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5 June 2010

Previous Case Reference Number FS50165264  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire, SK9 5AF

Dear Information Commissioner,

I wish to submit nineteen complaints relating to breaches of my rights under the Data Protection Act and one complaint relating to my rights under the Freedom of Information Act. The complaints are made against the following body:

The University of Manchester,  
John Owens Building, Oxford Road, Manchester, M13 9PL

Note: The complaints have their origin in the pre-amalgamation Victoria University of Manchester, but have increased in complexity since 2004, when the new University of Manchester was formed.

**Overview of the complaints** (written in the third person)

In 1986 the complainant, William Courtney, invented a new method of cushioning people against injury from violent impacts.

This invention won £252,000 of public funding for research into transport related applications.

The work should have been done in the years 2000 to 2004 at the University of Manchester. Problems arose when the mismanaged projects failed and because Courtney refused to support the claims for payment.

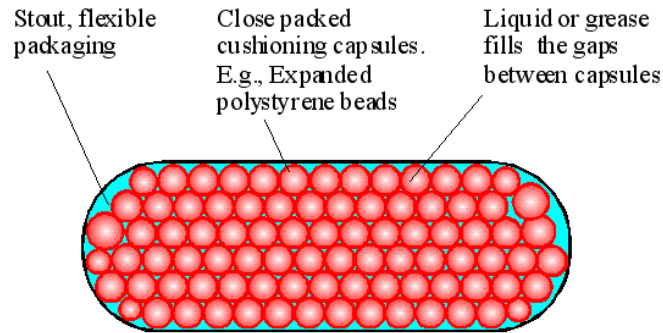
The University responded by creating untruthful documents which appeared to shift responsibility for project failure on to the complainant. When the complainant asked the University to withdraw these misleading documents about him, he was ignored.

Courtney is a keen supporter of our British Higher Education system. He would have preferred a discrete internal solution. But, by April 2010, he had lost hope in internal justice and now appeals to the Information Commissioner to see fair play.

**Background to the complaints**

The complainant, William Courtney, is an ex-physics teacher who has spent his retirement savings attempting to develop a second career as a full time inventor.

In 1986 he discovered a new way of protecting people from crash and impact injuries, using a range of compressible fluid filled cushions he refers to generically as *Shock Absorbing Liquid (SALi) Technology*.

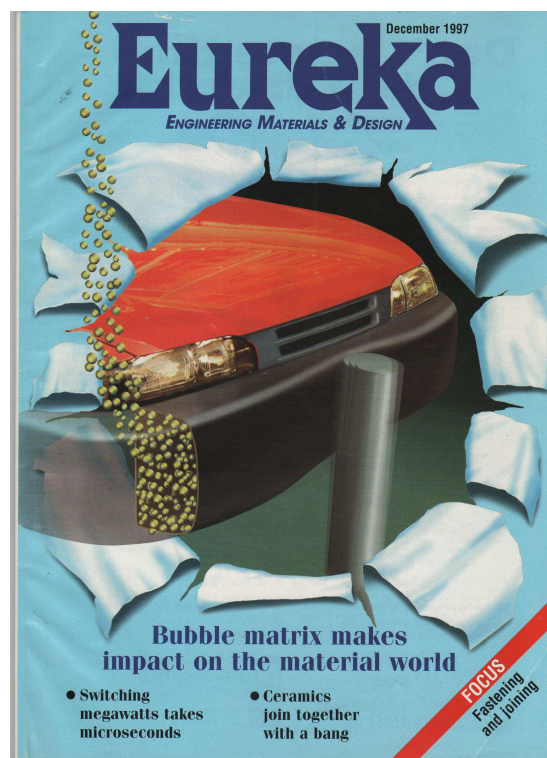


**Figure 1.** A SALi cushion mimics the load spreading benefits of liquids, such as the cerebral fluid that protects the brain. The capsules reduce the weight of the cushion, while contributing compressible cushioning. The design is very simple, but the engineering has proved challenging because of the vast range of capsules, liquids and package sizes that can be used.

For marketing purposes, Courtney refers to himself as “Cheshire Innovation”, but he is a private individual, who has never made a profit from his inventions, so he assumes that the Data Protection Act applies to his complaints.

He saved for ten years, and then in 1996 started working full time on his invention. His early SALi research was described in a 1998 Manchester University MPhil research thesis. After publishing this work in two journals, receiving considerable media attention and attracting research funding, he was made a Research Fellow of the University.

Here is an illustrative example of SALi being the cover story in a widely read engineering magazine.



**Figure 2.** In 1997, the Motor Industries Research Association (<http://www.mira.co.uk/>) identified SALi Technology as a possible filling for a new type of car bumper.

Courtney, working with the University, won £252,000 of public funding, for two research projects, **PedSALi** and **CrashSALi**. These explored different transport related applications of SALi.

Courtney's position was very unusual: because, although a private individual, he was also a profit sharing business partner with the University, having signed a legally binding 50:50 profit sharing agreement. This covered all royalty income from his SALi invention.

Courtney's priority was to save human lives and prevent disabling impact injuries. He only sought a fair return for his investments, so he was happy to share half of any royalties with his local University.

Courtney was appointed to stewardship roles for both projects by the funding bodies. For PedSALi he reported upwards to the Department for Transport, but for CrashSALi he held the purse strings and had the final say on payment to the University.

Unfortunately, the University supervised research was mismanaged, resulting in four man-years of publicly funded research failing to deliver any valid research results.

When he warned the funding bodies of imminent project failures, his University colleagues were angered because of his "disloyalty." They accused him of "washing dirty linen in public."

By September 2004, Courtney had good reasons for believing evidence was being fabricated to shift the blame for project failure on to him.

He found himself in a difficult position, because he had already spent his retirement savings on patent fees and other development costs. As a private individual, totally responsible for all his debts, he could not risk taking out a loan to bring his case to law. Instead, he sought the intervention of his constituency MP, Graham Brady.

This exacerbated the problems because the University defended itself by making false statements about Courtney and his invention to Mr. Brady.

Using the FoI Act, Courtney also discovered that false statements had been made to the Small Business Service (SBS) and the Engineering and Physical Science Research Council (EPSRC).

**Here is the gist of the false statements:**

In 2004, Courtney wrote to the University Vice Chancellor providing detailed evidence that the terms of the CrashSALi project had been broken. Correspondence ensued with Courtney writing to the V-C five times. Copies of these documents are attached as Documents **IC 1-IC 5**.

Courtney obtained proof that at least three of these letters were kept on file at the University by using the FoI Act to obtain copies of them.

But the University told an untruth to Mr Brady and the SBS by claiming that Courtney had not responded to letters from the V-C.

(Documents **IC 6** and **IC 7** are copies of the letters to Mr Brady and the SBS.)

This false statement about Courtney was given surface credibility when the University used it as the excuse for employing solicitors to pursue Courtney for debt recovery.

This "debt" related to the CrashSALi funds he had stewardship of. Courtney found this problem very difficult to cope with. He had no wish to be recorded as a bad debtor, but he refused to be intimidated into colluding in the unjustified payment of public funds.

The letters to Mr Brady and the SBS also misled them by omission. They were not informed that Courtney was a profits and risk sharing business partner with the University, by virtue of their royalty sharing agreement.

The University had no legal right to unilaterally swap its royalty sharing partnership to that of a service provider-client relationship, and pass the full cost of the failed CrashSALi project on to its partner.

Matters became increasingly serious for Courtney as each time he made a fresh attempt to clear his name he unearthed fresh evidence of false records against him. As he appealed to successive senior members of the University for justice and was refused, each one found a vested interest in supporting the cover ups.

Quite independently, in 2008, the University set up an Institute to investigate ethical issues in research and appointed a Nobel Laureate as its Chairman.

Courtney thought that the Institute of Science, Ethics and Innovation would treat him fairly.. So he wrote to the Nobel Laureate, detailing his complaints over the previous four years.

This resulted in a Screening Enquiry being held by the University Research Governance Office. The Screeners found sufficient evidence for a full Formal Enquiry to be held.

But there was a catch. One year into the Enquiry, Courtney was requested to sign a document that singled out the supervisor of the publicly funded SALi research projects as a “scapegoat” for investigation. This would have been valid back in 2001, but since then, senior people had been involved in creating false records about Courtney. He refused to sign because this was unjust and would have made him a hypocrite. He would have been participating in the creation of new cover up records to clear his name in the old ones.

And, in any case, it would backfire against everybody, including Courtney, if the “scapegoat” refused to go quietly. He would have strong legal grounds for claiming pernicious discrimination by Courtney and the University.

The Enquiry moved on without Courtney’s written consent. But, by fabricating fresh “evidence” against Courtney, the “scapegoat” was cleared.

PedSALi and CrashSALi were publicly funded projects aimed at reducing the death toll on our roads. It is understandable that nobody within the University wanted to step out of line, to “blow the whistle” about an embarrassing research failure that could have cost lives.

It would appear that once the University started creating false records it had little choice, but to continue creating new “evidence” to hide the increasing collection of compromising lies.

But, the truth is unlikely to remain hidden forever.

Cardiff University has made a useful start on doing sensible SALi research. The results are encouraging and a conference paper has been presented. But progress is slow because the work is being done on a shoestring budget, using undergraduate labour. Cardiff is now seeking Engineering and Physical Science Research (EPSRC) funding to do the Manchester work correctly.

Unfortunately, several of the false records created by Manchester University have been shared with the EPSRC. So Cardiff’s application will be assessed against an unfavourable background. It is also possible that peer review will include an input from Manchester.

A bigger threat to the cover-up is coming from China where state funded research into SALi Technology is being done at Nanjing University. These Chinese results are impressive. The snag is, the Nanjing researchers refuse to collaborate with Courtney or Cardiff University. So, as we move out of recession, a British invention may end up creating manufacturing jobs and wealth in China.

If this happens, it will undermine confidence in British University research and further hamper our ability to create high technology manufacturing jobs in the coming years.

Courtney is a “Manchester man” by birth, association and graduation. Manchester is his local University and he writes this letter with a heavy heart. But, he refuses to collude in cover ups to create a false veneer of research integrity. He hopes that the Commissioner will intervene, to set the records straight, before we lose SALi Technology to China.

Courtney would prefer a discrete solution if this is possible but acknowledges that matters have now got so complicated that this may not be possible..

For the last five years, the complainant has been partially sighted.<sup>1</sup> He has difficulty crossing busy roads and has been knocked down by a car. Fortunately his injuries were relatively minor. But, since his accident, he has been haunted by a fear that the University Records could be published after his death in order to save face at the University. This is a real possibility if SALi ends being developed in China, but “Google” searches of old engineering articles and patents show that Courtney invented SALi Technology in Britain..

As the Commissioner will read below, the University Records portray Courtney as being rather stupid, unprofessional, and a breaker of contracts.

*References on enclosed CD ROM:*

- (i) Documents sent to the Nobel Laureate at the Institute for Science, Ethics and Innovation. They formed the basis of Courtney’s case to Enquiry Panel and are stored in the “Nobel” folder.
- (ii) Additional documents sent to the University Research Governance Office during the course of the Formal Enquiry.
- (iii) An annotated copy of the Formal Enquiry Report.

*Hard copy documents prepared for the Information Commissioner’s attention.*

These are labelled “IC”, followed by a number.

The CD ROM includes backup copies of these documents.

The complainant has no objections to any of this information being shared with Manchester University, or any other third party.

### **The complaints**

All of the following relate to breaches of rights under the Data Protection Act, except for Complaint 9, which refers to the Freedom of Information Act.

### **The Universities involved**

In 2004 the Victoria University of Manchester (VUM) amalgamated with UMIST to form the new University of Manchester (UoM).

Prior to amalgamation, high quality unfunded research on SALi Technology was being done at UMIST, but the publicly funded work at VUM was poor.

Courtney’s complaints about the poor work at VUM were investigated by the post amalgamation UoM. But, by then, the two good research workers at UMIST had moved to Aberdeen University. So, unfortunately, they were not involved in investigating the complaints.

In what follows, the name “University” will be used when referring to the current UoM.

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<sup>1</sup> His left eye started haemorrhaging within days of receiving the first letter from the University solicitors, Eversheds. His right eye began haemorrhaging shortly after receiving the second letter.

## **A Test Complaint**

The Commissioner may find it helpful to examine **Complaint 14** first, because this captures the essence of the complaints in a nutshell. It's possible that if the University acknowledges the justice of this complaint, it will correct matters as requested below, without further prompting.

Courtney simply wants to clear his name and that of his invention. If this can be done by the Commissioner investigating one complaint, then provided the whole of this document and attachments are archived by the Commission, he will be happy.

