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Bank robberies on the increase

It has become all too common for SA companies to market, as their own, products presented to them by inventors of limited means

SOME CLEVER BLOKE INVENTS something bloody marvellous and approaches a large corporate; their geeks take a look – and everyone lives happily ever after. Everyone but the inventor, that is. A common story.

The unhappy character this time is a German, Dr Wolfram Reiners, serial inventor and winner of the EU's 2007 European ICT Prize, apparently the world's foremost information and communication technology award.

In 2000 Reiners developed a solution to one of the problems of credit card fraud. His invention basically involves a transaction authorisation and authentication system, whereby safe card transactions can be performed by merchants using Internet browsers or mobile phones. Reiners registered a South African patent for the technology in early 2001.

But in 2006 MTN Banking, a joint venture between Standard Bank and MTN, launched MTN Mobile Banking,

which provides a secure payment service using technology that, says Reiners, is essentially the same as his own. Even an article in Joburg's *The Star*, publicising the new banking product, used terms remarkably similar to those he employed to describe his patent. The MTN Banking product, says Reiners, clearly infringes his patent – and Standard Bank and MTN even had the gall to register their own patents for the technology.

In April 2010, Reiners sued Standard Bank, MTN and MTN Banking for patent infringement. He points out that test transactions by MTN Banking demonstrate exactly the same procedures as the technology he came up with. One of these, conducted by Marius Heath of Heath Executive Consultants, had Heath registering an MTN Banking debit card, and receiving a bank account number that was his cellphone number with an 0. Heath then transferred R200 to the new account from

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Absa broke off negotiations, so Reiners started talking to Standard Bank. He claims that from August 2001 to May 2002 he attended between twenty and thirty meetings with Standard Bank staff, including now group deputy chief executive Peter Wharton-Hood, and lesser mortals like Craig Bond, Rodney Myburgh and Richard Verschoor. A number of those he met are now involved with MTN Banking. Santie Botha left Absa in 2003 to join MTN.

Standard Bank was so keen on his technology, says Reiners, that at one stage it explored the possibility of a "rush order" to implement it before Christmas 2001. The product was given the name White Card, and Standard Bank asked Mastercard to evaluate and certify the product.

The Christmas launch didn't happen, but in April 2002 Standard Bank asked Reiners to attend meetings with Visa FNB. The following May, Standard Bank sent a formal request for information to Reiners, asking for a proposal in which the full operational details of the technology would be supplied as part of a possible working relationship. Reiners completed this and submitted a detailed business case with a suggested price list. And then... nothing.

The matter will eventually go to trial. Unless of course the prospect of having to disclose loads of documentation about meetings persuades one or more of the parties to settle out of court.

One rather itchy question: If Standard Bank and MTN were so sure that Reiners' 2001 patent was invalid because it wasn't new, why did they go about registering patents for the same technology?

Standard Bank and MTN declined to comment. ▣

an FNB account, and went shopping. At Musica he selected a DVD for purchase and a teller activated the MTN bank card. Heath received a message on his phone, confirming the transaction and indicating his card had been turned off and would only be activated for next time he made a purchase. Just what my invention proposed to do, says Reiners.

The inventor is seeking an interdict. If the court finds for him, he wants an enquiry into damages. He thinks these are huge – anything up to R1bn.

The defence that has been filed is predictable enough: there's been no infringement because the patent is invalid. Why? Because it wasn't novel, allegedly having been pre-empted by various US patents. On top of this, say the big boys, there was no inventive step in what Reiners developed, and the patent breaches the prohibitions on patenting methods of doing business and computer programs.

Reiners says it has become all too common, especially in the field of information technology, for South African companies to market, as their own, products that have been presented to them by people of limited means.

To back up his allegations that he's basically been robbed, Reiners claims that from April to August 2001 he met with Santie Botha, then marketing director at Absa, to discuss his product. He handed Botha large batches of documentation regarding the operational capabilities of the technology, and Botha set up further meetings for him with other Absa staff – Flip Breedt and Dave Liebenberg of the card issuing department (can you imagine such a world?) – where further information was handed over. All documentation apparently was labelled "Strictly confidential and proprietary ... patent protection pending – for evaluation purposes only".

For reasons that weren't made clear,

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