

# 17. The value of a good story: involving inventors and entrepreneurs in higher education as a tool to support teaching and learning

**Mandy Haberman**

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## 1 INTRODUCTION

My name is Mandy Haberman,<sup>1</sup> I am a British inventor/entrepreneur, and my story has been used extensively as an aid to support teaching and learning, at all levels of education.

Originally I was a graphic designer, but changed direction when my youngest child was born in 1980 with a rare syndrome that made oral feeding excruciatingly difficult. I am that living cliché, “a mother of invention”. For most of my 40-year career, the focus of my work has been innovation in the field of infant feeding, with products that have been disruptive in both the commercial and medical markets.

My journey as an inventor and entrepreneur has been a continuous learning curve. From a starting point of complete ignorance, I have learnt lessons about business, the importance of IP and a considerable amount about the legal systems in the UK, Europe and USA. The upshot is that I am a passionate advocate for IP education.

As a result of my experience, I was invited first by Professor Ruth Soetendorp to give masterclasses to both law and design school students at the University of Bournemouth and then to give regular lectures to both undergraduate and postgraduate students at London’s City University and Bayes Business School (formerly known as Cass). I have since delivered keynote speeches and guest lectures at numerous schools, universities and business schools around the world.

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<sup>1</sup> Mandy Haberman, <https://mandyhaberman.com/>.

My case study has been widely cited in teaching materials targeting the education and business sectors. Institutions, such as the British Library's Business and IP Centre (BIPC), the Design Council, the European and the UKIPO, the Global Women's Inventors and Innovators Network and Patsnap, amongst others, have all used my case study to illustrate the importance and impact of IP in business. My case study is also used by relevant professions to illustrate the benefits of IP and how it works in practice.

The judgment from my patent enforcement court action (*Haberman v Jackel*<sup>2</sup>) set legal precedent and is taught as a case study to trainee lawyers. In addition, I am frequently called upon for media interviews and chat shows, representing the "accessible face of IP".

From 2014–22 I was a director of IPAN, where I sat on the Education Sub-group. My observations regarding the lack of IP awareness amongst tutors and the confusion over ownership of student IP, that became evident whilst I was involved with the Design Innovation in Plastics awards (DIIP), led to IPAN's research paper, *University IP Policy: Perception and Practice how students and staff understand intellectual property policy at their HEI*.<sup>3</sup>

From 2015–20, I was a non-executive director of the UKIPO Steering Board where I made sure that consideration was given to the perspective of small businesses and private inventors. I was also instrumental in helping the IPO to realize that their real clients are the creators of IP, not the IP professionals who act for them. This has resulted in improvements to IPO communications, services, materials and educational resources.

## 2 WHY IS IP EDUCATION ESSENTIAL?

I believe IP is relevant to everyone and that no young person should leave education without at least a basic understanding. Yet, even where it is an essential element of careers in the subject studied, IP (apart from copyright) is rarely on the curriculum, or even mentioned. Copyright teaching itself is very limited, referring mostly to plagiarism. Students are rarely made aware that they themselves create IP rights in their own works.

Every year, UK university faculties of art and design hold public shows displaying the work of the graduating students. The work is often of a professional standard and ripe for commercial exploitation, yet little thought is given to protecting the IP rights that subsist in those works. Worse still, by

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<sup>2</sup> *Haberman v Jackel* 1999 RPC 683.

<sup>3</sup> Intellectual Property Awareness Network Education Group and National Union of Students: University IP Policy – Perception and Practice, <https://ipaware.org/resources/education/>.

publicly disclosing these works, outside of confidentiality, the universities have compromised the students' ability to apply for rights that might have been commercially valuable for their future careers.

Design Innovation in Plastics ([www.designinnovationplastics.org/support-information/](http://www.designinnovationplastics.org/support-information/)) is the UK's longest running student design awards and I have been on the jury panel for over ten years. I was instrumental in making IP consideration part of the submission process, in the hope of raising IP awareness amongst both staff and students. Entrants are specifically required to do an IP search and explain how their ideas differ from the closest prior art. Each year, fewer than 5 per cent of entrants adequately address that question. Consequently, many of the entries are disqualified because they are repeats of prior art.

Design school staff who encourage their students to enter competitions, should make a point of teaching students how to conduct a basic prior art search in preparation for competition entry, in order to help them avoid the disappointment of disqualification.

Wasting time, effort and resources on re-invention is not, however, limited to design students. University research departments have been known to make the same mistake.

The purpose of the IPO database of patents is not just to limit what one may do without infringing the rights of others. It exists as a free global resource from which we can all learn, so that we may "stand on the shoulders" of others and move forward, rather than treading the same path. These databases are an under-used resource because staff and students are, for the most part, unaware that they exist.