It's probably too late for Courtney to earn a living from SALi Technology because his patents are running out and his eyesight problems hamper his research activities. But, as explained towards the end of Complaint 14, it is in the national interest for the Formal Enquiry Report to be withdrawn, to prevent misleading research being published and British industrial wealth being invisibly exported to other countries.

### **1 Background**

This complaint relates to the misleading letter sent to Graham Brady MP, referred to in the **"gist of the false statements"** box above.

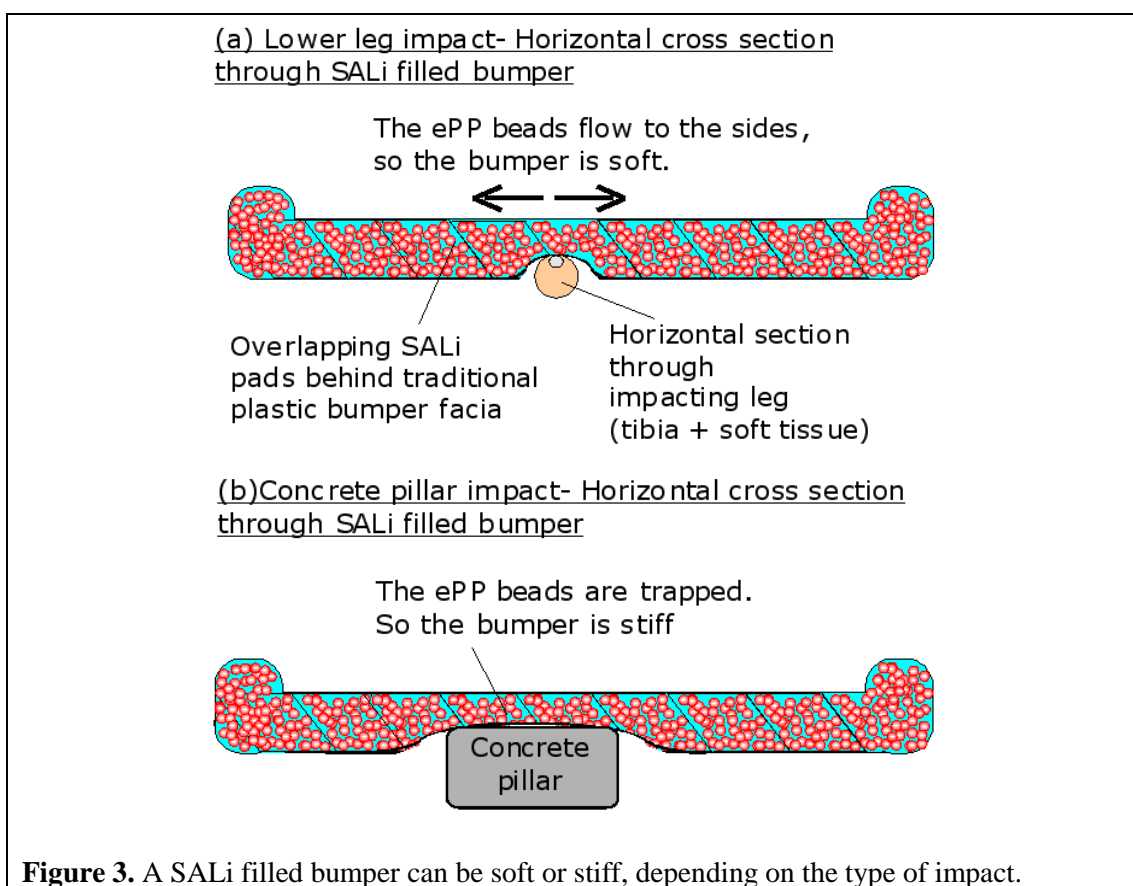
Here are a few more details:

A decade ago, in collaboration with the pre-amalgamated University of Manchester, the complainant won British taxpayers funding, for two SALi research projects at the University.

(i) £212K PedSALi funding was awarded to the University to work with Dow Chemicals Automotive Division and Courtney to develop a soft, pedestrian friendly, SALi filled car bumper. At that time the EU intended bringing in soft bumper regulations in 2005, but the car makers were against this. They preferred stiff expanded polypropylene (ePP) filled bumpers because they provided better protection for the vehicle bodywork in minor traffic accidents. SALi's curious construction had the potential to keep both the EU and the car makers happy because it had "smart" properties. It could be as stiff as ePP for traffic collisions, but much softer for pedestrian impacts.

The Department for Transport appointed Courtney as the project lead partner and charged him with responsibility for reporting any project failings to the Department.

Here is a brief explanation of how a SALi filled bumper can be both soft and stiff.



Unfortunately, PedSALi was mismanaged by the Principle Investigator at the University, Dr Oyadiji, but his senior departmental colleagues seemed unable to correct the matter. (For example see Document F1/Nobel Folder/CD ROM.)

(ii) CrashSALi won a further £40k for a range of preliminary investigations, including a SALi based car suspension system.

The Small Business Service paid for the research indirectly via Courtney, who was given custodianship for the funds.

The CrashSALi project emerged from a well intended suggestion made by MIL, the business arm of the University. Their thinking was, if Courtney held the purse strings for this second project, it would have a knock-on beneficial effect on PedSALi. But, for complex reasons explained in other complaints below, CrashSALi also failed.

Courtney was a keen supporter of the University and had voluntarily signed away 50% of future royalties from SALi products to it. So MIL had a vested interest in making SALi Technology a commercial success. Dow's market calculations suggested that SALi Technology could be a big money earner for the University. They estimated European soft bumper sales would have been worth \$(US) 90 million per year. Large sales in North America and Japan were also predicted.

#### *How Graham Brady MP became involved*

Courtney took his responsibilities as a guardian of the public purse seriously. He also had a vested interest in ensuring that the research was done correctly.

When these projects started to fail, due to internal mismanagement of the University research, he was firm and reported matters to the funding bodies. In the case of CrashSALi, he refused to approve payment for work that had not been done in accordance with the written contract.

This caused resentment from University colleagues, who had expected “loyalty”, in the form of collusion, to cover up mismanaged research.

By September 2004, Courtney had strong reasons for believing that the University accounts of these projects were being manipulated, with the written records shifting the blame for project failures to him and his invention. (This is elaborated in Complaints below)

Courtney was a sole trader, responsible to the total limits of his wealth for his business debts, so he could not afford to challenge the University through solicitors.

So, to protect his name, he sought the intervention of his constituency MP, Graham Brady.

### **1 The complaint**

The Victoria University of Manchester (VUM) created an inaccurate record in the form of a letter and sent a copy to Graham Brady MP.

This contained false and professionally damaging information about the complainant’s professional conduct.

It also misled Mr Brady by failing to mention the Courtney had contractually agreed to give 50% of his royalties to the University, and was there therefore a benefits and risk sharing partner with the University, not an external research commissioning client.

### **2 Background**

For eighteen months Courtney was puzzled because the Small Business Service (SBS) who administered the funding for the CrashSALi project failed to respond to his letters. He suspected that the SBS had been misinformed in a similar way to Mr Brady, but he had no way of proving it.

Then, in September 2005, Auto Express magazine wrote an article about the failure of the PedSALi project. The journalist who wrote the article suggested that Courtney could obtain the information he needed, using the new Freedom of Information Act.





**Figure 4.** The author of this article, Max Glaskin, taught Courtney about the Freedom of Information Act. Until then he had remained largely ignorant of the misinformation that the University had spread about him. He had received some confidential tip-offs, but never obtained proof.

Using the FoI Act, Courtney discovered that the University had written to the SBS, shifting the blame for the failed CrashSALi project on to him. Again, the University had indirectly justified its use of Eversheds solicitors for debt recovery, by omitting any reference to Courtney's royalty sharing partnership with the University. Document IC 7 is a copy of the University letter to the SBS. Document IC 8 is a copy of the relevant page of the licensing and Royalty Sharing Agreement.

**2 The complaint**

A letter including false information about Courtney was created and a copy sent to the Small Business Service (SBS).

This letter implied that Courtney had acted unprofessionally by not responding to relevant correspondence from the University Vic-Chancellor.

It also provided an excuse for pursuing Courtney for debt recovery, by failing to mention that Courtney and the University were benefits and risks sharing partners for the CrashSALi project.

**3 The complaint**

The complainant was not sent copies of the letters to Graham Brady MP or the SBS at the time, for him to check their accuracy.

He obtained his copy of the Graham Brady letter from his MP and the SBS letter about two years later, using the Freedom of Information (FoI) Act.

**4 Background**

Courtney was a commercial partner with the University, by virtue of having signed a 50:50 royalty sharing agreement, relating to all royalties from his invention.

When the times were good and Courtney's initiatives were pulling in research funding, VUM was quick to praise him. For example, Professor Jan Wright, the University co-researcher for the PedSALi project, complimented Courtney in a Radio Four documentary about his inventions. (Reference: Page 11/Letter to Nobel Laureate/Nobel Folder on CD ROM.) In spite of his mere "Mr." status, the University made him a Research Fellow. VUM was also happy signing a potentially lucrative royalty sharing agreement with him.<sup>2</sup>

But, when Courtney acted ethically, by refusing to support unjustified claims for research funding, the University turned against him. First the "independent chairman" Dr Turner tricked Courtney into agreeing to continue his approval for the CrashSALi project against his wishes. (See pages 9- 11 /Document C1/ Nobel Folder / CD ROM, for details of the trick.)

Then it transferred all financial responsibility for the failed CrashSALi project to him. It did this by pretending Courtney was merely a fee paying client of the University and then pursuing him for debt recovery.

In order to "justify" this action it wrote misleading letters to Graham Brady MP and the SBS. These failed to make any reference to the royalty sharing agreement, so a conventional client-service provider relationship was implied by default.

Courtney told his MP that he was a profit sharing partner with the University, not a client. But when Mr Brady asked for time to investigate the facts, the University upped its bluff, by continuing its use of legal action and denying Mr Brady time for his investigations.

For details of the exchanges between Mr Brady and the University solicitors please see Page 2 of Document **IC 9**, "Action taken by Graham Brady MP.

<sup>2</sup> See page 2 of Exhibit 7/Nobel Folder on the CD ROM. Dow estimated that the University would receive royalties on pedestrian friendly car bumper sales worth up to \$90 million (US) per year.

The Commissioner should note that by the time of Mr Brady's intervention, Courtney had been working with the University for eight years. During this time he had spent his retirement savings developing SALi Technology. In particular, he had spent large sums gaining international patents. The University was happy to gain from this during the good years, but isolated Courtney by its false statements, when uncomfortable problems emerged. Courtney has had to run down these patents as they aged, and he ran out of funds. Things could have turned out very differently, if the University had chosen to treat Courtney fairly.

#### 4 The complaint

The VUM letters to Mr. Brady, the SBS (and possibly Eversheds) created additional false records about Courtney, by presenting an impression that he was an external client who had commissioned the CrashSALi research from the University.

The University had no right to create false records that unilaterally switched its relationship with Courtney from a contractually agreed profit sharing partnership to that of a client and service provider.

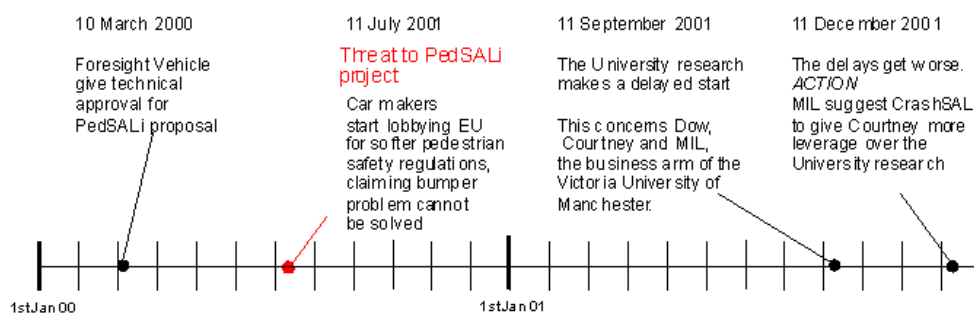
It had no right to use these false records as an excuse for pursuing Courtney for the total cost of a failed joint enterprise.

The University should correct the records by informing the relevant parties that Courtney had entered into a profit and risk sharing partnership with the University and that it was unjustified in pursuing Courtney for the full costs of a failed joint enterprise.

#### Further details

CrashSALi was proposed to Courtney by MIL, the commercial arm of the Victoria University of Manchester, as a means of saving PedSALi.

The MIL thinking, which seemed logical at the time, was that if Courtney had financial control over at least some of the University SALi research, this would strengthen his hand in his role as the lead partner for the PedSALi project.



