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Shell in legal row

SP agency's claims over Smart Card cause troubled water for oil company

A promotional agency is suing Shell (UK) for allegedly breaching copyright on the concept idea Shell used to create its multipartner Smart Card loyalty scheme.

The allegation follows two previously unpublished out-of-court settlements which were kept secret as part of the agreement reached by the two sides.

The legal dispute between Shell and Don Marketing could delay the card programme even further – its launch was originally planned for the end of last year before partners failed to agree on a date.

The High Court writ against Shell was issued on 16 April, 13 months after

Don Marketing first brought the claim to Shell's attention, when Shell agreed to supply Don Marketing with a detailed account of the origin of the SMART concept.

During the subsequent months, both parties have assembled evidence and interviewed witnesses, yet Shell have allegedly been unable to name the creator of the concept, instead implying that the SMART scheme evolved from Shell's Collect & Select voucher programmes.

Don Marketing claims that evidence shows that the original concept for the card was devised in response to a specific brief from Shell. A different agency was subse-

quently briefed to produce a scheme which replicated Don Marketing's proposals.

Two independent witnesses – loyalty card expert Professor Steve Worthington and card manufacturer David Christian, are backing the claim that Don Marketing's confidential proposal to Shell laid the foundation stones for the current Shell Smart Card scheme.

"Any impartial assessment of the evidence would

show that the case is indefensible on Shell's part," says Don Marketing managing director John Donovan. "This is a matter of principle. One of the largest companies in the world shouldn't need to steal ideas from promotional agencies.

"Quite apart from the cost to us – which has already exceeded £40,000 – and the effect this is having on day-to-day business, there are matters such as the two ISP

Gold Awards, which were awarded to Option One for Shell's existing Smart Card scheme."

Despite the previous settlements becoming public, a statement issued by Shell states that "the claim has been carefully investigated", but concludes that "Shell UK is satisfied that it is entirely without substance... we intend to fight [John Donovan's] claims vigorously in court."

Fragrance launch hits the high notes

A \$1 million marketing campaign is using indie music to launch a fragrance to 13-16 year-old males.

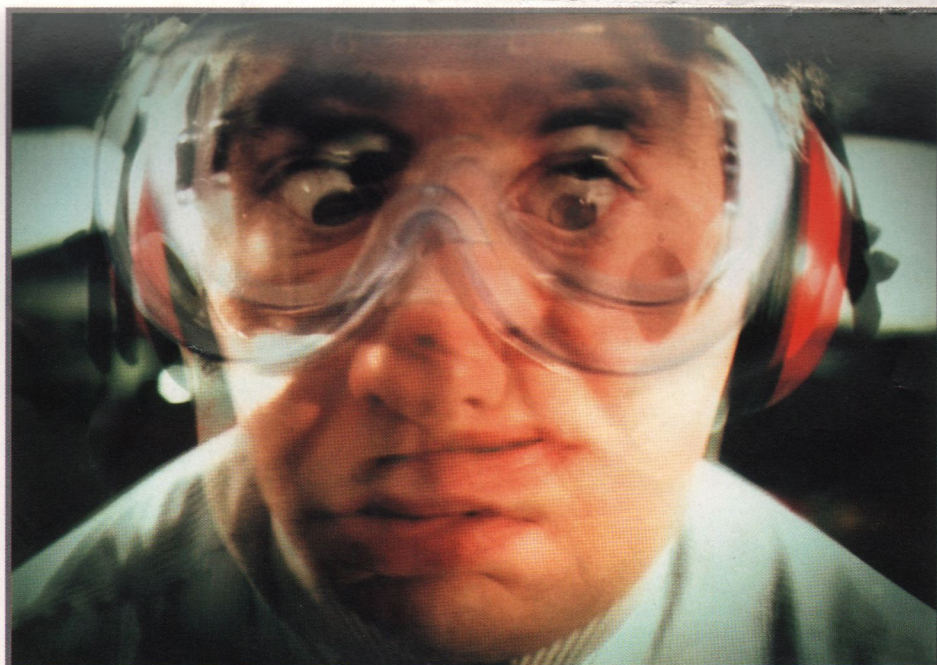
Bond Street Perfumery is linking with PolyGram Records and music marketing consultancy The Music and Media Partnership to support the launch of So... For Him, its first-ever male youth fragrance. Indie music was deemed to be an appropriate medium to attract what is traditionally an elu-

sive market.

Music tie-ins will include a TV-advertised PolyGram hits album, sponsored by So... For Him – plus an exclusive CD four-track "sampler" for the album, which will be offered as a gift-with-purchase.

Below-the-line activity is to include point-of-sale displays in both record stores and at fragrance counters, and sampling campaigns linked to Bond Street Perfumery's spoof "Baywatch" cinema ads.

"The target age group is often difficult to reach through conventional marketing media," explains Judy Neal, head of business development at the newly-created PolyGram Incentive & Creative Marketing. "The Sorted! album is seen as an important method of reach-



Good vibrations: Clarke Hooper Consulting have developed in-store and outdoor point-of-sale material as part of Jet's £3.5 million "No-one lower locally... guaranteed" advertising campaign. The point-of-sale campaign will be accompanied by other local media targeted around Jet's 700 service stations.



ing this audience."

Rick Blaskey, managing director of The Music & Media Partnership, adds: "The integrated music concept is a sure way for the brand to reach and appeal to target market. Music consistently proves how potentially it can work within a brand's marketing mix."

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