

REF:H95

TRANSCRIPT OF FIRST TELEPHONE CONVERSATION BETWEEN
DAVID WATSON (SHELL) AND JOHN DONOVAN (DON MARKETING)

P247

TAKES PLACE ON 28TH OCTOBER 1993

DON: I'M RETURNING YOUR CALL

WAT: YEH THANK YOU

DON: I DON'T KNOW WHAT WE'D DO WITHOUT THESE TELEPHONE ANSWERING MACHINES.

WAT: WELL WE'VE SWOPPED PLENTY OF MESSAGES AROUND

DON: WE HAVE

WAT: URM, YES, THE REASON FOR ME CALLING IS I'VE RECEIVED YOUR LETTER THIS MORNING

DON: RIGHT

WAT: AND I'VE, WHAT YOU SAY IS FINE.. I WANTED TO CONFIRM WITH YOU, CERTAINLY I'M NOT PLANNING TO HAVE ANY LEGAL ADVISOR THERE

DON: RIGHT

WAT: I DON'T THINK IT WOULD BE SENSIBLE AT THIS POINT. WE REALLY JUST WANT TO UNDERSTAND WHERE YOUR COMING FROM

DON: FINE

WAT: WHAT, WHAT I DID WANT TO ASK YOU THOUGH IS MY BOSS, FRANK LEGGETT IS INTERESTED TO MEET YOU AND I WONDERED WHETHER YOU'VE GOT ANY .. OBVIOUSLY HE'S A MARKETING PERSON, HE'S NOT IN ANY WAY A LEGAL PERSON, I WONDERED IF YOUR'VE GOT ANY OBJECTION TO HIM JOINING IN FOR EITHER PART OR ALL OF THE MEETING

DON: NO, NONE AT ALL, IN WHICH CASE I WOULD LIKE TO BRING A COLLEAGUE WITH ME WHO IS'NT, JUST ONE OF MY COLLEAGUES

WAT: OKAY

DON: WHO'S BEEN INVOLVED WITH SHELL ON ALL OF THE PROMOTIONS WOULD THAT BE OKAY?

WAT: THAT'S FINE, NO PROBLEM AT ALL, WHAT'S THE NAME OF THE COLLEAGUE

DON: WELL, IT WILL EITHER BE JOHN CHAMBERS OR ROGER SOTHERTON

WAT: FINE, OKAY. I MEAN I MEAN AS FAR AS WE ARE CONCERNED WE'VE REALLY, THERE'S ONE OR TWO THINGS THAT WE'D LIKE TO SORT OF SHOW YOU IN TERMS OF WHAT WE RECEIVED FROM OTHER PEOPLE ABOUT NINTENDO

DON: RIGHT

WAT: WHICH I THINK YOU MAY NOT HAVE SEEN YET, EFFECTIVELY IT WOULD BE THE THINGS WE WOULD USE IN A SORT OF COURT ACTION

DON: YES

WAT: AND THEN REALLY WE JUST WANT TO UNDERSTAND YOU KNOW, A BIT MORE ABOUT I'M ABOUT REALLY WHAT YOU THINK YOUR CASE IS, JUST WANT TO KNOW A BIT MORE ABOUT IT

