, ESSO, THEIR LAST GAME WAS A TOTAL DISASTER BECAUSE THE PEOPLE INVOLVED DID NOT HAVE THE NECESSARY EXPERTISE. THERE SHOULD HAVE BEEN TWO £100,000 WINNERS. ON THE SECOND DAY 22 VALID CLAIMS WERE MADE. SHELL WERE SO RELIEVED THEY WERE USING US AS AN AGENCY BECAUSE WE MADE SURE THAT THEIR GAMES WERE ABSOLUTELY TOTALLY SECURE. WE'RE PARANOID ABOUT SECURITY, OVER THE TOP MAYBE, BUT THAT'S THE WAY YOU HAVE TO DO THIS.

LAZ: YEP, THAT'S ABSOLUTELY RIGHT AND THAT'S WHY I WANT TO BE ABLE TO USE YOU IN THE FUTURE WHICH IS WHY I DON'T WANT YOU TO GET UPSET OR INDEED TO FOUL THE RELATIONSHIP.

DON: WELL MY FEELING ON THAT IS THE SAME I I I

TAPE RUNS OUT