**Figure 5.** The business arm of the University suggested the CrashSALi project to Courtney, to solve a staff problem that nobody within the University was prepared to tackle.<sup>3</sup> As Lead Partner for the PedSALi project, Courtney agreed, but when the plan went wrong, the records were falsified to give the impression that Courtney had proposed CrashSALi to the University.

Courtney's real role was that of an internal client. He had stewardship over the public funds for the CrashSALi work done by his VUM colleagues.

<sup>3</sup> Courtney's contact at MIL, Dr Michelle Cooper, behaved professionally at all times. No criticism of MIL is intended. Dr Cooper left the University for a Post in North East England shortly after amalgamation. The wording of the Formal Enquiry Report suggests that the Panel did not contact Dr Cooper.

## 5 Background

Research into Courtney's patented SALi technology was done at VUM under licence from him. This licence ran out in November 2006.

In April 2008, Courtney was surprised to receive a phone call from a baffled Manchester student. He told Courtney he was working on SALi Technology, but the guidance he was receiving from his research supervisor did not make sense.

The reason for the student's bafflement soon became clear. He had been given a project that could only have worked if it defied the laws of physics.

At the time of the phone call, Courtney's priority was to protect the career interests of an innocent student. From his own experience, he was aware that the student would be the subject of revenge, if he dared to expose his supervisor's illogical thinking. So he advised the student to do whatever was necessary to humour his supervisor.

Using the FoI Act, Courtney subsequently obtained a copy of this student's report, plus three earlier reports on the same theme. It was clear that students were wasting time creating misleading reports about Courtney's invention.

For details see E folder / Nobel Folder / CD ROM.

In the world of academic research, undergraduate projects are fairly modest investigations. So, to an outsider, Courtney's objections may appear rather "pernickety".

However, he has good reason to be worried. Four years earlier, Courtney had received a tip-off that another misleading undergraduate report about SALi Technology was circulating in the business community. Courtney ended up having to visit two business premises and an EU funded business advice centre, to correct the bad information about SALi Technology that was being circulated. The Panel was provided with two references to this earlier problem:

1. 9<sup>th</sup> Challenge, page 17, Document C1 / Nobel folder/ CD ROM.
2. Item 19, page 9, Nobel Laureate Letter / Nobel folder/ CD ROM.

All of these bad learning experiences for students and the generation of false documents about SALi Technology could have been prevented if the University had addressed Courtney's complaints at an early stage.

### 5 The complaint

The University has allowed a research environment to evolve in which undergraduate students have carried out flawed experiments on SALi Technology.

This has led to the creation of misleading reports about the complainant's intellectual property.

The Research Governance Office was supplied with details of this poor research practice, but the problem has not been addressed.

### Further details

Courtney is committed to stimulating an interest in science in young people. He spent twenty five years as a physics teacher and has a SALi student project page on his web site, [www.cheshire-innovation.com](http://www.cheshire-innovation.com).

Consequently, the way in which SALi Technology has been misused at the University of Manchester to create bad learning experiences grates against his lifelong professional values.

## 6 Background

Courtney licensed the University to carry out research into his patented SALi Technology until November 2006. The incident discussed in Complaint 5 above took place eighteen months later.

In attempting to legitimise research beyond the licence period, the University claimed that it was other people's inventions, not Courtney's that were being investigated.

Someone at the University had created an unsigned document<sup>4</sup> which appeared to justify this claim. But this "legitimation" document did not stand up to close scrutiny.

Courtney sent an annotated version of the document back to the University. This explained why their unsigned "legitimation" document was illegal. (The annotated "legitimation" document is reproduced as Document E5/Nobel Folder/CD ROM.)

The University did not respond to Courtney's request for the "legitimation" document to be withdrawn. So, in effect, the University has forged a licence allowing it to continue research into SALi Technology, by passing it off as investigations into other people's inventions.<sup>5</sup>

This "licence" to continue SALi research is particularly worrying because on the final page of their Report, the Panel recommends,

"That the University should seek to ensure that the papers blocked by Mr Courtney are duly submitted for publication and any unpublished results are allowed to be published without such blockages in the future."

So, at a time when good quality SALi research is coming out of China, (Complaint 15), Courtney has been gagged, allowing future misleading research, "legitimised" by a fake licence, to emerge from Manchester.

Towards the end of Complaint 14 below, Courtney explains how the publication of bad SALi research works against the national interest.

### 6 The complaint

Courtney objects to the existence of a document that appears to give the University the legal right to carry out research into his patented invention, by passing it off as research into other people's inventions.

If the research was sound, Courtney would treat the case as trivial. But the problem is, the work is flawed and in one instance, a student had to present misleading results, in order to please his tutor.

Courtney has presented the University with clear evidence to support this statement, but the Enquiry Panel did not address it.

Courtney asserts that to protect the good name of his invention and ensure future students do not have an unethical learning experience all copies of this "legitimising document", created by the Head of Engineering and the Records Officer should be collected up and destroyed.

<sup>4</sup> It was over a year before Courtney learned that the unnamed authors referred to in Document E5 were Professor Bailey, (Head of the School of Engineering, Vice-President and Dean) and Alan Carter, Records Officer.

<sup>5</sup> Courtney is keen to promote University research into SALi Technology and five Universities (including one in Ireland and two in the USA) have signed licensing agreements, allowing their undergraduates to carry out small projects. What he objects to is "secret" research being done, where the students are led astray because their research supervisor has failed to emphasise the importance of regular contact with Courtney, to assist them, when they hit problems.

- 7 This complaint is different to the others.  
It refers to the denial of the complainant's rights under the terms of the **Freedom of Information Act.**

### **Background**

The University received its public funding for the PedSALi project via the Engineering and Physical Science Research Council (EPSRC). This complaint relates to the manipulation of records presented to the EPSRC, concerning Courtney's invention.

After learning of how Graham Brady MP had been deceived, Courtney had grounds for suspecting that the University may have also manipulated the research records about his invention, to trick the EPSRC into paying for their research. He also received a confidential tip-off supporting his suspicions.

But his attempts to obtain a copy of the EPSRC report from the University, using the FoI Act were evaded. (See Figure 4 /page 20/Document C1/ Nobel Folder / CD ROM for details.)

### **7 The complaint**

Under the terms of the FoI Act, the complainant has a legal right to copies of all documents submitted to the EPSRC by VUM/UoM, relating to the PedSALi project for which he had been appointed Lead Partner by the Department for Transport.

Withholding this information caused the complainant unnecessary delays in attempting to clear his good name.

### **8 Background**

The University researchers held a Technical Review Meeting on 9<sup>th</sup> September 2003. Neither Courtney, nor a Dow representative attended. The meeting Minutes (Document **IC 10**) show that the researchers took a deliberate decision to start doing misleading research which suggested that that SALi based bumpers would not work.

To ensure that the SALi bumper *did not work* they packed the SALi in several layers of elastic material. This stretched under impact, preventing the SALi from being compressed. It also made the SALi bumper filling expensive, heavy and complex to make.

#### References:

Technical details about this cheating can be found in Appendix 1, page 25, Document C1/Nobel Folder/CD ROM.

Details of how the University researchers attempted to shift the blame on to Dow can be found in Section 5, page 29 of Document C1.

Here is how this cheating follows on from Complaint 7 above:

In 2008, Courtney overcame the University evasion by obtaining a copy of the EPSRC report directly from the EPSRC. His suspicions were confirmed. The University's wilfully bad research using heavy, complex and inappropriate packaging was used to advantage. The report to the EPSRC explained the commercial failure of the PedSALi project on the fabricated grounds that,

“Dow Automotive had made a review and concluded that SALi based bumpers would be too expensive, too heavy and too complex to make.”

PedSALi Final report to EPSRC, 2005, page 5.

An annotated version of this page of the EPSRC report is enclosed in two formats

(1) Document **IC .11**

(2) Page **6** of Document A1/Nobel Folder/CD ROM.

### **8 The complaint**

The University created a false record for the EPSRC. This unfairly suggested that Courtney's invention was not commercially viable, because it was, “too expensive, too heavy and too complex to make.”

The only experimental “justification” for this claim was misleading research carried out under protest from Courtney and a Dow Chemicals representative. This misleading research was later published, but valid research which did not support the claims relating to expense, weight and complexity was withheld.

The University should write to the EPSRC informing them of its misleading statements about the complainant's intellectual property.

### **Further details**

The misleading claim was later repeated in the Formal Enquiry Report. The relevant section reads,

“There is no direct evidence from Dow as to why they pulled out of the research. The Panel has requested this information from Dow but has, at yet, received no response. The witnesses present at the time told the Panel that Dow was considering alternative technology and running another project parallel to PedSALi. SALi based bumpers were heavy, complex to make and expensive. Dow had raised concerns at a technical review meeting about the commercial value, including patent security, of SALi technology. The Panel was satisfied that in their opinion the University had not breached the terms of the contract with Dow and Cheshire Innovation.”

This claim by unnamed witnesses is contradicted by Dow.

In February 2010, a Dow engineer, Dr Toccalino, wrote to Courtney confirming the real reason why Dow had lost commercial interest,

“from our end we saw a shift of the market towards incumbent/available solutions like ePP<sup>6</sup> due to a softening of pedestrian safety regulations.”

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<sup>6</sup> ePP is shorthand for expanded polypropylene, a type of plastic foam commonly used inside car bumpers.

The wording of Dr Toccalino's email also suggests that he sent this information to the Formal Enquiry Panel several months earlier, in plenty of time for them to consider it. Dr Toccalino's email is reproduced as Document **IC 12**.

Courtney has copies of all the technical review meeting Minutes. These confirm that Dow did not send a representative to any of them. This means that the statement in the Enquiry Report,

“Dow had raised concerns at a technical review meeting about the commercial value, including patent security, of SALi technology.”

has to be false.<sup>7</sup>

The Commissioner should also note that the Panel was biased. It recorded the University witness claims, but airbrushed out all of Courtney's evidence. For example, evidence in Document C1, which mirrored Dr Toccalino's explanation for why Dow pulled out of the PedSALi project.

## **9 Background**

This complaint also relates to the manipulation of records presented to the EPSRC.

In April 2004, a freshly appointed project coordinator proposed arbitration between VUM, Courtney and Dow Chemicals (Dow would have made the pedestrian friendly bumper if the project had been successful.)

The DfT cancelled the meeting at 24 hours notice, after the new coordinator realised that Dow had lost its business opportunity when the EU softened its pedestrian friendly bumper requirements.<sup>8</sup>

Even so, Courtney and the Dow representative had been keen to attend, in order to set the record straight.

The University documents withheld by UoM and subsequently released by the EPSRC tell a different story. The following extract from the University Report to the EPSRC shows how, by skilfully crafting their words, the University researchers were able to twist their own failings, so that they read as a failure by Dow and Courtney.

“At the 11<sup>th</sup> Quarterly meeting in January 2004, the Manager of the FVLP Secretariat who had taken over PedSALi project monitoring from the FVLP Director asked why the industrial partners had not made any presentations of their work at the two meetings he had attended. **To redress this situation**, a meeting was scheduled to take place in April 2004 at the DfT in London. Whereas the University team was prepared to attend the meeting it was called off the day before because of the reluctance of the industrial partners to attend.”

The highlighted wording suggests that Dow and Courtney had been called to account for not contributing to the PedSALi project, but had refused to turn up to explain their lack of action.

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<sup>7</sup> During the first two years of the PedSALi project, Dow sent a representative to each quarterly Formal Review Meeting. But the University research did not produce any useful technical data, so Dow representatives did not attend any of the Technical Review Meetings.

<sup>8</sup> “Softening” is a motor industry euphemism. It actually means that the industry could continue using its existing stiff expanded polypropylene (ePP) filled car bumpers. These are ideal for keeping minor collision repair costs down, but harmful in pedestrian accidents.