DON: RIGHT

WAT: JUST SO WE CAN UNDERSTAND A BIT MORE, YOU KNOW, SOME OF THE THINGS YOU SAID

DON: OKAY

WAT: I'M, THAT'S REALLY OUR AGENDA... IN TERMS OF SHOWING YOU SOME OF THE MATERIAL WE'VE GOT

DON: RIGHT

WAT: AND OBVIOUSLY THE OTHER PEOPLE WHO BROUGHT NINTENDO IDEAS TO US WHO IN THE END WE WENT WITH

DON: YOUR COLLEAGUE THATS GOING TO BE AT THE MEETING, HE IS'NT FROM YOUR LEGAL DEPARTMENT

WAT: NO

DON: NO OKAY

WAT: NO SORRY.. HIS NAME IS FRANK LEGGETT

DON: RIGHT

WAT: HE'S THE RETAIL MARKETING MANAGER

DON: OKAY

WAT: OKAY, HE'S MY BOSS

DON: OKAY, THATS A NAME I HAVE'NT HEARD BEFORE.. OKAY I'M

WAT: YOU'RE HEARD, YOU KNOW DAVID VARNEY

DON: I DO INDEED

WAT: RIGHT.. OKAY DAVID VARNEY IS THE MANAGING DIRECTOR FOR DOWNSTREAM, WHICH INCLUDES ALL REFINING AND ALL MARKETING

DON: RIGHT, THEN ITS DAVID PIRRETT IS'NT IT, IS

WAT: THE RETAIL DIRECTOR

DON: I'M WITH YOU

WAT: AND THEN FRANK LEGGETT IS THE RETAIL MARKETING MANAGER

DON: RIGHT

WAT: AND THEN ME

DON: OKAY

WAT: AND THEN ANDREW LAZENBY WORKS FOR ME AS YOU KNOW

DON: I SEE.. ARE YOU SAYING THAT... THE WAY THAT YOU SEE THIS MEETING IS THAT YOUR GOING TO TRY TO PERSUADE ME THAT WE HAVE'NT GOT A CASE?

WAT: I THINK WE JUST WANT TO UNDERSTAND WHAT, WE HONESTLY WANT TO UNDERSTAND WHY YOU THINK YOU'VE GOT A CASE

DON: RIGHT

WAT: BECAUSE WE'VE GOT ALL OF OUR MATERIAL AND ALL OF OUR LEGAL ADVICE THAT WE'VE GOT IS THAT IS THAT THERE IS NO CASE AGAINST US AND THEREFORE, I MEAN, RATHER THAN GO THROUGH WHAT WOULD BE PERHAPS A LENGTHY COURT BATTLE, A COURT BATTLE, ER, IT MAY JUST BE THAT IF WE SHOW THE MATERIAL WE'VE GOT, UR, MAYBE WE'LL JUST UNDERSTAND A BIT MORE

DON: RIGHT... THESE ARE APPROACHES FROM OTHER AGENCIES PRESUMABLY?

WAT: THATS RIGHT

DON: WERE ANY OF THESE BEFORE WE APPROACHED SHELL?

WAT: ERRR... NOT THE ONE.. THE THE.. SOME OF THE IDEAS ARE BEFORE YOU APPROACHED US.

DON: RIGHT

WAT: THE AGENCY WE WENT WITH WAS NOT.. IT WAS AFTERWARDS..

DON: RIGHT

WAT: I MEAN OUR LEGAL ADVICE IS THAT IS IRRELEVANT

DON: BUT THESE OTHER AGENCIES, DID ANY OF THEM APPROACH NINTENDO BEFORE HAND TO GET THEIR PERMISSION TO PUT PROPOSALS TO SHELL

WAT: XXXX

DON: THEY DID OKAY... ITS STRANGE THAT DAVID PATTON AT NINTENDO NEVER MENTIONED THAT HE'D BEEN SPEAKING TO ANY OTHER AGENCY ABOUT PUTTING UP A PROPOSAL TO SHELL

WAT: WELL PART PART OF OUR FEELING IS THAT ACTUALLY YOU MAY HAVE A CASE AGAINST NINTENDO BUT BUT WE DON'T THINK THERES ANY CASE AGAINST US.. THATS ONE OF THE THINGS WE THINK ITS WORTHWHILE EXPLORING

DON: YES.. HAVE, YOU SAY THAT YOUR'VE GOT LEGAL ADVICE, HAVE YOU GOT ADVICE FROM COUNSEL?

WAT: NO, WE'VE ONLY WE'VE ONLY USED OUR INTERNAL LAWYERS

DON: OKAY

WAT: WE'VE GOT A LARGE INTERNAL LEGAL GROUP HERE

DON: YES.. BECAUSE WE OBVIOUSLY WENT TO A SPECIALIST BARRISTER

WAT: SURE

DON: AND SHE SAYS, HER ADVICE IS EXACTLY THE OPPOSITE TO.. THAT WE HAVE A STRONG CASE BASED ON OBVIOUSLY THE INFORMATION THAT WE'VE GIVEN HER

WAT: RIGHT RIGHT.. WHAT WE'VE DONE WE'VE USED THREE THREE DIFFERENT PEOPLE INDEPENDENTLY WITHIN OUR LEGAL DEPARTMENT ER TO SEEK VIEWS.. AND THERE'VE ALL COME BACK SAYING THE SAME THING TO US

