

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

P.230

COMMENCED AT A FEW MINUTES PAST 9AM ON FRIDAY 18 JUNE 1993

LAZ: ANDREW LAZENBY

DON: HELLO ANDREW, GOOD MORNING, ITS JOHN DONOVAN HERE

LAZ: HY JOHN

DON: HY, I'AM ABSOLUTELY DEVASTATED TO SEE THE ADVERTS IN
TODAYS NEWSPAPERS FOR A NINTENDO THEMED INSTANT WIN GAME

LAZ: AH HA

DON: FOR OBVIOUS REASONS. DO YOU REMEMBER THAT WE PUT
FORWARD A PROPOSAL

LAZ: I, ERM

DON: AND ONE OF THE LINES IN THIS AD EVEN COMES FROM OUR
PROPOSAL

LAZ: ERM, I CAN ASSURE YOU THAT IT DID'NT

DON: WELL, WELL ITS ITS SO SIMILAR AND OF COURSE THE PRIZES
THAT WE, THAT WE SUGGESTED, ARE USED IN THIS PROMOTION,
YOU MAY RECALL THAT WE BROUGHT IN A GAMEBOY WHEN WE MADE
OUR PRESENTATION TO YOU

LAZ: YEP, WELL I MEAN WHEN WHEN WE WERE TALKING ER A WHILE
AGO IT WAS NOT THE RIGHT TIME TO DO IT AND INDEED I HAD
ACTUALLY FORGOTTEN THAT YOU ER PROPOSED THAT

DON: THE LAST MENTION, THE LAST CONTACT BETWEEN US ON THIS
THING WAS ON 19TH FEBRUARY WHEN I SENT YOU A LETTER,
FAXED YOU A LETTER

LAZ: YEY

DON: AND I ASKED YOU TO LOOK AT THAT PROPOSAL AGAIN BECAUSE I
THOUGHT THAT IT, YOU TURNED IT DOWN ORIGINALLY BECAUSE
YOU SAID YOU THOUGHT IT WAS TOO DIRECTED TOWARDS
CHILDREN

LAZ: YEP, AND I CHANGED MY MIND ER

DON: RIGHT

LAZ: LATER ON THIS YEAR

DON: RIGHT, AND AS I SAY, I, I ASKED YOU TO LOOK AT IT AGAIN
IN MID FEBRUARY

LAZ: AND THE OBJECTIVE OF WHAT I AM TRYING TO DO CHANGED IN
THE MEANTIME

Take
copy
Nintendo

DON: YES, RIGHT, BUT

LAZ: THIS WAS NOT AN ACTIVITY GENERATED INITIALLY BY US IT HAS TO BE SAID

DON: RIGHT

LAZ: I MEAN I CAN'T REMEMBER TALKING ABOUT NINTENDO, I CERTAINLY CAN'T REMEMBER TALKING ABOUT POSTERS AS A PRIZE OR ABOUT EVERYONE BEING A WINNER AND ALL OF THIS STUFF

DON: WELL ..

LAZ: THIS REALLY IS A VERY SIMPLE COMPETITION MECHANIC

DON: YES, YES IT'S A DIFFERENT EXECUTION

LAZ: THAT'S REALLY WHY I GUESS I DIDN'T, IT WASN'T TRIGGERED THAT WE'D TALKED ABOUT IT.

DON: HMM, ON THE FAX THAT I SENT TO YOU, I DON'T KNOW WHETHER YOU REMEMBER BUT, YOU ACTUALLY WROTE A NOTE ON IT ...

LAZ: YEAH

DON: ... AND FAXED IT BACK TO ME. "THANKS JOHN I'LL BE BACK IN TOUCH WHEN WE HAVE MADE ANY FURTHER PROGRESS. CHEERS ANDREW" NOW THAT FAX, ACTUALLY, HALF OF IT IS ABOUT THIS CONCEPT...

LAZ: UHUH

DON: THAT'S ONLY A FEW MONTHS AGO

LAZ: NO, IT'S A DIFFERENT CONCEPT, IT'S THE SAME PROPERTY, DIFFERENT CONCEPT.

DON: ER, WE HAVE A LOT OF CON....

LAZ: AND INDEED WE GOT TOGETHER WITH NINTENDO TO PUT THIS TOGETHER.

DON: WAS THIS WITH DAVID PATTON

LAZ: YEAH

DON: WE HAD ALL OUR CONVERSATIONS WITH HIM, WE SUPPLIED HIM WITH A COPY OF OUR PROPOSAL TO GET THEIR AUTHORITY BEFORE WE PUT IT FORWARD TO YOU.

LAZ: UHUH, WELL I MEAN, HE HASN'T MENTIONED IT EITHER. HE INDEED CAME TO US OFFERING US THE OPPORTUNITY

DON: WELL THE INFORMATION THAT WE SUPPLIED TO HIM WAS ON THE SAME BASIS THAT WE PUT THE PROPOSAL FORWARD TO YOU, THAT WAS THAT IT WAS STRICTLY CONFIDENTIAL

LAZ: YEAH

DON: SO ...

LAZ: WELL I CAN ABSOLUTELY ASSURE YOU THAT THERE IS ANOTHER AGENCY INVOLVED AND INDEED THERE WAS ANOTHER OIL COMPANY INVOLVED TOO SO WE ENDED UP JACKING IT FOR A VARIETY OF REASONS.

DON: BUT IT'S WRONG YES ..