However, the reality was:

1. The London meeting was not an investigation into the lack of input from Dow or Courtney. It was an arbitration meeting. It is described as such on page 1, of the Formal Enquiry Report.
2. Dow's role was to carry out computer simulations based on the University research results. But, because the University had not produced any meaningful results, Dow had nothing to present.
3. Dow stopped sending representatives to the formal meetings after the University team created a document falsely blaming a Dow employee for insisting on bad research. (Complaint 8 above.)
4. Likewise, Courtney had nothing to report because the research had become meaningless. In the absence of a witness from Dow, he was also afraid of saying anything at meetings, for fear of being misquoted. (This did happen and is the basis of point 6 below.)
5. After earlier complaints from Dow and Courtney, Dr Oyadiji and his line manager Professor Wright introduced a new University representative, Dr Turner. They claimed Dr Turner had been selected by the University to act as an "independent chairman" to see fair play between the three partners at meetings. Dow and Courtney took this statement on trust and agreed to his appointment. But he did not act impartially. It was only later, when Dr Turner was discovered marking an exam paper with Dr Oyadiji that doubts started to emerge and Courtney checked his background. He was in fact a close colleague of Oyadiji and Wright, currently collaborating with Dr Oyadiji on two externally funded research projects. The Dow representative stopped attending meetings, but as Lead Partner, with responsibility for reporting back to the Department for Transport (DfT), Courtney continued attending. Courtney called for the chairman to step down on the grounds that he had gained his post by false pretences. He refused and remained in place until the end of the project because he was backed by his VUM colleagues.
6. After Dow ceased its attendance, the chairman held a meeting (31 July 2003), attended by two PedSALi researchers, Courtney and an external consultant from UMIST. Courtney testifies that at the end of the meeting, the chairman escorted the UMIST consultant from the room, and then returned to intimidate him. Later, in the presence of a DfT official and others, Dr Turner claimed he had let Courtney off lightly.

"I was not intimidating. When I give people a real bollocking, they don't know what's hit them for two days."

(See pages 9- 11 /Document C1/ Nobel Folder / CD ROM, for details of the tricks and intimidation.)

For supporting evidence that Courtney and Dow were keen to attend the arbitration meeting see Page 6 of Document A1 / Nobel folder / CD ROM.

For evidence that Courtney purchased his Manchester to London train ticket to attend the arbitration meeting see Document **IC 13**.

## **9 The complaint**

The University created a false record for the EPSRC. This unfairly suggested that Courtney (and Dow Chemicals) were responsible for the breakdown of arbitration following the collapse of the publicly funded PedSALi project.

The University should write to the EPSRC informing them of its error.

### Further details

The false statement about Courtney's refusal to attend the arbitration meeting is also recorded on page 1 of the Formal Enquiry Report.

David Rowe, the DfT coordinator, "moved on" after the arbitration fiasco. The wording of the Enquiry Report suggests that Rowe was not contacted by the Panel.

## 10 Background

In 2008, the University set up an Institute of Science, Ethics and Innovation and appointed a Nobel Laureate as its Chairman.

Courtney thought that this Institute would treat him fairly.

So he wrote to the Nobel Laureate, detailing his complaints over the previous four years.

The Institute handed Courtney's complaints over to the University Research Governance Office, who conducted an enquiry.<sup>9</sup>

The enquiry system used to examine Courtney's complaints is a three stage process:

- (i) A short pre-screening stage, where the complainant's evidence is considered.
- (ii) A more detailed screening process involving submissions of evidence from the respondent(s).
- (iii) A detailed Formal Enquiry.

The three stage process for examining Courtney's complaints took about fourteen months. This is about eleven months longer than the timescales suggested by the relevant UoM Code of Practice

The end result was a Formal Enquiry Report written by three Panel members.

The Report starts with a detailed Background section against which the contentious issues were investigated.

The innocent reader is entitled to trust the Background description as being honest.

But the reader has been deceived. The Background section includes a number of demonstrably false statements that damn Courtney and his invention, before the Enquiry even begins.

Here are the Background statements, and details of why Courtney claims they are false;

10.1 The Background states,

"Mr. Courtney signed a confidentiality agreement with VUMAN.  
VUMAN's mail shot to potential business partners resulted in interest from Dow Automotive (a subsidiary of Dow Chemicals.)"

Yes, Mr. Courtney did sign a confidentiality agreement to protect his invention. This was essential to avoid breaching the disclosure rules of patent law.

**But**, VUMAN, the (1996) business arm of the Victoria University of Manchester, had nothing to do with the recruitment of Dow to the PedSALi project.

Courtney established the Dow partnership at his own expense, as a result of his own enterprise. Courtney won prizes for SALi Technology at International Innovation Fairs, resulting in international media coverage. The Commissioner can see from Document **IC 14** that one such article in Auto Express attracted the attention of Dow.

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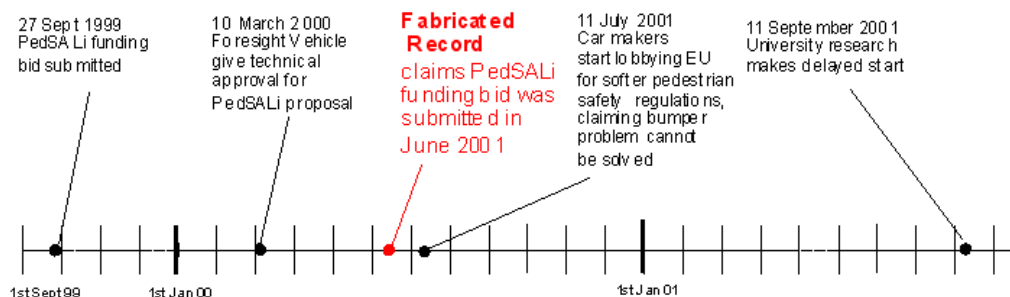
<sup>9</sup> Courtney accepts that handing the case over to the Research Governance Office was the correct course of action. Nothing in this document or elsewhere should be interpreted as a criticism of the Institute of Science, Ethics and Innovation.

However, by running this false statement together with reference to a confidentiality agreement, the Report sets the stage for the later false statements about Courtney breaching confidentially, as discussed below in Complaint 12.

## 10.2 The Background states,

“In June 2000 the University of Manchester together with Dow Automotive and Cheshire Innovation (the Complainant’s company — for which he was sole trader) bid for funding through the DfT Foresight Vehicle LINK Programme to investigate the use of SALi Technology in car bumpers.”

This statement is false. The true dates are shown below.



**Figure 6.** Shifting the recorded funding submission date back by nine months helps to hide the problems caused by the University delaying the start of its research by over a year. By the time the delayed PedSALi research began, the battle for a pedestrian friendly car bumper was being lost because the powerful European car makers were lobbying for softer (i.e. weaker) regulations that would allow them to continue using stiff bumpers.

Evidence for the Commissioner to check:

- ❏ The false statement is highlighted on page one of the Formal Enquiry Report (CD ROM.)
- ❏ Document **IC 15** is an extract from the PedSALi application form dated 27<sup>th</sup> September 1999.
- ❏ Document **IC 16** is a copy of the technical approval letter for the PedSALi project dated 10<sup>th</sup> March 2000.

## 10.3 The Background states,

“In November 2001 Mr. Courtney signed a 5 year SALi Technology Licensing Agreement with the University of Manchester.”

Courtney wished to donate half of the future royalties from SALi based products to his local University to help fund higher education.

The 1996 agreement had to be rewritten to reflect this. To be accurate and record this goodwill on the part of Courtney, the above statement should read as,

“In November 2001 Mr. Courtney signed a 5 year SALi Technology Licensing *and 50:50 Royalty Sharing* Agreement with the University of Manchester.”

The difference is crucial. The contractual reality was that Courtney had entered into a benefit and risk sharing partnership with the University. But, by omitting this inconvenient truth, the Panel sidestepped the difficult issue raised in Complaint 6 above.

10.4 The Background states,

“In June 2003 Dr John Turner of the University of Manchester was appointed as an independent person to assist to resolve the difficulties between the University of Manchester and the industrial partners.”

As pointed out in Complaint 11 above, this statement is false. Courtney and Dow were tricked about Dr Turner’s independent status.

He was a close colleague of the respondent, not an “independent person”.

But, manipulating the Background statement in this way allowed Dr Turner to appear as a credible witness in the Panel’s Report.

10.5 The Background states,

“At this meeting Mr. Courtney proposed the transfer of outstanding research work to UMIST.”

This statement suggests that the initiative came from Courtney. It is false and airbrushes out an important truth.

Professor Reid of UMIST, who was an advisor to the CrashSALi project, suggested the transfer of the PedSALi project to UMIST. It had superior testing equipment and his Impact and Explosives (IMPEX) research group that Professor Reid had built up over many years had the skills to solve the outstanding problems. He was worried that if the PedSALi project failed it would damage the international reputation of his research group after amalgamation.

In the event, PedSALi did fail. Professor Reid moved to Aberdeen University shortly after amalgamation. Dr John Harrigan the IMPEX group member who originally made contact with Courtney moved with him.

The Panel should have been well acquainted with the facts. For example see Page 9 of Document C1/ Nobel Folder / CD ROM.

10.6 The Background states,

“An arbitration meeting was scheduled for 27 April 2004: this was cancelled because Mr. Courtney refused to attend.”

It is difficult to describe this statement as anything less than a blatant lie. Courtney was desperately keen to attend, to set the historical record straight and terminate the misleading PedSALi research referred to in Complaint 8 above.

See Complaint 11 above, for evidence that the Panel were aware their statement was false.

10.7 The Background states,

“On 6 July 2004 Mr. Courtney wrote to DfT requesting termination of the PedSALi project.”

This statement deceives by omission. Here is how Courtney would have recorded it:

After the arbitration meeting was cancelled, the Department for Transport contacted Courtney as Lead Partner, asking him what should be done next. Courtney discussed the matter with Dow, who advised termination of the PedSALi project because they had lost their commercial opportunity. He also wrote to Dr Turner at the University to sound him out, but Dr Turner did not reply.

Consequently, on 6 July 2004, Mr. Courtney wrote to DfT requesting termination of the PedSALi project.

The truncated Background statement, running on from the false statement about Courtney’s “refusal” to attend a meeting, suggests that Courtney was sulky or awkward.

10.8 The Background states,

In March 2004 Professor Harris wrote to Mr. Courtney offering to refer the research report to an independent arbiter, with the University of Manchester and Cheshire Innovation paying 50% each of the costs. **In the absence of a response from Mr Courtney**, Professor Harris wrote again on 29 June 2004 mentioning the debt of £20,000 that Cheshire Innovation owed to the University of Manchester for the CrashSALi project.

The false statement “In the absence of a response from Mr. Courtney” contradicts Courtney’s evidence to the Panel as discussed in Complaints 1 and 2 above.

10.9 The Information Commissioner should also be aware that the Background statement pulls off a major act of deceit by omission. It fails to mention that the commercial arm of VUM proposed the CrashSALi project to Courtney because it could not think of any other way of solving the PedSALi mismanagement problems. (See Complaint 6, above, for details.) This omission is likely to mislead the innocent reader into thinking Courtney was an external client of VUM, not a profit and risk sharing business partner.

10.10 There is a second serious omission from the Background statement. There is no reference to the fact that the Department for Transport had appointed Courtney as Lead Partner for the PedSALi project. He had a contractual duty to inform the DfT if the project moved towards failure. It was Courtney’s determination to do his duty in the face of accusations of “disloyalty” from his Manchester colleagues that isolated him and eventually destroyed his good name at the University.<sup>10</sup> For an example of the long term consequences of this destruction that the Panel were aware of, see Exhibit 17/Nobel Folder/CD ROM.

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<sup>10</sup> It was very difficult to ignore peer pressure, to act unethically, “for the greater good of the University.” The problem is, once this practice has begun, it creates its own “ethical” justification.

10.11 **Was Courtney the subject of another injustice in the preparation of the Formal Enquiry Report?**

Courtney made it clear that he was happy for his complaint literature to be shared with the people he was complaining about. However, it is unclear from the Formal Enquiry Report, if this actually happened.

One thing is certain: during the fourteen months of the Enquiry process, Courtney was not sent any of the evidence submitted by the opposite party.

If this had been done, it is possible that all of the errors recorded as points 10.1 to 10.8 could have been avoided.

**10 The complaint**

Courtney claims that the University of Manchester Formal Enquiry process did not treat his complaints in a fair and balanced manner.

The Report begins with a Background section consisting of a series of statements which read as though they are established facts. But, in reality, they are demonstrably false claims that unfairly discredit Courtney.

The damaging falsehoods in the Background statement prejudice the innocent reader against Courtney before the Investigation section of the Report begins.

Consequently the reader is less likely to spot the many errors that discriminate against Courtney in the main body of the text.

In order to maintain accurate records, all copies of the Formal Enquiry Report should therefore be retrieved and destroyed.

**Why the destruction of all copies of this Report is important**

At the time of writing, it is impossible to say whether the threat to “British” SALi emerging from Nanjing in China is trivial or will blow up into a national “scandal” about Britain throwing away yet another wealth generating invention.

If it does become a national issue and the University acts according to form; it could choose to release the Formal Enquiry Report, “to set the record straight”.

Anyone reading the Report at a future date would reasonably conclude that Courtney was stupid by university standards (Complaint 13), uncooperative, and had behaved unprofessionally.