Our prestigious universities host large numbers of overseas students, and these students are often involved in technological research projects at the highest level. Lack of understanding regarding that IP, not only fails to capitalize on potential opportunities but, failing to adequately protect those technologies may inadvertently allow them to fall into the wrong hands. The *Times Newspaper* of 8 February 2021 reported that "Almost 200 British academics are being investigated on suspicion of unwittingly helping the Chinese government build weapons of mass destruction. They are suspected of violating strict export laws intended to prevent intellectual property in highly sensitive subjects being handed to hostile states."

In the UK, universities rarely teach IP modules to students of design, medicine, engineering or other IP rich subjects. I view this as negligence. IP is relevant and important to the future of all young people. Knowledge Transfer (Technology Transfer) departments within universities should not be limited to involvement with academics and researchers. They should be actively working with academic staff to proselytize IP and its importance to all students.

IPAN's research into Student Attitudes towards IP (IPAN Education Group with National Union of Students 2012<sup>4</sup>) and into University IP Policy: Perception and Practice how students and staff understand intellectual property policy at their HEI (IPAN Education Group 2016), showed that very few educational institutions in the UK adequately teach students about IP. This is not because students have no appetite to learn about it but, to express that appetite, they first need to know of its existence and relevance. A typical student response to the IPAN questionnaire was, "[i]t was only whilst completing this questionnaire that I realised how important intellectual property is and will be to my future career."

In my opinion, the obstacle to wide-spread IP education is that staff are not incentivized to take an interest and many themselves lack a basic understanding of the subject. Their perception is that IP is legalistic/dull/complicated. It certainly is not thought of as an essential, exciting or "sexy" subject!

### 3 HOW INVOLVING INVENTORS AND ENTREPRENEURS CAN HELP

Every inventor and/or entrepreneur has a tale to tell because the road to success is fraught with obstacles and challenges. Every business involves IP rights of some sort, so it is always a component in their stories.

A real life, human interest case study, particularly when related by its owner, is a powerful tool. It is the product and culmination of many years of determination, sweat and often tears. It is communicated with a passion and energy that does not exist in the text books.

My case study illustrates this well. It is a simple human interest story that clearly shows the importance of IP and the difference that it can make to business. It is the story of "the woman next door" who had a good idea and made a success of it by using IP. I find that students are able to identify with me and this inspires them to realize that IP is, or potentially will be, very relevant to their own lives and careers. "As I tell my story it is like a curtain lifts in students' engagement with IP. They 'get it'. They are hungry to know more."

### 4 MY STORY

When my daughter was born with Sickler's Syndrome, she could not feed from breast or bottle. For four months, she was fed via a nasogastric tube. As she could not be discharged from hospital until oral feeding was established, I had

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<sup>4</sup> <https://ipaware.org/resources/education/>.

to find a way. My improvised method, using a modified pacifier and a syringe was the seed of my first invention, the *Haberman*<sup>®</sup> *Feeder*.

Initially sold to hospitals and parents via mail order from my kitchen table, the *Haberman*<sup>®</sup> *Feeder* has been used and recommended by hospitals around the world since the mid 1980s. From this first project, I learnt the importance of IP and its relevance to business – even a one-woman, cottage industry.

At the outset of the project, I lacked experience and knowledge but a friend recommended that I speak with a patent agent. The upshot was that I applied for a UK patent and UK trademark. In a pre-internet world, I had no thought of potential exports or the need for further protections.

However, the business expanded beyond my expectation. Doctors wrote about my product in journals and spoke about it at international conferences. I started receiving orders from overseas. Having three small children and a house full of boxes soon brought me to the conclusion that I needed to authorize a distributor to supply the export market. I did not have overseas patents but did manage to negotiate a five-year royalty licence based on my know-how with a Swiss company.

All went well until that licence was due to expire. I knew that it would not be renewed. However, the bulk of their sales was through their US sister company. As the “Haberman” name was now well-established in the US, I took out a strategic US trademark registration and granted a licence to the US company, ensuring that I continued to receive a small but steady stream of royalties on the sale of my niche market product.

### **Lesson 1: UK rights alone are seldom enough**

My next invention was a totally non-spill children’s trainer cup, that seals automatically when the child stops drinking. The “*Anywayup*<sup>®</sup>” cup was a commercial product and experience had taught me that UK IP rights alone would not be adequate.

Successful from the day it was launched, the *Anywayup*<sup>®</sup> cup rapidly obtained 40 per cent UK market share and disrupted the global status quo. In the UK, the former market leading brand, *Tomme Tippee*, lost substantial market share to us. At the same time as pursuing a patent, it was important not to overlook registration of the *Anywayup*<sup>®</sup> cup trademark, which I have often referred to as “sitting quietly in a corner earning revenue, whilst my patents caused me aggravation”.

Despite offering *Tomme Tippee* the opportunity to license my technology, whilst it was still at the prototype stage, they had declined. However, now that the product was a proven success in the market, instead of approaching me for a license they launched their own product; a product that was remarkably similar to my early prototype and that infringed my patent.

