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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 approach-
es 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 com-
munication technology award.

In 2000 Reiners developed a solu-
tion to one of the problems of credit
card fraud. His invention basically in-
volves 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 technol-
ogy 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 serv-
ice 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 pat-
ent. The MTN Banking product, says
Reiners, clearly infringes his patent –
and Standard Bank and MTN even
had the gall to register their own pat-
ents for the technology.

In April 2010, Reiners sued Stand-
ard Bank, MTN and MTN Banking
for patent infringement. He points out
that test transactions by MTN Bank-
ing demonstrate exactly the same pro-
cedures as the technology he came up
with. One of these, conducted by Marius
Heath of Heath Executive Consultants,
had Heath registering an MTN Bank-
ing debit card, and receiving a bank
account number that was his cellphone
number with an 0. Heath then trans-
ferred 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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