Courtney is 64 years old and has serious vision problems. This has caused him to be knocked down once by a car and he has had several near misses.

Each time he starts to cross a busy road or has an unusual pain, he fears that he will not have time to clear his name.

This corrosive fear is not something he should have to live with.

<b><u>SOCIAL SERVICES ACT 1966</u></b>	
<b><u>CERTIFICATION OF PARTIAL SIGHT</u></b>	
<b>This is to certify that:</b>	
<b>Name:</b>	<b>William COURTNEY</b>
<b>Date of Birth:</b>	<b>26/06/1946</b>
<b>Address:</b>	<b>17 Vale Road Timperley Cheshire WA15 7TQ</b>
Was registered as a partially sighted person on 07/04/2006 in the area of the Borough of Trafford.	
 Mrs Brenda Hamlin Team Manager <b><u>SENSORY SERVICES TEAM</u></b>	

**Figure 7.** Evidence that Courtney is partially sighted.

Courtney is, of course, exceptionally aware of the horrific traffic accidents pedestrians can suffer, because of his involvement in road safety research during the last fourteen years. For example, see Page 8/Exhibit 10/Nobel Folder/CD ROM.

Courtney will now present some specific examples, to demonstrate that Formal Investigation stage of the Enquiry was unfair. These will not be so obvious to the innocent reader, because of the prejudiced background which precedes them.

Courtney emphasises that these are only examples and not an exhaustive submission of complaints.

## **11 Background**

As part of the Formal Enquiry process Courtney was requested to sign a “Summary of the Complaint” document. He refused to sign because instead of a fair investigation, the Principal Investigator for the University research, Dr Oyadiji, had been singled out as a “scapegoat”. (A hard copy of Courtney’s refusal letter to Research Governance Office is enclosed as Document **IC 17**.)

The creation of a “scapegoat” and misleading Summary letter only served to create new problems for Courtney.

- (i) If he had signed the document he would have been legally compromised, because blame for the discriminatory nature of the Enquiry would shift from the University to the complainant.
- (ii) Courtney’s early expectations of this enquiry were that it would clear the name of himself and his invention. But many of the false records he complained about were created higher up the University chain of command. So, his name would not have been cleared, even if the “scapegoat” had been found guilty on all counts.

- (iii) But, by not signing, Courtney also created difficulties for the Enquiry Panel. It only required the Panel to find the “scapegoat” guilty on one charge, for them to be exposed to accusations of discrimination.
- (iv) Courtney provided evidence that Dr Turner of the University had mismanaged his role as “independent chairman” on SALi matters and had expected his conduct to be investigated. (Point 5, Complaint 11 above.) However, by not investigating him, the “independent chairman”, was free to appear as an “independent” witness before the Panel, to speak against Courtney.

In the event, the Enquiry proceeded without the complainant’s approval and cleared Dr Oyadiji on all counts. But in doing so, it created new false records about Courtney and his invention. An illustrative selection of these new false records will be submitted as Complaints below.

The Panel also gave Dr Oyadiji permission to publish new papers on SALi Technology, which from Courtney’s experience, are likely to be misleading. For example, see Complaint 6 above.

In order to counter this potential threat, Courtney is now obliged to make frequent FoI requests to the University, to check what Dr Oyadiji is doing with SALi Technology. Then, where necessary, make follow-up complaints.

#### **11 The complaint**

The University Formal Enquiry process went through the motions of investigating Courtney’s complaints, but in reality, it failed to address them.

It offered Courtney a “scapegoat” instead of addressing his wider concerns. This has only made the inaccurate record problems worse instead of solving them.

It also allowed a person who Courtney claims bullied him, (Complaint 9) to appear as a “credible” witness against him.

A matter of particular concern is that the “scapegoat” now has the Panel’s approval to continue damaging the national interest by publishing bad research. This opens the door for researchers in competing countries to use bad British research as a springboard for winning funding to do good SALi research in their own country.

#### **Further details**

In January 2009, Courtney wrote to the Research Governance Office, expressing concern at the narrow approach that the Enquiry appeared to be taking. This was nine months before he was requested to sign the “Summary of the Complaint” document. (The January 2009 letter is referred to on page 2 of Document **IC 17**.)

The Commissioner should also note that the Summary document which was sent for Courtney to sign did not include the misleading Background statements that set the tone of the Formal Enquiry Report. So he was kept ignorant of its inaccuracies until he received his copy of the Report in January 2010.



## 12 Background

This complaint relates to a serious and deeply offensive statement of unprofessional behaviour being recorded against Courtney, so the background will be described in detail.

In 1986, Courtney's primary aim when he invented SALi Technology was to protect people from injuries caused by violent impacts. As a physics teacher, he was also keen to inspire young people to better themselves through higher education. With this second aim in mind, Courtney voluntarily signed a 50:50 royalty sharing agreement with VUM in 2001. This was a five year agreement, so UMIST would have benefited after amalgamation.

This agreement also made life as an inventor simpler for Courtney because the lawyers at MIL, the commercial arm of the Victoria University of Manchester, provided the legal agreements for working with third parties.

For example, in the aftermath of 9/11, when MIL became interested in anti-terrorist applications of SALi, the lawyers drew up a three way collaboration agreement between VUM, Cranfield Royal Military College of Science and Courtney.

During the build-up to amalgamation between VUM and its sister University UMIST, Courtney received an expression of collaborative interest in SALi Technology from the Impact and Explosives (IMPEX) research group at UMIST. Courtney asked MIL if a three way collaboration agreement, similar to that signed with Cranfield was needed. The MIL response was that, in view of the commitment to amalgamation, insisting on a legal agreement with UMIST was not only unnecessary, but could be seen as tactless.

The IMPEX group leader, Professor Reid, was an internationally noted expert on crash protection. He had the skills and status to provide a much needed boost for the flagging PedSALi project.<sup>11</sup>

As the researchers at UMIST pointed out, their crash expertise was balanced by VUM's vibration expertise. And since SALi offered new research opportunities in both fields, working together to develop SALi Technology would be a good team building exercise.

Professor Reid should have been a significant asset to the SALi research. He was an advisor to the CrashSALi project, offered joint University tutorials on crash protection (but only Courtney turned up from VUM), and gave the Manchester researchers copies of his own research findings.

Crucially, UMIST offered the use of better test equipment than that available at VUM, but the VUM researchers rejected it.

The UMIST professionalism and superior research culture exposed the technical and management weaknesses of Dr Tunde Oyadiji (the respondent), who resented this. He became very secretive. For example, when the Chinese research assistant for the PedSALi project, Dr Zhu, resigned, this was kept hidden for two months until Courtney discovered him booking his flight back home to China.<sup>12</sup>

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<sup>11</sup> It was an unfortunate twist of fate that caused Courtney to start his SALi research years at VUM instead of UMIST. Manchester Business Link carried out a keyword search of its higher education research skills database. This suggested that a mathematician working on gaseous volcanic lava at VUM was the ideal Research partner for Courtney. But the mathematician soon fell out with his engineering opposite number because he felt he was misleading Courtney. This left Courtney stuck at VUM, when UMIST would have been a better option. (See page 34 / Document C1 / Noble Folder / CD ROM for details of the fallout.)

The Panel was aware of this secrecy problem. (See Exhibits 7 and 43 in the Nobel folder on the CD ROM.)

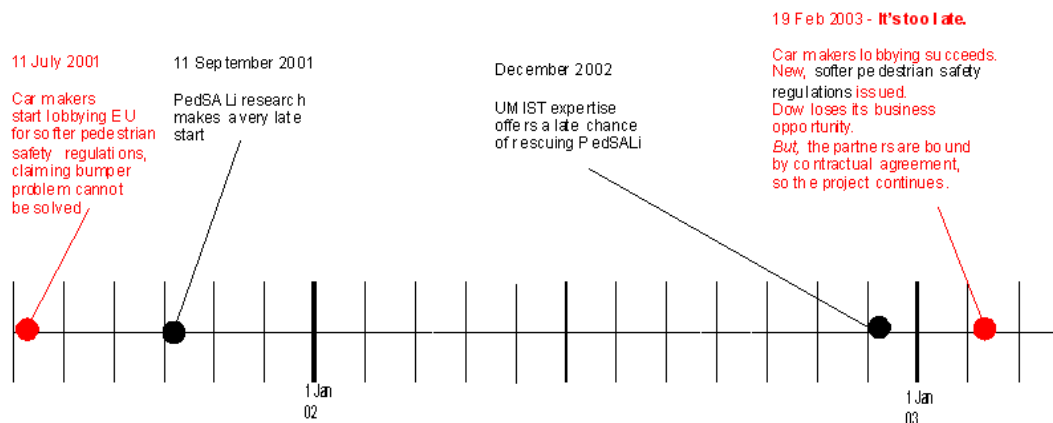
The Panel was also aware that MIL was frustrated because Dr Oyadiji's lack of professionalism was doing harm that spread beyond PedSALi. For example, MIL had put in a lot of good work attracting interest from defence businesses after 9/11.

This frustration can be seen from an email Dr Michelle Cooper at MIL had written with regards to the CrashSALi project;

“It would be good when we get the money to sit down with Tunde and try and make it blatantly clear what the University's obligations in this project are”

(Exhibit 5/Nobel folder/ CD ROM)

Unfortunately, in spite of the best efforts of Dr. Cooper, Professor Reid and Courtney, the PedSALi project failed to produce any sensible results. Meanwhile, the EU Commission gave in to pressure from the car makers and the pedestrian friendly bumper regulations were softened (weakened), allowing them to continue fitting stiff, ePP filled bumpers.



**Figure 8.** Inter-university rivalry caused VUM researchers to fight hard against the benefits of cooperation with UMIST. Meanwhile the car makers won their battle for softer pedestrian safety regulations.

Instead of giving Courtney and Professor Reid credit for trying to save the PedSALi project, (and possibly save many lives), the Enquiry Panel twisted the truth to create a record that condemns Courtney for working with Professor Reid and others at UMIST.

Here is the relevant extract from page 8 of the Formal Enquiry Report.

“The Panel was satisfied that in their opinion the University had not breached the terms of the contract with Dow and Cheshire Innovation. **It was concerned, however, that Cheshire Innovations had breached the contract on two counts:**

<sup>12</sup> (i) Written testimony states that Dr Oyadiji's line manager, Professor Wright, agreed to keep this secret.

(ii) Some baffling events preceded Dr Zhu's resignation: large boxes of materials, supplied by Dow for Dr Zhu to work on went missing and his family were frightened, when his house, close to the University, came under attack. But despite Courtney's complaints, Oyadiji and Wright failed to call in the police and the incidents were quietly covered up.

Courtney informed the “independent chairman” of these matters, but Dr Turner also refused to take action. (Item 6.3, page 32/Document C1/Nobel Folder/CD ROM)

As Dr Toccalino of Dow remarked, “It's like living in one of your famous Agatha Christie novels.”

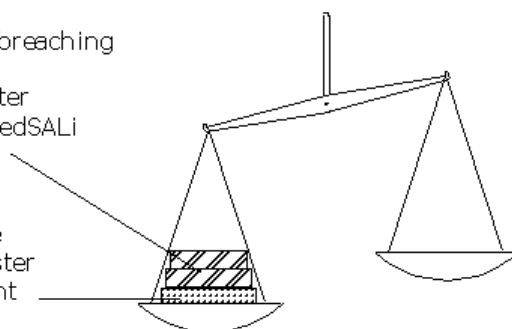
The Complainant discussed the PedSALi project with academics at UMIST and from December 2002 he circulated data from the PedSALi project to them without the permission of the Respondent.

The Collaboration Agreement defines “Confidential Information” as “information relating to the Project and/or its results”. Clause 5.3 makes it clear that the partners should “avoid disclosure of [confidential information] to any third party unless the third party must be given access to confidential information for the purpose of furthering the aims of the project or to facilitate exploitation of foreground IPR in accordance with Article 4 provided the third party has executed a confidentiality agreement with no less onerous terms as are contained in this Article 5.”

It should also be pointed out that the Formal Enquiry Report records Dr John Harrigan from UMIST as being appointed as external consultant for the PedSALi project. The Panel can not have it both ways: claiming Courtney was breaching project confidence by speaking to people from UMIST, while condoning VUM’s use of UMIST expertise for the same project.

The Panel record Courtney as breaching the PedSALi contract with the Victoria University of Manchester on two counts for discussing PedSALi with UMIST.

*But,* The Panel also record the Victoria University of Manchester as using UMIST as a consultant for the PedSALi project.