DON: RIGHT

WAT: SEE, MAYBE THAT YOUR'VE GOT DIFFERENT INFORMATION FROM US

DON: YES

WAT: THERE MAY BE SOME THINGS THAT YOU KNOW THAT WE DON'T KNOW.. EQUALLY THERE ARE OBVIOUSLY ONE OR TWO THINGS THAT WE KNOW I THINK WE'VE SAID SOME OF THEM BUT WE HAVE'NT SHOWN YOU.. FOR EXAMPLE THE LETTER THAT SAYS THAT ERM THE CONCEPT WAS DEVELOPED SOLELY BY THIS AGENCY ERM AND OBVIOUSLY FROM OUR PERSPECTIVE THATS SOMEBODY BRINGING US A CONCEPT THAT THEY'VE DEVELOPED YOU KNOW

DON: RIGHT

WAT: SO THERE'S THINGS LIKE THAT I DON'T THINK WE SHOWN YET

DON: NO I HAVE'NT SEEN ANY OF THAT

WAT: OTHER IDEAS ON NINTENDO ACTUALLY CAME FROM MEMBERS OF OUR STAFF..

DON: RIGHT

WAT: NOT PROMOTIONS STAFF..

DON: RIGHT

WAT: I MEAN ONES PROMOTION STAFF, BUT ONES FROM SOMEBODY ELSE

DON: RIGHT

WAT: WHO CAME EIGHTEEN MONTHS AGO

DON: RIGHT, BUT THESE.. THE AGENCIES THAT APPROACHED YOU WITH NINTENDO PROMOTIONS WERE BEFORE JUNE 1992?

WAT: NO.. NO THEY WERE'NT

DON: BECAUSE THAT WHEN WE ORIGINALLY APPROACHED SHELL

WAT: RIGHT

DON: AND AT THAT TIME YOU SEE I BELIEVE THAT NO OTHER AGENCY HAD PUT FORWARD A NINTENDO THEMED PROMOTIONAL GAME NOR HAD APPROACHED NINTENDO TO GET THEIR PERMISSION BEFORE APPROACHING SHELL BECAUSE.. OTHERWISE WE.. SOMEONE WOULD HAVE MENTIONED IT TO US EITHER AT SHELL OR NINTENDO

WAT: RIGHT I THINK.. I MEAN MY UNDERSTANDING IS THAT, I MEAN FROM WHAT.. ~~THE~~ ~~RE~~ WAS SEVERAL PEOPLE BRING US DIFFERENT NINTENDO IDEAS AT DIFFERENT TIMES.. AND IN TERMS OF EXTERNAL AGENCIES ON THE BASIS OF THE RECORDS THAT WE'VE GOT YOU WERE INDEED ONE OF THE FIRST THERE'S NO QUESTION ABOUT THAT OKAY.. BUT I DON'T THINK THAT IF YOU BRING US AN IDEA EARLY ON THAT THAT MEANS THAT IF SOMEBODY ELSE BRINGS US A SIMILAR BUT DIFFERENT IDEA LATER, THAT THAT MEANS WE NECESSARILY OWE THE PEOPLE WHO BROUGHT THE FIRST IDEA ANYTHING

DON: ERM.. WELL WELL IT DOES ACCORDING TO OUR STANDARD TERMS AND CONDITIONS WHICH SHELL ARE AWARE OF BECAUSE WE,VE USED THEM PREVIOUSLY FOR A GAME THAT WE SUPPLIED.. SO.. THE WAY WE SEE IT, WHAT WE'VE PUT FORWARD WAS A NINTENDO THEMED PROMOTIONAL GAME WITH A SCRATCH OFF MECHANIC AND NINTENDO THEMED PRODUCT PRIZES WITH THE PRINCIPAL PRIZE BEING A GAMEBOY.. AND THAT IS WHAT WAS ACTUALLY RUN BUT WITH A DIFFERENT FORMAT TO THE ONE WE PROPOSED, BUT NEVERTHELESS IS A DERIVATIVE OF THE ORIGINAL PROPOSAL, BUT OF COURSE WHAT I'M DOING NOW IS ARGUING OUR CASE WHEN I SHOULD BE DOING IT AT THE MEETING

WAT: NO NO.. YEAH, THATS FINE YEAH IT MAY WELL IT MAY WELL HELP US ALL AT THE MEETING IF, FOR YOU AND I TO HAVE THIS DISCUSSION