LAZ: BUT IT WAS CERTAINLY WASN'T TAKEN FROM ANY OTHER CONCEPTS WHICH WE HAD ON OUR FILE

DON: IT MUST BE WRONG ANDREW THOUGH THAT WE ACTUALLY PUT THIS IDEA FORWARD TO SHELL AND TO NINTENDO AND THAT BETWEEN THEM THEY ARE NOW RUNNING IT AND WE HAVE NO INVOLVEMENT WHATSOEVER. THAT CANNOT BE RIGHT.

LAZ: WELL I DON'T SEE WHAT YOU'RE GETTING AT REALLY BECAUSE I HAVEN'T USED ANY IDEA OR PROPERTY OR ANY ...

DON: WELL IT'S AN INSTANT WIN GAME WITH A NINTENDO THEME

LAZ: YEAH

DON: WITH GAMEBOY AS THE MAIN ELEMENT IN THE PRIZES, THAT'S EXACTLY WHAT WE PROPOSED

LAZ: GAMEBOY ISN'T THE MAIN ELEMENT IN THE PRIZES ...

DON: WELL IT'S THE MAIN ELEMENT IN THE ADVERT. EVERY DRIVER WINS A GAMEBOY PRIZE AT SHELL. THAT'S THE HEADLINE OF THE ADVERT

LAZ: GAMEBOY PRIZE IT SAYS

DON: THAT'S RIGHT, WHICH IS WHAT WE SUGGESTED

LAZ: NO, NO I MEAN I CAN'T AGREE ...

DON: WHY ARE YOU NOW ...

LAZ: ... I CAN'T AGREE THAT WHAT YOU'RE SUGGESTING ..YEAH

DON: BUT YOU SAID EARLIER ON IN THE CONVERSATION THAT YOU CAN'T REALLY RECALL THE CONCEPT THAT WE PUT FORWARD COZ IT WAS SOMETIME AGO AND YET NOW YOU CAN

LAZ: NO INDEED I CAN'T BECAUSE WHAT I'M SAYING IS THAT I CAN'T A. REMEMBER HOW WE TALKED AND WHAT THE CONCEPT WAS. UM, NOW THAT WE'RE TALKING ABOUT IT OF COURSE IT COMES BACK AS WE DID SOME WORK ON IT UM AND I REMEMBER DISCUSSING AND LOOKING AT IT. I DO NOT REMEMBER ...

DON: WELL, WHAT I'D LIKE TO SUGGEST ANDREW. I'D BE VERY GRATEFUL IF YOU COULD PLEASE READ OUR PROPOSAL AND MY FAX TO YOU DATED THE 19TH FEBRUARY AND I'D LIKE TO ARRANGE A MEETING TO COME IN TO SEE YOU TO DISCUSS THE MATTER BECAUSE ...

LAZ: IN WHAT SENSE? DISCUSS IN WHAT SENSE?

DON: WELL THE SAME WAY THAT ER THERE WAS A CASE BETWEEN ESSO AND GLENDENNING OVER AN IDEA THAT WAS PRESENTED TO ESSO

LAZ: YEAH

DON: AND THEY THEN WENT AHEAD WITH A VARIATION OF IT. I AM VERY FAMILIAR WITH THE CASE BECAUSE I WAS AN EXPERT WITNESS AND IT WAS ALL SETTLED OUT OF COURT FOR £200,000. NOW I'M NOT SUGGESTING ANYTHING LIKE ...

LAZ: WELL JOHN

DON: I'M NOT SUGGESTING ANYTHING LIKE THAT....

LAZ: RIGHT, WHAT ...

DON: PARDON?

LAZ: WHAT I WOULD SUGGEST TO YOU IS THAT YOU ACTUALLY REFER TO NINTENDO OKAY. I'M A SECONDARY PARTNER IN THIS, THEY CAME TO ME, RIGHT.

DON: BUT BUT WE WENT TO BOTH OF YOU

LAZ: WELL I'M SORRY I'M NOT, BUT WHAT I'M SAYING IS THAT NEITHER OF US USED THE CONCEPT OR ANY IDEAS WHICH YOU PUT FORWARD TO US EVERYTHING THAT WE'VE DONE IS GENERATED TOTALLY INDEPENDENTLY AND SEPARATELY I DIDN'T AT THE TIME KNOW THAT YOU'D SPOKEN TO NINTENDO. I THOUGHT YOU WERE TALKING CONCEPTS AND ALL OF THIS STUFF SO AS YOU SAID ..

DON: SO WHEN DID THIS START THEN, THIS PROJECT.

LAZ: ABOUT SIX WEEKS AGO

DON: SIX WEEKS AGO. SO THAT'S ABOUT SIX WEEKS AFTER OUR LAST CONTACT ON THAT SUBJECT.

LAZ: I MEAN JOHN, YOU KNOW, YOU KNOW HOW BUSINESS WORKS OKAY. WHEN WE FIRST SPOKE, WHICH WAS ALMOST A YEAR AGO WASN'T IT?

