

OUR TEAM



Simon Rowell
Partner
Barrister & Solicitor,
Registered Patent and
Trade Mark Attorney

The team is led by partner Simon Rowell, who has significant experience in cross border intellectual property deals, particularly in the area of high-tech agricultural technology, animal health and life sciences (including plant varieties). He works regularly with some of New Zealand's largest research organisations as well as numerous small to medium enterprises across all sectors.

In addition to being a Solicitor and a Registered Patent Attorney, Simon has first class honours degrees in law and management studies, with a major in economics. He is a past President of the Licensing Executives Society of Australia and New Zealand, and current President of the Entrepreneurs' Organisation New Zealand.

In addition to helping you get the deal done, Simon has a particular interest in:

- commercialisation strategy
- IP valuation
- royalty determination
- due diligence



Shona Foster
Barrister & Solicitor

Shona Foster has over 10 years experience working with intellectual property, including a number of years in-house at a large research organisation where she was primarily involved in negotiating a wide range of R&D contracts.

Shona is a Solicitor who holds a Bachelor of Laws with First Class Honors, and a Bachelor of Social Sciences. She is the New Zealand Regional Chair of the Licensing Executives Society of Australia and New Zealand and a member of the New Zealand Law Society.

Shona advises clients on a wide range of contracts relating to intellectual property, from the development stage through to licensing or sale. She also has a particular interest in:

- the education and research sectors
- helping clients develop in-house intellectual property management policies



Claire Tompkins
Associate
Barrister & Solicitor

Claire is a lawyer and patent attorney specialising in intellectual property litigation and franchising.

Claire helps clients resolve disputes relating to intellectual property and also acts for franchise owners to protect their brands and develop their franchise systems both in New Zealand and overseas. Prior to joining James & Wells, Claire worked in law firms and in-house legal teams in the United States, New Zealand and France. Claire is fluent in French and a member of the New Zealand Law Society, the Intellectual Property Society of Australia and New Zealand and the International Trade Mark Association.

In relation to franchising Claire is experienced in:

- Drafting and reviewing franchise documents, including agreements, disclosure documents and operations manuals
- Advising New Zealand Master Franchisors on their agreements and franchise systems internationally
- Advising overseas Master Franchisors on compliance requirements in relation to New Zealand legal requirements
- Drafting and reviewing supply and terms of trade agreements
- Resolving disputes relating to franchise agreements (including mediation and court proceedings)

CONTACT DETAILS

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THE PATH TO MARKET

How to stay on track →

OUR COMMERCIALISATION TEAM SPECIALISES IN HELPING YOU TO:

- make sure you will own what is yours;
- get your brands, inventions, and ideas to market.

We can assist your business at all stages of growth and development by providing you with the following expert services:

Ensuring you will own what you create

- Confidentiality agreements
- Negotiating and drafting research and development agreements, and other contracts with developers, manufacturers, collaborators, and other contractors
- Reviewing intellectual property provisions in employment contracts
- Creating intellectual property policies
- Protecting trade secrets and know-how
- In-house training for you and your staff

Structuring your business to protect your intellectual property

- Advice on suitable business structures to protect intellectual property
- Intellectual property assignments to transfer ownership

Valuation of intellectual property

- Valuing intellectual property for licensing, acquisitions, internal accounting and the like
- Reviewing and conducting due diligence on valuations submitted by others

Market intelligence

- Market research using intellectual property databases to:
 - Determine your freedom to operate before you invest heavily in further R&D
 - Identify opportunities for R&D savings (using expired patents for similar technology)
 - Determine technology trends to ensure your product has a competitive advantage
- Identifying potential partners using our business networks and searching expertise

Getting to market

- Preparing strategies for commercialisation and IP related task lists to support strategies
- Helping you to identify potential partners, making introductions and assisting you with pitches and negotiations
- Due diligence on technologies and potential partners

Documenting the deal

- Drafting customised local and cross-border agreements:
 - Heads of agreement
 - Licence agreements for patents, trade marks, copyright, designs, know-how and plant variety rights;
 - Franchise agreements;
 - Intellectual property sale and purchase agreements;
 - Website terms and conditions of use
 - Software licences
 - Supply agreements
 - Terms of trade
 - Joint venture agreements
- Reviewing and advising on agreements provided by other parties, and negotiating on your behalf

Ongoing management

- Developing brand manuals and trade mark use guidelines
- Opinions regarding interpretation of contracts
- Monitoring licensee performance and procuring royalty audits

We also work regularly with a wide range of professional people who provide related services. We can:

- provide you with a free referral to an appropriate person;
- provide input in relation to specialist agreements, eg employment contracts, and business sale and purchase agreements;
- liaise with accountants and taxation specialists on your behalf

MARKET PATHWAY