DON: OKAY

WAT: SO WE KNOW A BIT MORE ABOUT WHERE WE'VE EACH COMING FROM

DON: RIGHT.. I THINK THATS A CRUCIAL POINT IS WHETHER WE WERE THE FIRST AGENCY TO PUT FORWARD A NINTENDO THEMED PROMOTIONAL GAME

WAT: I MEAN I MEAN

DON: OR NOT

WAT: IF YOUR IF YOUR LEGAL VIEW IS THAT IF YOU BRING A COMPANY LIKE SHELL THE FIRST IDEA YEAH.. THAT PRECLUDES THEM FROM DOING ANYBODY ELSE'S IDEAS IN THE FUTURE, THAT MIGHT BE SIMILAR, THEN I MEAN THAT I SUPPOSE THAT THAT'S DIFFERENT FROM OUR LEGAL.. THAT WOULD ALSO BE A VERY SERIOUS DIS-INCENTIVE TO A COMPANY LIKE US TO ACCEPT ANY IDEAS FROM YOU IF THOSE IF THOSE WERE YOUR CONDITIONS

DON: YES WELL THAT THAT.. FOR EXAMPLE WITH MCDONALDS THEY WON'T ACCEPT IDEAS ON A SPECULATIVE BASIS BECAUSE OF THAT. IF WE SEND A PROPOSAL TO MCDONALDS THEY SEND IT BACK AND SAY THAT THEY HAVE'NT READ IT.. BUT OUR BASIS WITH SHELL IS THAT WE'VE PUT FORWARD PROPOSALS AND WE'VE NEVER EVER HAD A PROBLEM BEFORE BECAUSE IF YOU'VE RESEARCHED IT AND YOU LIKE THE RESULTS YOU'VE RUN WITH IT.. ER THERE'S NEVER BEEN AN OCCASION LIKE THIS BEFORE

WAT: YEAH, I MEAN I'VE I'VE TALKED TO JOHN SMEDDLE WHO YOU MAY REMEMBER..

DON: I REMEMBER HIM VERY WELL

WAT: ABOUT THIS CASE AS WELL

DON: YES

WAT: AND OTHER CASES

DON: RIGHT

WAT: JUST TO GET SOME INPUT FROM HIM

DON: YES

WAT: HIS VIEW WAS THAT IT WOULD BE ^{12/85}BETTER IF DON MARKETING AND SHELL GET TOGETHER RATHER ^AGOING TO COURT.. YOU CAN IMAGE THIS WOULD BE JOHN'S VIEW

DON: YES.. WE GOT ON VERY WELL WITH HIM AND IN FACT WE PUT FORWARD A PROMOTIONAL IDEA TO HIM IN 1984 SOON AFTER MAKE MONEY, CALLED MEGA MATCH WHICH INVOLVED VARIOUS TYPES OF RETAILER PARTICIPATING IN THE SAME PROMOTION AND THAT WAS THE IDEA WHICH I PUT BACK UP TO ANDREW LAZENBY LAST YEAR. IN BETWEEN THAT.. THERES A LONG HISTORY WITH IT INVOLVING KEN DANSON AND RESEARCH THAT WAS CARRIED OUT.. I THINK ABOUT £6,000 WORTH OF RESEARCH ON A SPECULATIVE BASIS.. ANDREW DOES'NT REALLY KNOW ANY OF THIS HISTORY BUT I PUT IT UP TO HIM AND HE PUT IT FORWARD TO RESEARCH AND IT CAME OUT NUMBER THREE AND FOR VARIOUS REASONS HE DECIDED NOT TO GO WITH IT

WAT: YES I'M FAMILIAR WITH THAT

23/10/93
DON: DURING MY DISCUSSIONS WITH HIM ON THE NINTENDO PROMOTION WHEN I PHONED UP TO COMPLAIN ABOUT WHAT HAD HAPPENED HE BROUGHT UP MEGA MATCH AND SAID THAT YOU COULD GO FORWARD WITH THAT WITHOUT DON MARKETING AND I THOUGHT THAT THAT WAS AN INDICATION OF HIS ATTITUDE TO OTHER PEOPLES PROPRIETARY RIGHTS BECAUSE HE KNOWS NOTHING AT ALL ABOUT THE HISTORY, BUT WAS PREPARED TO MAKE A STATEMENT LIKE THAT.. WHICH I THOUGHT WAS VERY UNREASONABLE