DON: IT WAS IN 1992 FOR A PROMOTOION FOR '93

LAZ: YES WHEN WE FIRST SPOKE I LOOKED AT A PROPOSAL AND CONSIDERED IT AND IT WASN'T RIGHT AT THE TIME SO IT WAS REJECTED, RIGHT

DON: BECAUSE IT WAS TOO CHILDISH, YOU THOUGHT IT WAS TOO DIRECTED AT CHILDREN

LAZ: CORRECT, EQUALLY AS I SAID THIS IS A TOTALLY DIFFERENT CONCEPT AND IT'S SOMETHING THAT WE'RE DOING WE COULD NEVER HAVE DONE THIS AT THAT TIME, RIGHT, AND UM THEREFORE SINCE OUR CONCEPTS, SINCE OUR OBJECTIVE IN WHAT WE ARE TRYING TO ACHIEVE HAVE CHANGED IN THE MEANTIME, WE NOW HAVE AN OPPORTUNITY OF DOING IT. HAVING HAVING PUT ASIDE IDEAS AND CONCEPTS WHICH I GET AND I GET THEM ALL THE TIME. WHEN I GET FURTHER CORRESPONDENCE ON THEM I TEND TO JUST REACT VERY QUICKLY WITH MORE USUALLY NORMALLY A HOLDING KIND OF BRIEF, SORRY RESPONSE WHICH IS INDEED WHAT I SENT BACK TO YOU UM IN THE RETURN FAX YEAH. BECAUSE I DON'T HAVE TIME TO DEAL WITH EVERYTHING - OKAY.

DON: BUT WITHIN A MATTER OF WEEKS, YOU SAY THAT IT'S AN ENTIRELY DIFFERENT CONCEPT, IT ISN'T IT'S AN INSTANT WIN GAME WITH A NINTENDO THEME WITH GAMEBOY AS A PRINCIPLE PRIZE WHICH IS WHAT WE SUGGESTED. THE DIFFERENCE IS ...

LAZ: WHAT ARE YOU SAYING? I DON'T UNDERSTAND WHAT YOU'RE SAYING. ARE YOU SAYING THAT WE'VE USED YOUR CONCEPT WITHOUT GIVING YOU ANYTHING.

DON: YES I AM

LAZ: WELL THAT'S ABSOLUTELY NOT THE CASE AND THAT CAN BE PROVEN

DON: WELL I CONTEND EXACTLY THE OPPOSITE OF THAT, IT CAN BE PROVEN

LAZ: THAT'S ABSOLUTELY NOT THE CASE BECAUSE AS I SAY FIRSTLY THIS ISN'T GENERATED BY SHELL AT ALL IT WAS BROUGHT TO US AND WE WERE INVITED TO PARTICIPATE, RIGHT. NOW IF YOU FEEL THAT IT'S YOUR CONCEPT THAT SOMEONE ELSE HAS USED, THEN THAT'S NOT, THEN YOU SHOULD TAKE IT UP WITH THEM NOT WITH ME. IT'S ABSOLUTELY BELIEVABLE THAT SOMEBODY ELSE BROUGHT THE CONCEPT

DON: THE PROBLEM ANDREW IS THAT THE SOMEONE ELSE IS NINTENDO WHO WE SUGGESTED THE IDEA TO. WE SUGGESTED THE IDEA OF A PETROL COMPANY RUNNING ...

LAZ: WELL THEN JOHN YOU SHOULD BE DISCUSSING THIS WITH THEM.

DON: ... AND OBTAINED THEIR PERMISSION TO APPROACH SHELL AND MAKE THE PRESENTATION TO YOU

LAZ: YOU SHOULD BE HAVING THIS CONVERSATION WITH THEM NOT WITH ME

DON: AND THEN A VARIATION OF THAT CONCEPT RUNS INVOLVING THE SAME TWO PARTIES BUT CUTTING OUT THE PERSON WHO THOUGHT OF IT. THAT CANNOT BE RIGHT IT CANNOT BE RIGHT.

LAZ: I CAN'T COMMENT JOHN ALL I CAN SAY IS THAT YOU HAVE TO GO BACK TO NINTENDO AND HAVE THIS CONVERSATION WITH THEM. HAVE YOU SPOKEN TO THEM YET.

DON: I HAVEN'T I THOUGHT IT BEST TO SPEAK TO YOU FIRST OF ALL.

LAZ: RIGHT I CAN ABSOLUTELY ASSURE YOU THAT I HAVE NOT USED ANY IDEAS OR PROPERTY OR CONCEPTS YOU PUT FORWARD ABSOLUTELY CATEGORICALLY.

DON: WELL

LAZ: THEY WERE GENERATED BY SOMEBODY ELSE AND BROUGHT TO ME AS A PREPARED PROJECT.

DON: WITH RESPECT THE COLOUR ADVERT SITTING ON MY DESK SAYS DIFFERENT TO THAT BECAUSE IT IS A NINTENDO THEMED INSTANT WIN GAME WITH A GAMEBOY PRIZE EXACTLY AS WE PROPOSED. THE DIFFERENCE IS ...

LAZ: NO, DIFFERENT FROM WHAT YOU PROPOSED.

DON: ... THE DIFFERENCE IS THAT WE PROPOSED AN EVERY CARD CAN WIN GAME. I HAVEN'T YET GOT A COPY OF THIS BUT OURS WAS AN EVERY CARD CAN WIN GAME. WHAT IS THIS, IS THIS A SEEDED GAME? OR IS THERE A PRIZE ON EVERY CARD OR EVERY LEAFLET.

LAZ: THERE, THERE'S IS A PRIZE ON EVERY LEAFLET.