## **Lesson 2: Having a patent doesn't prevent copycats**

Like most people uninitiated into the world of IP, I was naive. I thought that a granted patent meant one automatically had a 20-year monopoly. At the first meeting with my lawyer, the realities became apparent. A patent is essentially a piece of paper that gives you the right to enforce your rights in court, at your own cost. Also, the validity of a granted patent can be challenged in court and can possibly be revoked.

Going to court is hugely expensive and, in the UK, the loser must pay both sides' costs. My lawyer therefore advised an out of court dispute resolution – but sadly, no acceptable resolution could be found. The decision to assert my patent rights through the courts was a difficult one. I risked losing my house and personal bankruptcy. However, not stopping this infringer, would result in more companies ignoring my rights and I would never reap the rewards of my invention.

So, I went to court ... and won. The case set a legal precedent demonstrating that, where there is a long-felt need to solve a problem and that need is then met by a simple invention which achieves rapid commercial success, then that invention was not obvious, and therefore, the patent is valid.

Further patent enforcement actions followed in Europe and the USA. Having established through the US courts that my patents were valid, major companies approached me seeking licenses, rather than risking infringement. By fully exploiting my patent through licensing plus sales of my own brand, annual sales grew to 40–60 million cups per year.

## **Lesson 3: The patent system works, even if you are the “little guy”**

Historically, only a tiny percentage of filed patents are ever commercialized. Of those that are, not all will be a financial success. Where a patent does prove to be commercially valuable then it is inevitable that copy-cats will try their luck. A patent is a private right, so infringement is not a criminal act. Enforcement is therefore the responsibility of the patent holder (or their licensee) and at their own risk. So why get involved with patents at all?

I can only speak from my own experience. I know that, without a patent application in place, my ideas would have been stolen from the outset. The signed Confidentiality Agreement that I obtained before disclosure, was inadequate. Owning a patent gave me the option (and the teeth) to enforce my rights. Without a patent, I would have made no money from my invention. Instead, my technology revolutionized the global market and delivered financial reward beyond my wildest dreams.

## 5 RECOMMENDATIONS

Within educational institutions, the perception of IP needs to change and barriers need to be broken down. IP education needs to be brought to life so that its impact can be readily understood.

A personal story, especially when delivered by the inventor/entrepreneur who has lived it, can be a very effective tool for getting the message across. IP is in every business and every entrepreneur has a potential case study to offer students, illustrating how IP has impacted them. Some of these will be stories of success and others of failure. It is important to expose students to both and speakers should be encouraged to be honest and open in their account. Students will learn as much from the mistakes as from the successes.

Every personal story is individual and not necessarily representative of the generic experience but providing students with a variety of case studies, selected to support well-presented theory, is far more likely to succeed in stimulating interest, capturing hearts and minds than teaching by theoretical material alone.

Academics typically find multiple points of interest from my story on which to build rewarding learning experiences for students. For my guest lectures at City University, I am asked to devise a question for the students to consider prior to my visit. That question has been used by the module leader in summative assessment, either as a coursework assignment or as a revealed exam question.

If you would like to find an entrepreneur to tell their unique story to your students, here are some useful starting points for finding suitable speakers and case studies:

- The Federation of Small Businesses (FSB).<sup>5</sup>
- The Business and IP Centre (BIPC) (based at the British Library in London but with regional centres).<sup>6</sup>
- IP attorneys. Contact Chartered Institute of Patent Attorneys to find local firms.<sup>7</sup>
- Trade mark attorneys. Contact Chartered Institute of Trade Marks for a list of local firms.<sup>8</sup>
- UK Association of Angel Investors.<sup>9</sup>

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<sup>5</sup> [www.fsb.org.uk/](http://www.fsb.org.uk/).

<sup>6</sup> [www.bl.uk/business-and-ip-centre#](http://www.bl.uk/business-and-ip-centre#).

<sup>7</sup> [www.cipa.org.uk/find-a-patent-attorney/?entryid4=10087&entryid9=28597&cord=DESC](http://www.cipa.org.uk/find-a-patent-attorney/?entryid4=10087&entryid9=28597&cord=DESC).

<sup>8</sup> [www.citma.org.uk/find-a-chartered-trade-mark-attorney.html](http://www.citma.org.uk/find-a-chartered-trade-mark-attorney.html).

<sup>9</sup> [www.ukbaa.org.uk/](http://www.ukbaa.org.uk/).

- The Company of Entrepreneurs.<sup>10</sup>

## 6 CONCLUSIONS

An account from an inventor or entrepreneur, who has dealt with IP challenges in the conduct of their business, can do much to break down the barrier between students and their understanding of IP. The inventor's story touches on aspects of IP law, management and strategy which the lecturer can reinforce and build on in formal classes and assessments.

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<sup>10</sup> [www.guildofentrepreneurs.org/](http://www.guildofentrepreneurs.org/).