WAT: I MEAN THIS WHOLE AREA AS YOU KNOW I AM SURE IS FRAUGHT WITH DIFFICULTIES

DON: YES

WAT: ERM, IN TERMS OF INTELLECTUAL COPYRIGHT ERM THERE IS A LOT OF LEGAL ADVISE AROUND.. I MEAN OUR VIEW IS THAT IS THAT IT IS WORTHWHILE AT LEAST TO HAVE A MEETING WITH YOU AND JUST SEE IF WE CAN GET SOME OF THIS ON THE TABLE AND UNDERSTAND EACH OTHER A BIT BETTER ER BEFORE ENDING UP IN COURT ON IT

DON: RIGHT WELL IT WAS WHAT I WAS SEEKING ON THE 18TH OF JUNE ITS WHAT I ASKED ANDREW FOR BUT I JUST COULD'NT GET ANYONE TO TAKE IT SERIOUSLY.. AS YOUR AWARE.. I ENDED UP WRITING TO MR VARNEY

WAT: YEAH.. I MEAN HE PASSED IT TO ME AND SAID.. YOU KNOW.. WOULD I PLEASE DO A REPLY.. ERM.. ITS FOR THAT.. WE ALWAYS TAKEN IT SERIOUSLY THE PROBLEM IS WE HAVE'NT YOU KNOW..

DON: YES.. MR VARNEY REPLIED SAYING THAT ANDREW HAD NEVER BEEN INVOLVED WITH THE PROMOTION. THAT IT WAS A FULLY DEVELOPED PACKAGE. BUT OF COURSE ANDREW TOLD ME HIMSELF THAT IT WAS ORIGINALLY PRESENTED TO HIM AND A COLLEAGUE AND THAT IT WAS HIS DECISION THAT SHELL GO AHEAD WITH IT AND THAT HE WAS RESPONSIBLE FOR THE PROMOTION WHICH IS AN ENTIRELY DIFFERENT..

WAT: BUT I THINK THATS A MISUNDERSTANDING.. I MEAN WHAT I THINK ANDREW WAS TRYING TO SAY THERE WAS THAT THE OTHER AGENCY BROUGHT US A FULLY FINISHED PROPOSAL.. WHICH WAS INDEED PUT TOGETHER LARGELY AT NINTENDO'S INSTIGATION AS A RESULT OF A BELIEVED FORTHCOMING ACTIVITY BY BY SEGA OKAY..

DON: RIGHT

WAT: THE OTHER AGENCY CAME TO US AND SAID THIS IS A FULLY FINISHED PROPOSAL AND WE COULD ROLL IT OUT IN SOMETHING LIKE FOUR WEEKS AND THAT IS INDEED WHAT WE THEN ASKED FROM THEM IN WRITING NOT BECAUSE OF ANY LINK WITH YOU BUT BECAUSE WE WERE WORRIED THAT BP MIGHT HAVE SOME RIGHTS IN IT

DON: RIGHT

WAT: AS YOU'LL SEE FROM THE LETTER

DON: YES

WAT: THAT I'LL SHOW YOU NEXT THURSDAY THAT WE THEN ASKED THE AGENCY TO PUT IT IN WRITING THAT BP HAD NO INPUT WHATSOEVER WITH THE DEVELOPMENT OF THIS PROPOSAL AS YOU SEE IT DID'NT OCCUR TO US THAT YOU WERE INVOLVED IN IT BECAUSE THIS WAS AN IDEA COMING VIA AN AGENCY FROM NINTENDO

DON: RIGHT.. BUT IT WAS PRESENTED TO ANDREW

WAT: WELL.. A SIMILAR IDEA

DON: YES BUT WITH A NINTENDO THEME..