DON: THERE IS RIGHT.. SO THE ONLY THING THAT IS DIFFERENT ABOUT THIS IS THAT IT'S ON LEAFLET AND A DIFFERENT DESIGN FROM WHAT WE'VE PUT FORWARD. OTHERWISE IT'S THE SAME CONCEPT.

LAZ: JOHN, I MEAN, I'VE GOT TO GO NOW. YOU, YOU SHOULD HAVE THIS CONVERSATION WITH NINTENDO BY THE SOUND IT. I CAN ABSOLUTELY CATEGORICALLY SAY THAT WE'VE NOT USED YOUR IDEAS OR CONCEPTS IN ANY MANNER, SHAPE OR FORM AT ALL. YOU SHOULD HAVE THIS CONVERSATION WITH NINTENDO ...

DON: I WILL CERTAINLY SPEAK TO DAVID PATTON

LAZ: OKAY

DON: AND IS IT POSSIBLE I COULD ARRANGE A TIME TO CALL YOU BACK ABOUT IT

LAZ: URM, TO WHAT EFFECT

DON: ONLY TO PURSUE, TO PURSUE THE MATTER FURTHER BECAUSE I AM NOT HAPPY WITH WHAT HAS HAPPENED. HOW WOULD YOU FEEL TO PUT IT ROUND THE OTHER SIDE IF YOU WERE WORKING AS A AGENCY AND YOU PUT FORWARD A CONCEPT TO A CLIENT AND WITHIN A FEW MONTHS AFTER OUR LAST CONCEPT ON IT, A VARIATION OF THAT SAME CONCEPT IS ACTUALLY RUNNING.

LAZ: WELL

DON: WOULD YOU NOT FEEL SLIGHTLY UPSET ABOUT IT OR WONDER WHAT HAS HAPPENED.

LAZ: ABSOL.... WHAT I CAN SAY IS THAT WE HAVEN'T USED YOUR CONCEPT OR YOUR IDEA ABSOLUTELY CATEGORICALLY, WE SHELL. THAT'S WHAT I CAN CATEGORICALLY SAY. THEREFORE FROM DOING WHAT YOU'RE ASKING, TURNING IT ROUND THE OTHER WAY, I AM TOTALLY HAPPY THAT IT'S NOT A PROBLEM

DON: BUT IF YOU PUT YOURSELF IN MY POSITION, WOULD YOU BE HAPPY, WOULD YOU NOT HAVE A MAJOR QUESTION MARK ABOUT IT.

LAZ: NO

DON: YOU WOULDN'T

LAZ: I SAY CATEGORICALLY WE DID NOT TAKE YOUR CONCEPT, DEVELOP IT, CHANGE IT AND PUT IT OUT. IF THAT HAD HAPPENED, THEN YES, BUT THAT DIDN'T HAPPEN AND THAT CAN BE PROVEN SO AS I SAY, WE, SHELL, DON'T HAVE A PROBLEM WITH IT.

DON: SO NINTENDO ACTUALLY PUT A PROPOSAL UP TO YOU DID THEY

LAZ: NINTENDO THEMSELVES DID NOT AND AS I SAY I CAN'T COMMENT ON WHAT THEY WOULD SAY OR WHERE THEY'RE COMING FROM OR WHERE THE IDEA ORIGINATED FROM, I JUST CAN GUARANTEE TO YOU THAT IT DIDN'T ORIGINATE FROM HERE. I CERTAINLY DIDN'T TAKE YOUR PROPOSAL FROM LAST YEAR, FROM A YEAR AGO OR SO ...

DON: I WOULD HAVE THOUGHT ANDREW THAT WHEN IT WAS PUT FORWARD TO YOU YOU WOULD HAVE SAID TO WHOEVER PRESENTED IT "I MAY HAVE A PROBLEM HERE BECAUSE ANOTHER AGENCY PUT FORWARD A SIMILAR CONCEPT - THE SAME BASIC IDEA FOR A NINTENDO THEMED GAME WITH INSTANT WIN PRIZES"

LAZ: OKAY JOHN BUT I ...

DON: ...AND I NEED TO DISCUSS IT WITH THEM

LAZ: RIGHT, I CAN ALSO SAY THE SAME FOR ABOUT FIVE OTHER AGENCIES ALL OF WHOM HAVE BROUGHT ME IDEAS OF USING NINTENDO OR SEGA THE MEANTIME.

DON: WHAT FOR INSTANT WIN GAMES?

LAZ: NO DIFFERENT IDEAS, DIFFERENT CONCEPTS BUT ...

DON: NOT INSTANT WIN

LAZ: NO ALL SORTS OF DIFFERENT THINGS AND ALL OF THEM, IF WE WERE TO SAY THAT THERE IS A POINT AND YOU HAVE ER I DON'T KNOW, YOU REQUIRE US TO PROVE SOMETHING IF WHENEVER WE USE, LET'S SAY, NINTENDO. I CAN GUARANTEE TO YOU THAT SIX OR SEVEN COMPANIES IN THE PAST YEAR HAVE PUT PROPOSALS TO ME FOR DOING SOMETHING. SOME OF THEM INSTANT WIN SOME OF THEM NOT WITH NINTENDO OR SEGA. THERE IS NO ARGUMENT ABOUT THAT, IT'S A HOT PROPERTY IT'S ALSO A OBVIOUS PROPERTY TO DO SOMETHING WITH AND I CAN'T BE BOUND

DON: AND YET WE WERE THE FIRST...