**Figure 9.** The Panel interpreted the law of contract differently when applying it to VUM and Courtney.

In contrast, contract lawyers at the commercial arm of VUM treated both parties the same. They saw no problem in Courtney talking to UMIST.

## 12 The complaint

Courtney acted correctly by obtaining legal advice and approval from the Victoria University of Manchester before discussing the PedSALi project with UMIST employees.

He acted ethically, in the best interests of the British taxpayer and European pedestrians.

But the Formal Enquiry Report twists the truth by recording his discussions with UMIST as a breach of trust and a breach of contract.

The Report is also unjust and discriminatory because it ignores the fact that VUM had itself hired a UMIST engineer as a PedSALi project consultant.

The University should not be holding a record that falsely gives the impression Courtney had acted disloyally, unethically or illegally.

## Further details

A search of the Microsoft Word version of the Formal Enquiry Report on the attached CD ROM suggests the Panel made no effort to contact Professor Reid or Dr Cooper. This precaution should have been taken before making libelous statements about unprofessional conduct.

### 13 Background

The Formal Enquiry Report unfairly implies that Courtney acted in a stupid and incompetent manner.

Page 12 of the Formal Enquiry report includes the following statement,

“Mr Courtney had promoted SAL1 technology as showing a stress/strain curve of an “Ideal Shock Absorbing Material” and stated that there were indications that SALi behaves like that. Prior to PedSALi and CrashSALi, no tests had been carried out using displacement sensors, so stress strain characteristics could not have been obtained.

The results that were generated by the PedSALi and CrashSALi projects did not back up the Complainants beliefs about the ideal behavior of SALi. The results were scrutinized by the Technical Committee of 6 engineers (Professor Jan Wright, Dr John Turner, Dr Eugenio Tocalino, Dr Xinqun Zhu, Dr George Georgiades and Dr Oyadiji) of more than 120 man-years of engineering experience.”

To the innocent reader, this statement about Courtney’s “mistaken beliefs “appears to be both convincing and damning.

But it does not stand up to scrutiny.

Here is evidence to contradict the false hearsay, from unnamed sources, that is recorded as fact in the Report.

(i) In general, the concept of a stress/strain curve for an “Ideal Shock Absorbing Material” that meets all impact criteria does not make sense. There are there are too many different types of impact for this to be possible. Courtney is well aware of this. The record implying that he believed otherwise makes him look incompetent or academically stupid.

(ii) The following statement in the report is **a red herring**.

“Prior to PedSALi and CrashSALi, no tests had been carried out using displacement sensors, so stress strain characteristics could not have been obtained.”

Experienced engineers such as those named in the report (and, indeed, the mathematician and physicist on the Panel) would be well aware that materials can be deduced as having different stress-strain characteristics by indirect methods. To give two examples, the cushioning material used sofas and arm chairs has a soft stress-strain characteristic, but a block of concrete has a very stiff stress-strain characteristic.

In the case of correctly packaged SALi materials, the range of stress-strain characteristics is virtually infinitely large. In fact, one of the challenges of SALi research is to bring the wide range of stress-strain characteristics down to a manageable level. Document **IC 18** is extracts from papers by Courtney and Oyadiji, showing some of the variables involved.

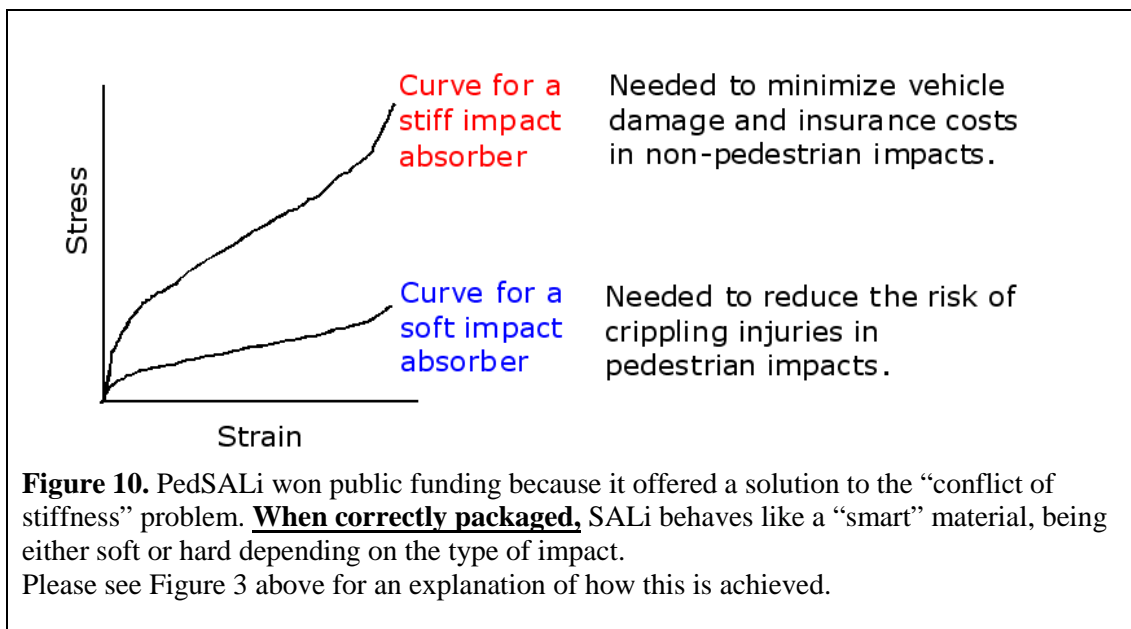
(iii) The statement about Courtney’s “belief” contradicts his description of SALi Technology in his 1998 research thesis and in many public accounts thereafter.

(iv) Courtney describes his invention as “SALi Technology” rather than “SALi material” to emphasize the fact that *it is not* a material. It is a way of blending different materials in different forms of packaging. Each produces a different shape of stress/strain curve. Courtney would have been undermining the merits of his own invention by promoting SALi as a single curve material.

(v) The rationale behind the PedSALi project provides a good example of why any belief in a single, ideal stress-strain curve would be academically stupid.

The aim of the project was to design a car bumper that was *soft for 25 m.p.h.* pedestrian impacts *but stiff for 5 m.p.h.* car parking bumps with concrete pillars and other non-pedestrian collisions.

The Panel included a physicist and a mathematician. They would be well aware that a stiff bumper corresponded to a steep stress/strain curve and a soft one to a gently inclined curve. Here are two sketch curves to illustrate the difference.



(vi) The suggestion that Courtney believed the PedSALi and CrashSALi projects would yield identical ideal stress-strain curves makes him look even more stupid.

Here are the key differences:

*PedSALi:* For car bumper impacts, whether involving people or concrete pillars, the aim is to try to design a bumper that provides the same stiffness throughout the impact. This ensures that for a given safety level, the bumper is as thin as possible.

*CrashSALi:* One of the aims of CrashSALi was to design a new type of suspension system that would increase car safety by improving road holding.

The ideal suspension system gradually increases in stiffness. It would be **soft** for gentle impacts, to provide a smooth ride on most roads, but **stiff** for rough roads and occasional pot holes, to prevent jolting. By using a different SALi formula and packaging the SALi in a different way to that required for car bumpers, this soft to stiff change can be achieved.<sup>13</sup>

(vii) Courtney’s patents explain how these contrasting PedSALi and CrashSALi stress-strain requirements might be met using different formulations of SALi. (Document **IC 19**.)

<sup>13</sup> Designing a reliable, lightweight, low cost suspension unit that meets these criteria provides a considerable challenge for engineers. The researchers at Nanjing University were enthusiastic about the SALi suspension design because it met all the criteria. In particular, they demonstrated reliability by carrying out multiple vibration tests on their unit.

In contrast, the Manchester researchers used the wrong materials. But they hid reliability problems by carrying out a single impact test, by dropping a heavy weight on to the test suspension unit.

Any competent and honest Technical Committee would have recognised the Manchester research was flawed. For further details see the [www.cheshire-innovation.com](http://www.cheshire-innovation.com), Item 10 on the site menu.

(viii) One of Courtney's main complaints to the Vice Chancellor in 2004 was that *the wrong SALi formulation*, giving the *wrong type of stress/strain curve* was investigated in the CrashSALi project. This inconvenient complaint is airbrushed out of the Formal Enquiry Report.

(vi) The articles about SALi published in engineering magazines show that Courtney was promoting SALi as a "smart" Technology that offered different stress-strain characteristics for different types of impact. (e.g., Document **IC20**.)

### **Conclusion to this section**

The above evidence makes it clear: Courtney's true beliefs are the polar opposite of the belief statement archived in the Formal Enquiry Report.

### **13 The complaint**

The Formal Enquiry Report records hearsay from unnamed sources, so that it reads as fact.

This hearsay suggests that Courtney held beliefs that make him look stupid by university research standards. Apparently, he believed that there was an ideal material that was suitable for providing maximum protection against any type of impact.

The Panel should have checked the provenance of these hearsay statements, before recording them as fact.

The University should not be holding a record that falsely gives the impression that Courtney is stupid by University research standards and does not understand his own invention.

### **14 Background**

The Report refers to the existence of a 6 man Technical Committee so that it reads as a fact.

"The results were scrutinized by the Technical Committee of 6 engineers (Professor Jan Wright, Dr John Turner, Dr Eugenio Toccalino, Dr Xinqun Zhu, Dr George Georgiades and Dr Oyadiji) of more than 120 man-years of engineering experience."

Page 12 of the Formal Enquiry report

However there is no evidence to support the existence of this committee and a named member, Dr Eugenio Toccalino denies any association with it.

(i) For this Report statement to be justified, the Formal Enquiry Panel must have seen at least one reference to the existence of the Technical Committee in the PedSALi or CrashSALi records.

But, this is not possible. Courtney holds copies of all of the documents presented at PedSALi and CrashSALi meetings including Formal Minutes. They do not include any reference to a "Technical Committee".

(ii) Dr Eugenio Toccalino has provided Courtney with a **written denial of his membership**. (Document **IC 12**).

(iii) The Commissioner’s attention is drawn to the names of three members of this “Technical Committee” in particular:

Dr John Turner, Dr George Georgiades and Dr Oyadiji.

The University records will verify that these people also met on 9<sup>th</sup> September 2003 and agreed to carry out wilfully misleading research, as discussed in Complaint 8 above. Courtney describes this research as “wilfully misleading” because it contradicts the definition of SALi Technology laid down in Courtney’s patents and was done under protest from Courtney and Dr Toccalino of Dow. The misleading research produced very poor results because inappropriate packaging was used.

So, if some of the engineers named in the Report had met and called themselves a committee, they would have been examining wilfully misleading research, generated by themselves.

This type of circular nonsense has no place in an honest report about Courtney and his invention.

#### 14 The complaint

The Formal Enquiry Report describes how a Technical Committee of 6 engineers, “of more than 120 man-years of engineering experience” investigated Courtney’s supposed beliefs and found them to be mistaken.

But,

- (i) There is no evidence in the records to suggest that this committee ever existed.
- (ii) One named member, Dr Eugenio Toccalino of Dow Chemicals has denied any association with it.
- (iii) Four other named members were not in a valid position to pass judgment because they had previously been involved in carrying out wilfully misleading research, generating the evidence supposedly examined by the committee.
- (iv) The sixth member of the committee went home to China in 2003.

The University should not be holding a libelous Report that belittles Courtney by first making ridiculous statements about his scientific beliefs and then claims a non-existent committee had examined these “beliefs” and found them to be flawed.

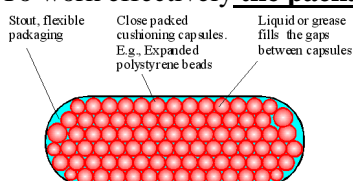
#### Further details

By examining this complaint in its historical context, the Commissioner can gain a feel for the general theme of Courtney’s complaints.

Here are some key historical milestones:

1. **1986.** Courtney invents an impact protection device consisting of a composite fluid inside a stout package. He calls his invention SALi Technology.

To work effectively **the packaging must not stretch significantly** during impact.