WAT: YES

DON: AND HE SAID THAT HE FORGOT ABOUT OUR PROPOSAL BUT WITHIN MINUTES OF ME PHONING HIM HE WAS QUOTING ME PASSAGES FROM IT WHICH WAS AGAIN WAS A SURPRISE

WAT: WELL I GUESS I MEAN THATS BECAUSE HE WOULD HAVE. XXXX XX I THINK I THINK

DON: RIGHT I'LL.. I LOOK FORWARD TO THE MEETING

WAT: YES

DON: NEXT WEEK AND WE'LL HAVE A DISCUSSION

WAT: OKAY I THINK ITS WORTH OUR WHILE I'M NOT I GUESS I'M NOT CONFIDENT THAT WE'LL REACH ANY CONCLUSION WE PROBABLY WILL END UP IN COURT

DON: YEAH

WAT: BUT ER I GUESS ITS WORTH OUR WHILE AT LEAST AT LEAST GOING THROUGH. ~~IF~~ JUST HELP ME TO UNDERSTAND IT.. MAY AT LEAST GIVE BOTH PARTIES THE CHANCE TO ASSESS REALISTICALLY YOU KNOW THE CHANCE OF SUCCESS IN A COURT ACTION

DON: YES.. I I CAN SEE YOUR SIDE OF IT NOW. I CAN ALSO SEE OUR SIDE OF IT IF A PROMOTIONAL AGENCY PUTS FORWARD AN IDEA FOR A PROMOTIONAL GAME AND A CLIENT COULD SIMPLY CHANGE THE FORMAT AND CARRY ON AND RUN IT AND THE AGENCY WOULD NEVER HAVE ANY COME BACK ON THEM AT ALL. SO THAT SITUATION CANNOT BE REASONABLE

WAT: I MEAN, DID'NT YOU PRESENT THIS IDEA TO NINTENDO AS WELL WAS'NT THERE SOMETHING ABOUT THAT

DON: WE WE SENT THEM A PROPOSAL AND CORRESPONDENCE BEFORE WE EVER APPROACHED SHELL, TO GET THEIR PERMISSION TO APPROACH SHELL, BECAUSE THERE WAS NO POINT IN PUTTING IT FORWARD IF NINTENDO HAD'NT OKAYED IT..

WAT: BECAUSE YOU SEE

DON: THEY SUPPLIED US WITH MATERIALS FOR THE PRESENTATION

WAT: BECAUSE YOU SEE THIS PROMOTION THAT WAS BROUGHT TO US I MEAN THE LETTER THAT WE'VE GOT.. THE BUSINESS DEVELOPMENT PARTNERSHIP WERE THE PEOPLE FROM THE AGENCY AH THEY WROTE TO US THAT THE ORIGINAL CONCEPT THAT AS PRESENTED TO BP WAS DEVELOPED SOLELY BY BDP ON BEHALF OF THEIR CLIENT NINTENDO

DON: YES

WAT: FROM OUR PERSPECTIVE NINTENDO WENT TO BDP SAYING WE BELIEVE SEGA ARE GOING TO DO SOMETHING, CAN YOU DEVELOP A PROMOTION FOR US BDP DEVELOPED IT AND GAVE IT TO US AND IT WAS ALL SET TO RUN.. YEAH AND WE GOT CLARIFICATION THAT IT WAS INDEED DEVELOPED SOLELY BY BDP AND THAT IT WAS.. AND THAT BP OIL HAD NOTHING TO DO WITH IT

DON: RIGHT

WAT: AND THEN SAID RIGHT, WE'LL GO WITH IT.. SO

DON: YES I UNDERSTAND THAT YES

WAT: WHAT WE WONDER IS WHETHER IS WHETHER IN FACT IF YOU HAVE GOT A CASE ITS AGAINST NINTENDO RATHER THAN AGAINST US.. DO YOU SEE WHAT I MEAN..

DON: O I UNDERSTAND THAT.. THE THE COUNSEL SAID THAT WE HAD A CASE AGAINST SHELL AND NINTENDO BUT HER RECOMMENDATION WAS THAT ERM WE PURSUE THE CASE WITH SHELL FIRST OF ALL BECAUSE THEY WERE THE POTENTIAL CLIENT.