LAZ: WHEN I SPOKE TO YOU I'D ALREADY HAD ONE OR TWO COME IN AND FURTHER FROM ALL OF THAT WE KNOW IT'S A HOT PROPERTY, WE'RE NOT THICK AND WE THEREFORE HAVE IT IN THE BACK OF OUR MINDS THAT WE SHOULD BE DOING SOMETHING. TWO OF MY TEAM WHEN YOU AND I SPOKE ABOUT IT, TWO OF MY TEAM WERE ALREADY ON MY BACK SAYING THAT WE SHOULD BE DOING SOMETHING WITH NINTENDO OR SEGA PROBABLY GIVING AWAY GAMEBOYS ETC. AND DO YOU KNOW THEY'VE BEEN AT ME FOR A LONG TIME ABOUT IT. AT THE TIME WE SPOKE I WAS NOT IN FAVOUR IN DOING SOMETHING FURTHER AND THEREFORE I REJECTED THE CONCEPT.

DON: IS IT...

LAZ: WHEN I REJECT A CONCEPT, I DON'T USE IT.

DON: BUT WHEN ...

LAZ: IF I WERE TO USE YOUR CONCEPT OR DEVELOP IT I WOULD GET BACK TO YOU

DON: EXCEPT THAT I DID WRITE TO YOU ONLY A FEW MONTHS AGO AND ASKED YOU TO LOOK AT IT AGAIN AND YOU WROTE A NOTE ON THAT FAX AND SAID THAT YOU WOULD BE BACK IN TOUCH WHEN YOU'VE MADE FURTHER PROGRESS. YOU'VE MADE, YOU'VE CERTAINLY MADE ...

LAZ: WHEN I WANT TO DEVELOP THE CONCEPT WITH YOU, YEAH

DON: FROM WHAT YOU SAID ANDREW ISN'T IT TRUE THAT WE WERE THE FIRST PEOPLE TO SUGGEST AN INSTANT WIN GAME WITH A NINTENDO THEME.

LAZ: I CAN'T REMEMBER. I KNOW THAT YOU WERE NOT THE FIRST PEOPLE TO SUGGEST USING NINTENDO OR SEGA AS A LINK-UP.

DON: NO BUT AS AN INSTANT WIN PROMOTIONAL GAME

LAZ: I CAN'T REMEMBER. YOU'RE NOT THE FIRST PEOPLE TO MENTION NINTENDO OR SEGA.

DON: NO

LAZ: I WOULD HAVE HAD TO GO BACK TO THE OTHER PEOPLE WHO MENTIONED IT TO ME AND SAY IS IT ALRIGHT THAT I TALK TO DON MARKETING ABOUT DOING AN INSTANT WIN GAME ASSOCIATED WITH NINTENDO OR SEGA, YEAH. THAT'S THE LOGIC IN WHAT YOU'RE SAYING.

DON: CERTAINLY ...

LAZ: I DON'T HAVE TIME

DON: NO IT WON'T

LAZ: I TALK TO ANY AGENCY WHO COME TO ME FREQUENTLY ON, ON A SPECULATIVE BASIS.

DON: YES BUT IF ANOTHER AGENCY HAD PUT FORWARD AN INSTANT WIN GAME WITH THAT THEME

LAZ: YES

DON: YOU WOULD HAVE SURELY MENTIONED IT TO US DURING OUR PRESENTATION ...

LAZ: YEAH

DON: ... AND YOU DIDN'T AND YOU SEEM QUITE IMPRESSED WITH IT TO START, WITH BUT ON THINKING ABOUT IT SAID THAT YOU THOUGHT IT WAS TOO CHILDISH AT THAT TIME.

LAZ: OKAY JOHN, LOOK I'VE REALLY GOT TO GO. I SUGGEST THAT YOU SHOULD BE HAVING THIS CONVERSATION WITH SOMEBODY ELSE. IT'S CERTAINLY NOT MY PROBLEM. I MEAN...

DON: EXCEPT THAT SHELL ARE THE PEOPLE THAT ARE RUNNING THE PROMOTION.

LAZ: GO A BIT FURTHER JOHN, TELL ME WHAT YOU'RE TRYING TO SAY.

DON: WHAT I'M SAYING, I THOUGHT I MADE IT QUITE CLEAR, IS THAT SHELL ARE RUNNING A PROMOTION WHICH IS BASED ON A PROPOSAL WHICH WE MADE UNDER THE COVER OF STRICTEST CONFIDENTIALITY AND WHICH WE CLEARED IN ADVANCE WITH NINTENDO ON THE SAME BASIS

LAZ: RIGHT

DON: AND THOSE TWO PARTIES ARE NOW RUNNING A PROMOTION BETWEEN THEM WHICH IS ON THAT SAME GENERAL THEME.

LAZ: RUN OVER ME AGAIN WHAT YOU SAID ABOUT THE LEGAL CASES WITH ESSO AND SO ON AND WHAT YOU WERE GETTING AT

DON: WHAT I SAID IS THAT A FEW YEARS AGO, 1986, THERE WAS A CASE WITH THE ESSO NOUGHTS AND CROSSES GAME WHERE ESSO USED THAT CONCEPT AND WERE SUBSEQUENTLY CHALLENGED BY GLENDENNING TO SAY THAT THE CONCEPT WAS A VARIATION ON A PROPOSAL WHICH THEY HAD PUT FORWARD. ESSO DENIED IT. THE CASE DRAGGED ON FOR 2 YEARS. I WAS EVENTUALLY CALLED IN AS AN EXPERT WITNESS AND THE CASE WAS SETTLED OUT OF COURT FOR £200,000. ESSO PAID AND THEIR AGENCY PAID TO GLENDENNING.