2. **10th March 2000.** Dow, Courtney & the University of Manchester win public funding to construct a prototype SALi filled car bumper.  
Car manufacturers are looking for a bumper of this type to meet pending EU pedestrian safety regulations. The European market is worth \$(US) 90 million/year. Dow's hollow plastic bumpers are an ideal form of low stretch packaging.
3. **11th September 2001.** Under the supervision of Dr Oyadiji and his line manager, Professor Wright, the University research makes a very late start.  
The research makes no useful progress, the research assistant resigns in puzzling circumstances, Dow & Courtney are not informed, and they submit a written complaint. Courtney informs the Department for Transport of the problems. University colleagues accuse Courtney of "disloyalty."
4. **19 February 2003.** Dow loses its business opportunity when the EU Commission softens (weakens) its pedestrian safety requirements. Courtney and the University lose an opportunity to earn million dollar royalties. But the real losers are Europe's pedestrians.
5. **9 September 2003.** University researchers agree to restrict research to elastic packages that will be ineffective because it stretches under impact. The meeting record falsely claims that Dow want this research change.  
Six years later, the three University engineers attending the meeting Dr Turner, Dr Georgiades and Dr Oyadiji, will re-emerge as members of a "Technical Committee" that investigates the effectiveness of SALi Technology.
6. **29 September 2003, PedSALi Formal Meeting.**  
Three government transport officials attend because they are concerned that PedSALi has missed its prime opportunity and is now failing.

No Dow representatives attend in person, but Dr. Toccalino of Dow phones in, objecting to invalid research using elastic packaging being done. Courtney is present at the meeting and explains why he agrees with Dow.  
The Manchester researchers forget that the phone is switched on when they falsely blame another Dow employee for insisting on elastic packaging being used.  
(For details see Section 5, pages 29-31 of Document C1/Nobel Folder/CD ROM.)

7. The following University engineers who were present at the Formal Meeting ignore complaints of invalid research from Dow and Courtney.  
Dr Turner, Dr Georgiades, Dr Oyadiji and Professor Wright.  
From this time on, they work exclusively using elastic packaging for SALi. They ignore Courtney's alternative research, using correctly packaged SALi.
8. **2004-5** Turner, Georgiades, Oyadiji and Wright present their invalid research results at two conferences in America. Courtney is not informed, so he is unable to protest. Their conference papers are used to justify claiming public (EPSRC) funding.
9. **November 2008.** After four years of confidential tip-offs from inside the University and detective work by Courtney, the above information is presented to the University of Manchester Research Governance Office.





### **Important caveats**

Dr Georgiades name has been included in this complaint for the sake of factual accuracy. At the time he was involved in SALi research, he was writing up his Doctorate thesis under the supervision of Dr Oyadiji.

Courtney knows from personal experience that “Mr.” Georgiades would have risked being victimized, if he had stepped out of line to speak honestly.

If the future records show anything about him, then he should be recorded as an incidental victim of the SALi research problems. Certainly, he was not a prime cause of them.

Dr Zhu also had a difficult time while working at Manchester (See Complaint 12 Background). However, Courtney has absolutely no reason for linking his return to China in 2003 with the subsequent SALi research at Nanjing University.

## **15 Background**

Courtney’s evidence to the Panel makes the position clear: he persistently complained that his University colleagues were doing invalid experiments. Consequently, no committee, whatever its expertise, could make logical deductions about SALi from the results.

In contrast, valid SALi research is currently being done at two Universities, Cardiff and Nanjing.

Both universities are publishing results that support Courtney’s true beliefs.

### **Cardiff University**

Preliminary results were published at an international automobile engineering conference in Stuttgart, Germany.

Here is the title:

**PEDESTRIAN PROTECTION USING A SHOCK ABSORBING LIQUID (SALi) BASED BUMPER SYSTEM**

**Huw Davies**  
**Karen Holford**  
 Cardiff University School of Engineering  
 United Kingdom

**Alexandre Assoune**  
**Bastien Trioulier**  
 L’institut Français De Mécanique Avancée  
 France



**Bill Courtney**  
 Cheshire Innovation  
 United Kingdom

Paper Number 09-0027

The UoM Enquiry Panel was informed that the PedSALi work is now being done correctly at Cardiff. They were also supplied with a full copy of the above paper, so that the Panel could compare and contrast the UoM and Cardiff research. (Email to Mrs. Lockyer, Research Governance Office, 8<sup>th</sup> July 2009, reproduced as Document **IC .21**).

### **Nanjing University, China**

In the same email, UoM was informed that the CrashSALi work is now being done correctly at Nanjing University. The Panel was supplied with a full copy of the following paper:

 <b>ELSEVIER</b>	Contents lists available at <a href="http://www.sciencedirect.com">ScienceDirect</a> <h2>Journal of Sound and Vibration</h2> journal homepage: <a href="http://www.elsevier.com/locate/jsvi">www.elsevier.com/locate/jsvi</a>	
<h3>Study on vibration isolation properties of solid and liquid mixture</h3>		
H.D. Teng, Q. Chen *		
College of Aerospace Engineering, Nanjing University of Aeronautics and Astronautics, Nanjing 210016, China		
<b>ARTICLE INFO</b>	<b>ABSTRACT</b>	
<i>Article history:</i> Received 14 October 2008 Received in revised form 10 April 2009 Accepted 24 April 2009 Handling Editor: J. Lam	This paper describes a new type of vibration isolator which is based on solid and liquid mixture (SALiM) and has outstanding performance in vibration isolation and shock absorbing. The SALiM mixture consists of incompressible liquid and a number of compressible elastic solid elements. When under shock or vibration, the incompressible liquid can instantly pass the pressure on to all the solid elements in the container of the isolator, which causes all the solid elements to compress and deform simultaneously. As a result it could greatly absorb and dissipate the energy of vibrations and shocks. With proper design the isolator could have an excellent performance on both vibration isolation and shock absorbing. In this work hollow rubber spheres are used as elastic elements, and the dynamic properties of the isolator is investigated numerically and	

In contrast with the scornful conclusion of the fictional “Technical Committee of 6 engineers”, the Chinese were very positive about SALi’s prospects. Here is their conclusion:

The energy transmissibility of a test rig and a simulated isolation system shows that the SALiM isolation system has an outstanding performance and a good prospect in engineering practice.

#### Acknowledgement

The authors acknowledge with great appreciation that this work is supported by the Natural Science Foundation of China under Grant no. 10772080.

Teng and Chen, page 12.

The Chinese work was done without Courtney’s knowledge, so he cannot be accused of biasing their conclusion that SALi offered “outstanding performance and a good prospect in engineering practice”. For further details of the Chinese work, see the Appendix of the attached copy of a letter to Graham Brady MP, dated 30<sup>th</sup> March 2010. **(IC 9)**

These papers provided powerful technical evidence in support of Courtney’s claims that the Manchester research was flawed, but the Formal Enquiry Panel has ignored them.

*The Commissioner can check Courtney’s allegation:*

A Microsoft Word version of the Report is included on the attached CD ROM. This will allow the Commission to do an electronic search of the document, to check for references to Cardiff and Nanjing Universities.

**15 The complaint**

The Panel was presented with third party evidence in the form of published research results from two Universities. These had the power to justify Courtney's complaints and to clear his name.

The research published by Nanjing University was particularly convincing because the work was done without Courtney's knowledge, had been peer reviewed and came to a very optimistic conclusion.

By ignoring this independent evidence, misleading research records generated by Manchester University researchers were allowed to stand.

Also, by ignoring the evidence, the Panel left what Nanjing University said was SALi's "good prospect in engineering practice" to be exploited abroad.

This is a national loss because Britain needs to create manufacturing jobs as we move out of recession. We also need good examples of British engineering success, in order to inspire our young people to take up careers in science and engineering.

Courtney objects to being cheated of opportunities to clear his name and to help his country recover from a deep recession.

**Further details**

Courtney wrote to the Research Governance Office, 13<sup>th</sup> July 2009, providing evidence that the Nanjing researchers may have learned about CrashSALi type suspension systems directly from Dr Oyadiji. A copy of this email is attached as page 2 of Document **IC 22**.

**16 & 17 Background**

In January 2008 Courtney discovered that research findings emerging from the PedSALi project had been published in an American engineering journal.

Characterization of the Core Properties of a Shock Absorbing Composite,  
G. Georgiades, S.O. Oyadiji, X.Q. Zhu, J. R. Wright, and J.T. Turner,  
Journal of Engineering Materials and Technology, ASME, October 2007, Vol. 129,  
pages 497-504

The work was flawed and its publication breached the confidentiality terms of an agreement Courtney had signed with VUM.

Courtney had previously written to the authors, refusing them permission to publish this work. (Document D5/Nobel Folder/CD ROM.)

Courtney followed established practice by complaining to the editor, who passed his complaint on to the publisher. Following an exchange of emails, Courtney sent comprehensive details of his complaint to the publisher for peer review.

After some months of deliberation, the publisher consulted its lawyers, who said that the problem needed to be sorted out by an enquiry process within the University of Manchester.

As a result, the evidence ended up being placed before the Formal Enquiry Panel.

The Panel was given:

- (i) A Written statement from Courtney explaining that the publisher wanted the Enquiry Panel to examine the evidence before they would take action. (Document **IC 23**)
- (ii) A copy of the evidence on headed paper, as sent to the publisher in America.  
(Document D1/Nobel Folder on CD ROM)
- (iii) Additional evidence. (Document folder D/Nobel Folder on CD ROM)

The Panel responded by reprimanding Courtney for supposedly acting unprofessionally, by *not* submitting his complaint to the journal.

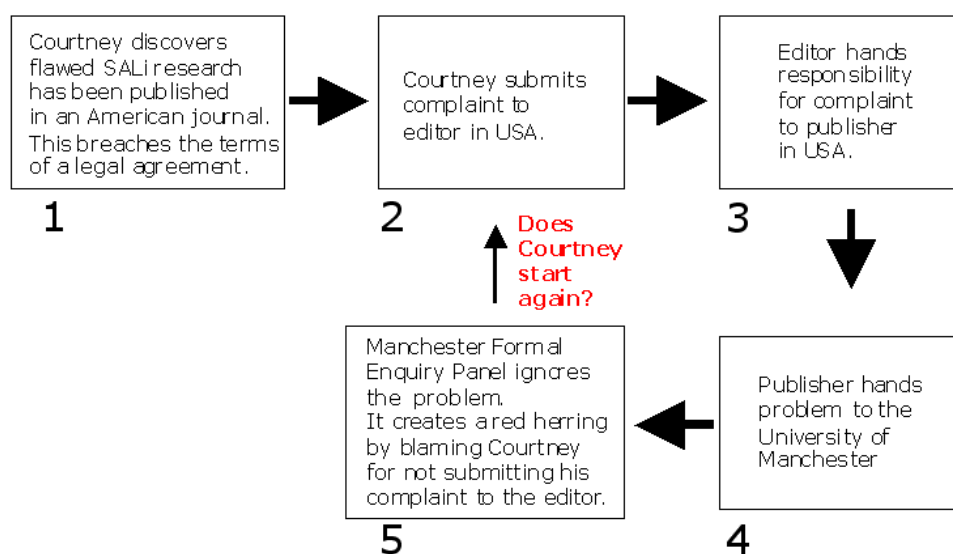
The Panel wrote,

“If Mr Courtney disagreed with the results, he should have pursued the accepted practice in the academic community of writing to the editor of the journal and presenting a rebuttal”

*Formal Enquiry Report, page 12.*

The innocent reader would reasonably conclude from this statement that Courtney had not taken the trouble to contact the journal concerned.

In reality, the Panel evaded any responsibility for maintaining research standards by inviting Courtney to trap himself a circular path.



**Figure 11.** The Panel effectively gave Courtney two options. He could abandon his complaint about flawed research, or take it round in circles.

Courtney submitted a serious complaint to the Panel, relating to pedestrian safety research funded by the British taxpayer. This project held the prospect of developing a soft car bumper, which could have saved lives and prevented crippling injuries.

The Commissioner should note that the Panel’s evasiveness has serious implications for Britain’s reputation as a scientific nation.

(i) Cardiff University has prepared a research proposal that Courtney has approved. This would be in the same research area as the Manchester PedSALi work, but use a more sensible experimental design.

The big worry is that because Manchester has already received £212,000 tax payers funding for the published work, Cardiff’s funding bid will be rejected.

(ii) In spite of its inaccuracies, the paper stimulated international interest in SALi Technology. Here is the evidence from an American Society for Mechanical Engineers web page:

ASME Digital Library

ASMEDL.ORG » Journals » J. Eng. Mater. Technol. » Top 10 Most Downloaded Articles » October 2007

Home Search Journals Proceedings E-Books

**JOURNAL INFO**

- Purpose and Scope
- Masthead
- Citation Format
- Abstracted & Indexed In
- Subscribe to Journal
- Announcements
- Call for Papers
- Authors Resources
- Submit Papers

**PROGRAM INFO**

- Publications Committee

**Journal of Engineering Materials and Technology**

**Top 10 Most Downloaded Articles -- October 2007**

The 10 research articles with the most full-text downloads during the month, in descending order

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**Characterization of the Core Properties of a Shock Absorbing Composite**  
 G. Georgiades, S. O. Oyadiji, X. Q. Zhu, J. R. Wright, and J. T. Turner  
 J. Eng. Mater. Technol. **129**, 497 (2007) (8 pages)  
 Abstract Full Text: [ [HTML](#) [PDF \(428 kB\)](#) ] [BUY THIS](#)

**Fig 12.** The flawed research paper on SALi Technology came in at number 1 in the journal's top ten downloads in October 2007.