WAT: RIGHT

DON: I MEAN NINTENDO WE WERE'NT SEEKING TO SUPPLY THEM WITH ANYTHING.. WE WERE ONLY ASKING FOR THEIR PERMISSION. NOW THEY MAY BE IN BREACH OF CONFIDENCE FROM THE PROPOSAL AND THE CORRESPONDENCE.. ALL OF THE CORRESPONDENCE WAS ALSO MARKED STRICTLY CONFIDENTIAL. SO THE FACT THAT THEY THEN USED.. THE CHAP I SPOKE TO - DAVID PATTON SAID IT WAS A BRILLIANT IDEA, HE COULD'NT UNDERSTAND WHY NO OTHER OIL COMPANY HAD PUT IT FORWARD BECAUSE HE THOUGHT IT WOULD BE GREAT FOR A PETROL FORECOURT AND HE WAS VERY EXCITED ABOUT IT BUT OF COURSE WHEN I WENT BACK AND SAID THAT ER THAT WE PRESENTED AND THAT THERE WAS'NT ANYTHING GONNA HAPPEN IMMEDIATELY IT WAS GOING TO BE CONSIDERED FOR RESEARCH.. HE DID'NT THEN SAY THAT WE WOULD THEN APPROACH ANOTHER OIL COMPANY.. BUT AT SOME LATER DATE HE OBVIOUSLY INSTRUCTED THEIR AGENCY, OR SOMEONE AT NINTENDO INSTRUCTED THE AGENCY TO PUT IT TO BP, OR A VARIATION TO BP, AND THEN BACK TO SHELL. I MEAN IF YOU LOOK AT IT FROM OURSIDE ITS A VERY HARD BUSINESS WHEN WE APPROACH NINTENDO ON A AN ABSOLUTELY PROFESSIONAL BASIS WITH A PROPOSAL IN STRICTEST CONFIDENCE WITH CORRESPONDENCE IN STRICTEST CONFIDENCE WE THEN APPROACH SHELL WITH NINTENDO'S PERMISSION IN STRICTEST CONFIDENCE AGAIN AND AT THE END OF THE DAY THE PROMOTION, A VARIATION OF THAT IDEA.. A NINTENDO THEMED PROMOTIONAL GAME WITH NINTENDO PRODUCT PRIZES IS RUN, BUT WITHOUT US RECEIVING ANY CREDIT OR PAYMENT. DOES'NT SEEM FAIR TO ME.

WAT: YEAH, I MEAN I I UNDERSTAND WHAT YOU SAY. I THINK THE PROBLEM IS JUST THAT THERES A LOT OF NINTENDO IDEAS AROUND

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of the!*

DON: BUT I BELIEVE THAT OURS WAS THE FIRST WHICH IS WHAT WE RECOGNISED THE OPPORTUNITY BEFORE ANYONE ELSE

WAT: WELL THERE IS THERE IS, HE'S ACTUALLY AN EX MEMBER OF OUR STAFF NOW.. BUT ONE OF OUR AREA MANAGERS

DON: RIGHT

WAT: OUT IN KENT SUGGESTED TO ME AN SAID YOU OUGHT TO BE DOING SOMETHING WITH NINTENDO WHERE YOU GIVE AWAY NINTENDO PRIZES.. THAT WAS BACK IN EARLY 92.. SO THERE WERE OTHER PEOPLE AROUND SAYING IT

DON: YES

WAT: BUT I'M I'M NOT DISPUTING THE FACT THAT YOU WERE PROBABLY ONE OF THE EARLIER ONES.. THATS TRUE. BUT I THINK THE.

DON: WELL IT WILL BE INTERESTING TO SEE WHETHER YOU HAVE GOT ANYTHING IN WRITING.. I MEAN PROPOSALS FROM AN AGENCY PRIOR TO THE DATE THAT WE PUT FORWARD OUR PROPOSAL

WAT: YEAH.. I MEAN WE.. I MEAN OUR ADVICE IS THAT STILL IS'NT
RELEVANT I MEAN ITS SORT OF INTERESTING BUT NOT BUT NOT
PARTICULARLY RELEVANT.. YOU KNOW FOR THE REASONS I'VE
SAID ABOUT A FULLY FINISHED PROPOSAL COMING FROM BDP..
WELL OKAY LET.. I MEAN I THINK ITS WORTH OUR WHILE
DISCUSSING THIS THROUGH ON WEDNESDAY AND JUST SEE

DON: BY ALL MEANS

WAT: AND JUST SEE WHERE WE GET TO

DON: OKAY

WAT: AND THEN OVIOUSLY WE'LL BOTH GO BACK TO OUR RESPECTIVE
LEGAL ADVISORS AFTERWARDS I GUESS

DON: OKAY

WAT: OKAY

DON: FINE

WAT: ALRIGHT JOHN

DON: THANKS VERY MUCH DAVID

WAT: SEE YOU WEDNESDAY.. THANKS FOR YOUR CALL

DON THANKS

WAT: BYE

DON: BYE

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