LAZ: OKAY SO WHAT YOU'RE SAYING IS YOU WANT £200,000

DON: NO, I DON'T WANT .. I SPECIFICALLY SAID EARLIER ON NO I'M NOT LOOKING FOR £200,000 OR ANYTHING LIKE IT.

LAZ: WELL, WELL WHAT ARE YOU LOOKING FOR

DON: I AM LOOKING FOR SHELL TO TREAT US FAIRLY AS THEY ALWAYS HAVE IN THE PAST. WE HAD A MARVELLOUS RELATIONSHIP WITH SHELL

LAZ: ABSOLUTELY

DON: WHERE YOU ACTUALLY ASKED US TO ACT ON YOUR BEHALF TO APPROACH PEOPLE TO GET THE PRICE DOWN FOR VARIOUS THINGS. FOR EXAMPLE, THE MASTERMIND PROMOTION. WE HAD SUCH TRUST BETWEEN US THAT I WAS EVEN WRITING LETTERS ON BEHALF OF THE CHAIRMAN OF SHELL AT THAT TIME WHERE PEOPLE HAD MADE ANY COMPLAINTS ABOUT THE PROMOTION, THEY ASKED ME TO DO IT BECAUSE I HAVE THE TALENT FOR IT

LAZ: YEAH

DON: AND TO COME TO THIS WHERE WE PUT FORWARD AN IDEA...

LAZ: NO JOHN YOU'RE YOU'RE YOU'RE TOTALLY WRONG IN THAT. CATEGORICALLY WE HAVE NOT USED YOUR CONCEPT AND PUT IT OUT. WE'VE NOT TAKEN YOUR CONCEPT AND DEVELOPED IT YOU CAN REST ASSURED THAT IN MY VIEW IN MY KNOWLEDGE, UM YOU'RE THE BEST GUYS OUT THERE. IF I HAD GENERATED OR WANTED TO DO A GAME COMPETITION AND I WAS GOING TO DEVELOP IT MYSELF, THEN I WOULD COME TO YOU BECAUSE I DON'T KNOW ANYONE ELSE WHO'S AN EXPERT AT IT AND YOU ARE IN MY KNOWLEDGE OR EXPERIENCE THE BEST RIGHT. THAT'S CATEGORICAL. AND THERE IS NO ARGUMENT ABOUT IT AND THAT'S WHAT WOULD HAVE HAPPENED IF I'D DEVELOPED A COMPETITION WITH SCRATCH OFF AND SO ON, YEAH.

DON: WELL, IT'S GOOD TO HEAR YOU SAY THAT BUT ...

LAZ: WHAT THERE IS ALSO NO QUESTION ABOUT IS THAT WE WERE BROUGHT A CONCEPT BY SOMEBODY ELSE AND AND WE THEREFORE SOMEBODY ELSE HAS DEVELOPED IT, SOMEBODY ELSE IS THE LEADER IN IT AND IT'S NOT US. AND THEREFORE I CAN'T SAY TO THEM I'M NOT GOING TO BECAUSE SOMEBODY ELSE HAS TALKED TO ME ABOUT IT, YEAH. THAT WOULD BE A SILLY APPROACH. THAT JUST, JUST, WOULDN'T, BE THE CASE. IF SOMEBODY TRIES TO SELL YOU A CAR AND YOU DON'T ACCEPT IT ON ONE OCCASION, WHEN SOMEBODY ELSE COMES ALONG AND TRIES TO SELL YOU THE SAME CAR THEN PERHAPS YOU DO.

DON: BUT SHELL ARE NOT CAR DEALERS ARE THEY ANDREW?

LAZ: ABSOLUTELY NOT

DON: SHELL OIL ...

LAZ: IT WOULD BE STUPID TO SAY TO THE SECOND WHO IS ACTUALLY IN THE OFFICE OR WHO'S IN FRONT OF YOU UM NO I'M SORRY I CAN'T BUY THE CAR FROM YOU BECAUSE I SPOKE TO THIS OTHER CHAP ABOUT IT BECAUSE HE TRIED TO SELL IT TO ME.

DON: WELL YOU HAVE YOUR VIEW AND I HAVE MINE AND I WOULD PREFER TO AVOID SOMEONE ELSE HAVING TO DECIDE WHO IS CORRECT. I WOULD RATHER ...

LAZ: LIKE WHO JOHN, SOMEBODY ELSE LIKE WHO?

DON: WELL SOMEONE ELSE IN YOUR ORGANISATION OR SOMEONE ELSE OUTSIDE OF YOUR ORGANISATION BECAUSE ...

LAZ: WHAT DO YOU MEAN?

DON: I THINK THAT'S FAIRLY OBVIOUS ANDREW ISN'T IT.

LAZ: NO IT'S NOT FAIRLY OBVIOUS

DON: I DON'T WANT TO LET THE MATTER DROP. I'M TRYING TO BE REASONABLE ABOUT IT I'M PUTTING FORWARD MY CASE. YOU HAVE AN ENTIRELY DIFFERENT VIEW

LAZ: YES

DON: ER. YOU CAN'T SEE WHAT I'M SAYING

LAZ: I'M STATING THE FACT THAT I DO SEE WHAT YOU'RE SAYING AND I CAN GUESS AT YOUR ILLUSIONS AND SO ON ...

