

# Law in 101 words

## Snippets from **Roderick Ramage** of The Reduced law Dictionary

### **Autoenrolment**

By 2018, but starting on 1 October 2012 for the largest employers, every employer will have to enrol all its jobholders with qualifying earnings (£8,105 pa), aged 22 and over and under the state pension age, as active members of an automatic enrolment scheme, unless they are active members of a qualifying scheme. If the scheme is money purchase, the minimum contributions will be 8% of pay between the LEL and the UEL of which the employer pays at least 3% and the employee the balance. A DB scheme, which is contracted-out or accrues at 120th of final pay, also qualifies.

### **Fouling by dogs**

Local authorities may pursuant to s55 of the Clean Neighbourhoods and Environmental Act 2005 make dog control orders under which an offence is committed if it relates to various matters including the fouling of land by dogs and the removal of dog faeces. Land is any land which is open to the air and to which the public are entitled or permitted to have access (with or without payment), and any land which is covered is to be treated as land which is "open to the air" if it is open to the air on at least one side: ib s57.

### **Kuzel v Roche Products**

Roche dismissed Dr Kuzel alleging

breach of trust and breakdown of working relationships. The CA held in 2008 that if the employee alleges a different and inadmissible reason (in this case the making of a protected disclosure under s103A of the ERA 1996), he must produce evidence in support but does not need to prove that the different reason was the reason. Although an employee must prove that the dismissal was unfair, the burden of proof of the reason is on the employer. If the employer fails, it does not necessarily follow that the reason is that advanced by the employee.

### **Subsidiary or not**

If a parent company, as a debtor, charges its shares in a subsidiary company to its lender and as part of the security transfers the shares to the creditor, so

that the creditor's name is entered in the register of members of the company, the company ceases to be a subsidiary: *Enviroco v Farstad* (2009), CA.

Membership of company is dependent on entry in its register of members: Companies Act 1985, s22 (2006, s112). This is a fundamental principal of company law. Rights attached to shares in s736A(6) (2006, sch 6) have nothing to do with the status of membership.

### **True and first inventor**

The Statute of Monopolies (1623) declared that monopolies in general were bad but saved "grants of privilege for the term of fowerteene yeares or under, hereafter to be made of the sole working or making of any manner of new manufactures within this realme, to the true and first inventor and inventors of such manufactures, which others at the tyme of makinge such letters patents and grants shall not use ...". By s1 of the Patents Act 1949 an application for a patent for an invention may be made by the true and first inventor of the invention or his assignee. **NLJ**

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### **Lego**

Lego of Denmark manufactures brightly coloured plastic toy bricks and other construction parts for children, and Lego of Israel manufactures irrigation equipment including garden sprays and sprinklers. In *Lego v Lego* (1983) the High Court granted the former an injunction to prevent the latter from marketing its products under the mark LEGO, holding that the public would be misled into think that the latter's products were the goods of or connected with the former. Subsequently the Israeli Lego changed its name to Elgo. In 2011 the ECJ held that Lego's trademark of a representation of an eight bobble brick was invalid.

