

[applicant's name and address]

PCCS/00468/08  
14 June 2011

Dear [applicant]

I refer to your applications to this office and write to inform you of my decision in your case.

A single complaint has been identified from your applications, namely that Grampian Police failed to investigate the theft of a design you owned by a particular company.

I note from the case files that your MP wrote to the then Chief Constable of Grampian Police on 8 February 1999 in respect of the alleged theft of your design. In response, the Chief Constable at the time explained the following to your MP:

*"I advise that I have had [the applicant] interviewed by two Officers of our Fraud Squad who have discussed the issue with him in some depth. From this it became apparent that your constituent may well have some legitimate grievances in relation to the way his concerns were managed by Solicitors in the past, however, the circumstances are such that there is no locus for the Police to become involved from a criminal enquiries perspective.*

*I understand that most of the key events surrounding this occurred during the 1980s and that [the applicant] has been trying to address same from that time. Given this, I can understand his obvious frustration at his inability to resolve matters to his satisfaction and regret that I am unable to provide any Police assistance to him ..."*

On 23 June 2009 your MSP wrote to the Chief Constable in respect of the same matter. Grampian Police thereafter reviewed your complaint on 1 July 2009 and decided that the letter from your MSP did not "appear to contain any new information that would merit any fresh enquiry being made into the original complaint ..." Accordingly, Grampian Police decided to close the investigation into your complaint about the police.

Having thoroughly reviewed the papers submitted by yourself and Grampian Police, I am satisfied that your complaint was handled in a reasonable manner. Grampian Police maintains that because your original allegation is regulated by civil law it would not be competent for it to intervene in the matter. Grampian Police's position in this respect is supported by the terms of a letter sent to your MP by the Patent Office. The letter contains the following passages:

*“Once it is granted the owner of a patent has the right to stop anyone making or selling a product incorporating their invention in the United Kingdom, or in any other country in which they have obtained patent protection. Actions for patent infringement are covered by the civil law in both Scotland and England are usually brought before the Courts, although it is possible to take actions in the Patent Office which has Hearing Officers who have judicial powers to settle a range of patent disputes. It is only in very rare cases that patents involve the criminal law.*

*... It appears that [the applicant] and [the company concerned] were in dispute over whether [the applicant] was entitled to his patent and whether [the company] was infringing it from the very moment it was granted and it would also appear that [the applicant] had professional advice available to him from [a solicitor’s firm] on the remedies open to him through an action in the civil courts. This would have been the correct actions for [the applicant] (or [the company]) to take if they were unable to reach an out of court settlement which is how many patent disputes involving local interests are resolved.”*

In light of this, I consider that it was reasonable for Grampian Police to decline to investigate your allegation. I therefore recommend no further action in this connection.

In accordance with our procedures, a copy of this letter, fully anonymised, will be published on my office’s website. This will occur on 17 June 2011.

Yours sincerely

**John McNeill**  
**Police Complaints Commissioner for Scotland**