DON: NO WHAT I'M SUGGESTING

LAZ: I WANT YOU TO BE STRAIGHT FORWARD IN WHAT YOU'RE SAYING

DON: RIGHT WHAT I AM SUGGESTING IS THAT

TAPE RUNS OUT AT THIS POINT - IS TURNED OVER, RECOMMENCES SIDE "A" OF TDK TAPE 1

LAZ: I'VE NOT GOT A LOT OF TIME LEFT

DON: NO I APPRECIATE THAT I KNOW THAT YOU'RE A BUSY MAN BUT ANDREW I ASK YOU AGAIN TO PUT YOURSELF IN MY POSITION AND HOW WOULD YOU FEEL WHEN YOU'D PUT FORWARD A CONCEPT AND RE-SUGGESTED IT ONLY A FEW MONTHS AGO IN THE MIDDLE OF FEBRUARY SAYING THAT I THOUGHT IT REALLY HAD SOMETHING GOING FOR IT A VIDEO GAMES CRAZE ETC, PLEASE READ THE LETTER AND THE PROPOSAL AND THEN TO SEE THAT A VARIATION ON THAT CONCEPT RUNNING IS THE SAME CONCEPT INSTANT WIN WITH A PRIZE ON EVERY CARD WITH A GAMEBOY AS THE MAJOR ELEMENT IN THE PRIZES AND THE TWO PARTIES THAT YOU PUT THE CONCEPT FORWARD TO ARE NOW RUNNING THE PROMOTION WITHOUT ANY INVOLVEMENT FOR US.

LAZ: IT'S NOT.. CATEGORICALLY JOHN I AM NOT USING A CONCEPT WHICH YOU PUT FORWARD, I'M NOT DOING THAT AND I WOULDN'T. YOU KNOW SHELL WOULD NOT DO THAT, CANNOT DO THAT.

DON: WELL I WOULDN'T, I WOULDN'T HAVE BELIEVED IT POSSIBLE BASED ON OUR PREVIOUS ...

LAZ: WE WOULDN'T DO IT, WE HAVEN'T DONE IT

DON: ...ON OUR PREVIOUS ASSOCIATION WITH SHELL, IT JUST WOULDN'T, IT WASN'T A POSSIBILITY.

LAZ: ITS NOT, IT HAS NOT HAPPENED

DON: ONE LAST QUESTION BECAUSE I KNOW THAT YOU HAVE GOT OTHER THINGS TO DO.

LAZ: YEAH

DON: WHAT IS THE SITUATION FOR THE FUTURE. IS THERE ANY PROSPECTS WITH ANY OTHER PROPOSALS THAT WE'VE PUT FORWARD

LAZ: MY POSITION IS NO DIFFERENT FROM WHEN I TALKED TO YOU IN FEBRUARY AND FROM WHEN WE SPOKE LAST YEAR. I'VE NO AGENCY RELATIONSHIPS, YEAH. I OF COURSE HAVE ALL SORTS OF PROJECTS ON-GOING ALL THE TIME AND I ALSO ENCOURAGE PEOPLE TO SEND IN CONCEPTS OR PROPOSALS, MANY OF WHICH DUPLICATE EACH OTHER AND THEREFORE THE FIRST ONE OF WHICH IS USUALLY THE ONE WHICH WE WOULD ACCEPT IF WE WERE TO GO FOR IT BUT EQUALLY WE USUALLY DON'T GO FOR ONE'S THAT ARE DUPLICATED. RIGHT.

DON: YOU HEARD MY CONTENTION THAT THIS WAS THE FIRST ONE FOR AN INSTANT WIN NINTENDO THEMED GAME.

LAZ: IT'S ENTIRELY BASED ON THE FACT THAT YOU'RE SUGGESTING THAT WE TOOK YOUR CONCEPT AND DEVELOPED IT OURSELVES.

DON: NO I AM NOT NECESSARILY SUGGESTING THAT BECAUSE I DON'T HAVE ANY REASON TO BELIEVE THATS THE CASE. ALL I KNOW IS THE END RESULT THAT THERE THERE IS OUT A PROMOTION WHICH IS BASED ON THE CONCEPT WE PUT FORWARD TO NINTENDO AND TO SHELL AND NOW BETWEEN YOU AND A THIRD PARTY, WHOEVER THE AGENCY IS INVOLVED, THERE IS THE PROMOTION RUNNING. IT ISN'T EXACTLY THE SAME BUT THERE ARE SO MANY ELEMENTS IN IT WHICH ARE THE SAME THAT I SAY THAT IT IS WRONG THAT IT'S RUNNING WITHOUT DON MARKETING HAVING ANY PAYMENT OR ACKNOWLEDGEMENT WHATSOEVER THAT IS NOT RIGHT. I REALLY DON'T, I'M FAIRLY CERTAIN ABOUT THAT.

LAZ: I CAN CATEGORICALLY SAY JOHN THAT WE OWE YOU NO PAYMENT, WE DID NOT USE YOUR CONCEPT OR YOUR IDEA IN ANY WAY ...

DON: ANY RATE, I INTERRUPTED YOU, THE LAST CONVERSATION WE HAD THERE WAS A DECISION GOING TO BE TAKEN ABOUT WHETHER YOU WERE GOING TO CONTINUE WITH QUARTERLY PROMOTIONS OR GO TO SOME OTHER PROMOTIONAL POLICY.

LAZ: YEAH

DON: ARE YOU SAYING THAT YOU ARE CONTINUING WITH QUARTERLY PROMOTIONS FOR THE TIME BEING.

LAZ: YEAH

DON: SO THIS IS LIKELY ...

LAZ: SHORT TERM PROMOTIONS FOR THE TIME BEING

DON: SEE, I'VE GOT WHAT I THINK IS A SPECTACULAR IDEA FOR NEXT SUMMER THAT NO-ONE ... I WOULD BE FAIRLY CERTAIN THAT NO-ONE HAS PUT THIS FORWARD. SO AS FAR AS YOU'RE CONCERNED THAT IS A POSSIBILITY.

LAZ: YES, ABSOLUTELY

DON: ONCE YOU HEAR MORE ABOUT IT, OKAY.

LAZ: WHAT IT DOES DO IS BREAK GROUND BECAUSE WHEN WE LAST SPOKE WE STILL WEREN'T IN A POSITION TO GO BACK TO DOING GAMES AND THERE WAS STILL NO MANAGEMENT DESIRE TO DO IT. THIS IS THE FIRST ONE WE'VE DONE SINCE STAR TREK AND THIS IS REALLY PUTTING IT... AND WE HAD TO WORK TO GET MANAGEMENT TO ACCEPT GOING BACK INTO IT.

DON: THAT WAS ANOTHER VERY BIG DISAPPOINTMENT FOR US, THE STAR TREK PROMOTION, WHICH I'VE NEVER EVER RAISED WITH ANYONE AT SHELL. BUT WHEN I TALK TO YOU I'LL TELL YOU MORE ABOUT THAT BECAUSE IT WAS SUCH A GOOD IDEA THAT WAS UNINTENTIONALLY SABOTAGED WITH CERTAIN EVENTS WHICH TOOK PLACE AND NOW SINCE THEN I FEEL THAT IT DOWNGRADED GAMES ABSOLUTELY UNFAIRLY BECAUSE THE DEALERS WERE BEING ASKED FOR STAR TREK CARDS

LAZ: YEAH

DON: AND THEY NEVER HAD THEM BECAUSE THE ORDERING SYSTEM, THERE WAS A COCK-UP MADE ON THE ORDERING SYSTEM, THE RE-ORDERING SYSTEM FOR GAME CARDS SO THEY HAD THE PROMOTION RUNNING, THEY HAD THE DEMAND BUT NO SCRATCH CARDS TO GIVE OUT. WE HAD LOTS OF LETTERS WE PASSED ON TO SHELL BUT IT WAS A PROBLEM WHICH WASN'T RECTIFIED. THERE WERE LOTS OF OTHER THINGS THAT HAPPENED, AS I SAY, I KNOW YOU'RE BUSY SO I WON'T GO INTO IT ANY FURTHER BUT WHEN WE DO MEET, I'D LIKE TO TELL YOU MORE ABOUT THAT.

LAZ: OKAY I'LL CERTAINLY BE INTERESTED TO HEAR ABOUT THAT

DON: OKAY ANDREW, THANKS FOR YOUR TIME, I'LL TRY TO CONTACT DAVID PATTON. I'LL COME BACK TO YOU AFTER I'VE SPOKEN TO HIM

LAZ: RIGHT IF YOU SPEAK TO HIM THEN I'M, I'M, I'M PRETTY UNOBTAINABLE BUT I SHOULD BE BACK AT MY DESK AT ABOUT, OR I SHOULD BE BACK HERE AFTER 6PM TONIGHT.

DON: OKAY ANREW, I'LL GIVE YOU A CALL THEN IF IT MIGHT SERVE A PURPOSE PURPOSE

LAZ: AND EQUALLY, IF YOU WANT TO GRAB ME EARLIER THEN LEAVE A MESSAGE AND I WILL GET BACK TO YOU BECAUSE OBVIOUSLY I WANT TO GET THIS SORTED OUT.

DON: OKAY ANDREW, THANK YOU, THANKS FOR YOUR TIME.

LAZ: EQUALLY, WHEN WOULD YOU LIKE TO TO TALK ABOUT THE ONE NEXT SUMMER. THE NEXT IDEA

DON: THERE IS SOME SPADE WORK TO DO, I'VE DONE PART OF IT ALREADY BUT THERE IS A BIT MORE SPADE WORK TO DO ON IT WHICH IS GOING TO INVOLVE A OVERSEAS TRIP BUT IT WON'T BE ALL THAT LONG

LAZ: OKAY, OKAY, I HAVEN'T GOT ANY TIME ANYWAY IN JULY BUT BEGINNING TO GET TO AUGUST WE'LL BE IN A POSITION TO START LOOKING.

DON: OKAY FINE. WHAT I'D LIKE TO DO IS AFTER I'VE SPOKEN TO DAVID PATTON I'D LIKE TO TALK TO YOU AGAIN AND THEN IF POSSIBLE ARRANGE A MEETING. I'D LIKE SOME ACKNOWLEDGEMENT FOR THIS PROMOTION IF YOU'RE PERSUADED BY WHAT I'M SAYING AND WE'LL LEAVE IT AT THAT.

LAZ: WE'LL SPEAK LATER ON TODAY THEN

DON: OKAY THANKS ANDREW, BYE

LAZ: BYE.