Copies of his flawed paper are still being sold by the British Library. But the Library declines to withdraw the paper until Courtney sorts the matter out with the publisher. ....Who have passed the problem on to the Formal Enquiry Panel.

Document **IC 24** is a copy of an email on the matter from The British Library.

(iii) By refusing to examine difficult and inconvenient evidence, the Panel has acted against Britain's national interest.

Any reasonably intelligent researcher will spot the flaws in this paper and will be in a strong position to bid for funding in their own country, arguing that they can improve on the poor British work. It is thirty two months since the paper was published, so this may have happened already.

Manufacturers in their home country will then have several routes for legally taking future SALi based intellectual property from Britain: these include claiming copyright protection for specific SALi formulations they develop, obtaining patents to protect blending techniques related to these formulations, and gaining SALi based know-how.

(iv) The impressive SALi research done by Nanjing University, and funded by the Chinese Government, serves as a warning that our overseas competitors will not stand idly by, while Manchester tries to hide its research failures.

(v) The Formal Enquiry process plays a key role in maintaining our reputation as a trusted research nation. For example it was called upon to re-establish the truth after the East Anglia climate research and the MMR vaccine controversies attracted international attention.

The Manchester Formal Enquiry Panel had a national duty to maintain our reputation, by examining the evidence of poor British research placed before it.

**16 The complaint**

The misleading data referred to in this complaint was published in a best selling journal paper.

Instead of addressing his complaint, the Panel created an excuse for ignoring it, by twisting the truth against Courtney.

Here is how they twisted it:

Courtney presented the Panel with evidence of misleading research about his invention being published in an American research journal. This evidence was a copy of a complaint letter he had previously submitted to the journal's publisher. He also provided a statement that the publisher had passed the problem on to the University.

The Panel responded by ignoring the facts and reprimanding Courtney for *not* submitting his evidence to the journal.

Twisting the truth in this way denied Courtney his data protection rights by allowing a misleading research paper about his invention to remain on sale.

This dereliction of duty also has national prosperity implications. The Nanjing University case study should have alerted the Panel to the fact that its actions risked invisibly exporting British manufacturing jobs and wealth to overseas competitors.

The University should either,

(a) Minimize its damage to the national interest by withdrawing this paper as soon as possible.

*or*

(b) Provide a full scientific rebuttal of Courtney's objections to the paper, as set out in Document D1. (Document folder D/Nobel Folder on CD ROM)

**17 The complaint**

The Formal Enquiry process lies at the heart of research quality control, maintaining public trust in British science.

For the sake of our international scientific reputation, the system should not be abused by undermining a complainant's good name, instead of examining his complaint.

The University should recall and destroy all copies of a Formal Enquiry Report that damages Courtney's good professional name by pretending he failed to contact a journal publisher when he discovered evidence of suspect British science.

**Further details**

On a close reading of the documents, especially Document F1/Nobel Folder/CD ROM, the Commissioner will note that in his role as Lead Partner, Courtney made a written complaint to the University Head of Engineering, in February 2002, seventeen months before the wilfully misleading research began. The paper referred to in Complaints 16 and 17 relates to University work done during this period. Courtney asserts that this early work was also misleading, but for a different reason.

During the early months of the project, "Mr." Courtney realized that his "Dr" and "Professor" University colleagues had made a serious and embarrassing error. They had designed an experiment based on good maths, but bad physics. In order to work according to plan, it would require the re-writing of two fundamental laws of physics: the Law of Conservation of

Energy and the Law of Conservation of Momentum. However, rather than admit their errors, the researchers preferred to save face, by ignoring Courtney's objections and bluffing a way through their research plan.

These apparent violations of the laws of physics escaped the notice of the peer review system, so the scientific nonsense ended up being published.<sup>15</sup> The Formal Enquiry Panel included a physicist and a mathematician. They were in a strong position to support or refute Courtney's arguments, but they chose to pass the problem back to the publisher.

In contrast, researchers at Cardiff University have made no such errors and have come up with a sensible experimental design. Unfortunately, they may not be able to obtain public (Engineering and Physical Science Research Council) funding to do their work, because the money for this type of research has already been handed out to Manchester.

The Panel was aware that back in 2003, Professor Reid's IMPEX group at UMIST had offered to do this part of the PedSALi research correctly. But, using one of his "tricks", Dr Turner had blocked the transfer of funds to UMIST. (For details, see pages 9-12/Document C1/Nobel Folder/CD ROM.)

## 18 Background

In 2004, the University created an excuse for pursuing Courtney for debt recovery for the CrashSALi project, by falsely claiming to Graham Brady MP that Courtney had not responded to an arbitration proposal from the (then) Vice-Chancellor.

It strengthened this excuse by failing to mention that Courtney had signed a 50:50 royalty sharing agreement with the University and was therefore a profit and risk sharing commercial partner.

It further strengthened its case by failing to mention that the commercial arm of the pre-amalgamation University *had approached Courtney* with the CrashSALi proposal because *it* wanted good SALi research done, but it did not want Courtney's research supervisor, Dr Oyadiji, to hold the purse strings.

Five years later, the one good thing that appeared to come out of the Formal Enquiry process was a recommendation that the misleading letter to Mr Brady should be corrected.

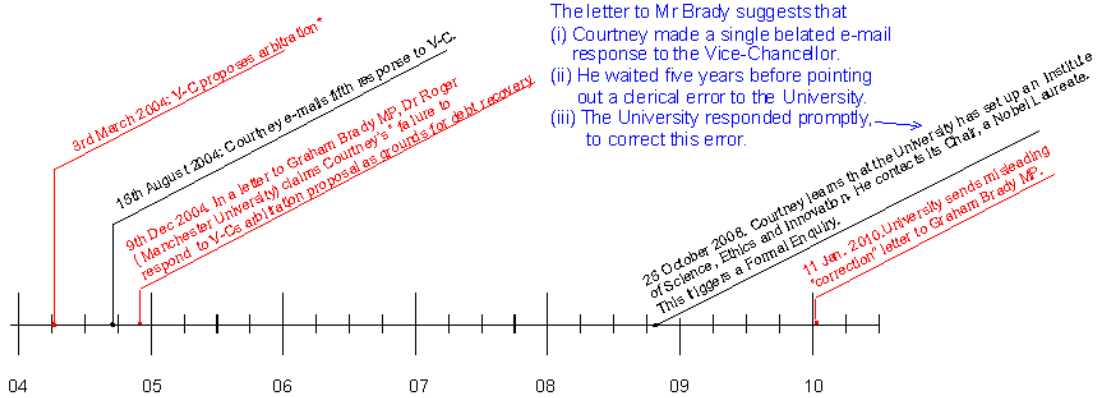
But, when Courtney obtained a copy of this "correction" letter to his MP, (**IC 25**), it was clear that the University had made no effort to spell out the true relationship between Courtney and the University. Also, by selectively mentioning dates, it created the impression that Courtney had been careless in attempting to correct any errors made by the University.

---

<sup>15</sup> Recent history teaches us that people are easily fooled by impressive looking maths. At about the time the Manchester researchers were deluding themselves, the world's cleverest bankers were falling into a similar trap. They were making vast sums of money, gambling sub-prime housing market credits. They did not think they were taking risks because the "rocket scientists" had supplied them with impressive looking mathematical models, which predicted how markets behaved. The snag was, the maths was impeccable, but the information about markets was wrong. As a result, the world had a recession. For an explanation of how the Manchester researchers used good maths, but bad physics, see pages 15-16 of Document D1/Nobel Folder/CD ROM.



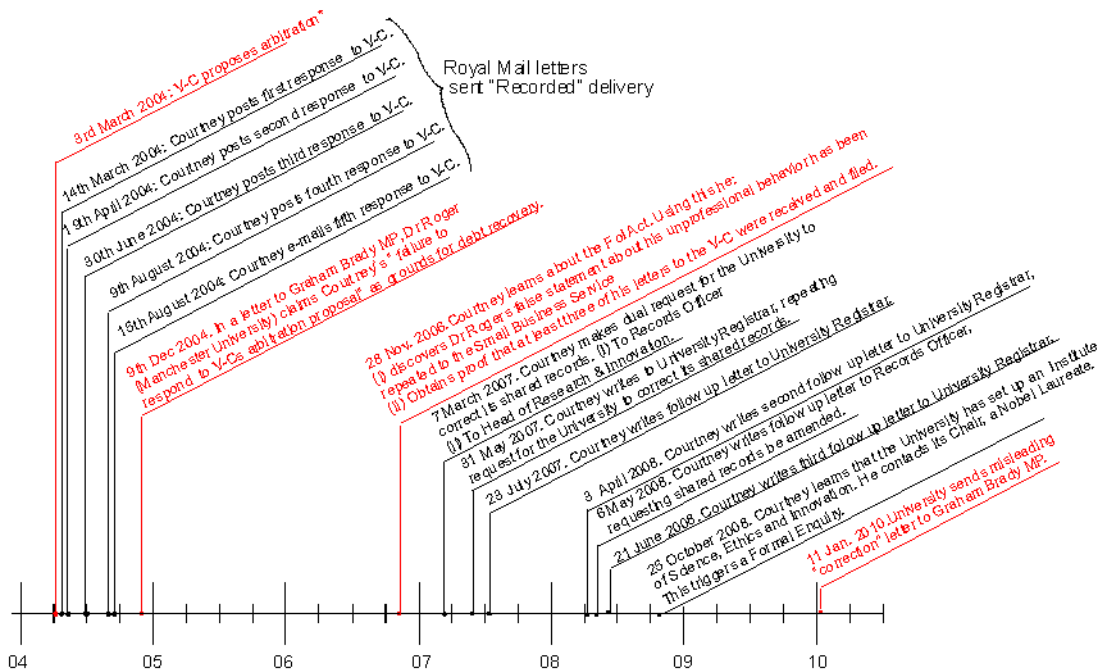
The two timelines below compare reality with the illusion created in the misleading letter to Graham Brady MP.



**Figure 13.** The “correction” letter that the University sent to Mr Brady suggests that Mr Courtney was a rather sluggish professional, who waited five months before responding to a letter from the Vice-Chancellor, then waited four years before getting round to notifying the University of a clerical error.

In contrast, it suggests that the University had behaved promptly, in respecting Mr Courtney’s rights under the Data Protection Act.

But, as the timeline below shows, reality was the reverse of this. Courtney had acted promptly and professionally. He wrote five letters to the Vice-Chancellor, where he University claimed one. Then, when he had the evidence, wrote eight letters calling for his Data Protection rights to be respected, where the University suggested only one.



**Figure 14.** Courtney wrote to the Vice-Chancellor on five occasions, but, he only has absolute proof that three of his letters were received and kept on file. (He obtained copies of these three letters using the FoI Act.)

**18 The complaint**

The University created an illusion that it was meeting its obligations under the Data Protection Act. But, in reality, it acted in reverse.

The “correction” letter drawn up by the University constitutes a new false record that has misled Graham Brady MP.

It falsely suggests that:

- (a) Courtney had responded to the VUM Vice Chancellor’s arbitration proposals in a rather lackadaisical manner, following a delay of five months.
- (b) Courtney had been careless in defending his own rights under the terms of the Data Protection Act, by waiting four years before informing the University of Manchester of its letter writing errors.

The “correction” letter fails to declare that Courtney was not an external client of the University, but a royalty sharing partner, who had been requested to control the finances for an internal research project, from which the University itself had anticipated generating royalties.

The University should correct the records by writing to Mr Brady and telling him the truth.

**Further details**

The University of Manchester Research Governance Office sent this misleading “correction” letter to Graham Brady MP. This Office has responsibility for protecting research standards within the University.

**19 Background**

Courtney knows for certain that, in addition to writing to Mr Brady, the University also sent a misleading letter to the Small Business Service (SBS). It may also have misled its solicitors Eversheds. However, in spite of an earlier appeal to the Information Commission (Case Reference Number FS50165264) this is not known for certain, because of the limitations laid down by the FoI Act.

What is known for certain is that Courtney requested that the University correct its shared records with the SBS, and if necessary, with Eversheds. But these Data Protection requests were ignored by the Panel.

**19 The complaint**

The Enquiry Panel ignored Courtney’s evidence and his request that records shared with the Small Business Service and (possibly) Eversheds should be corrected.

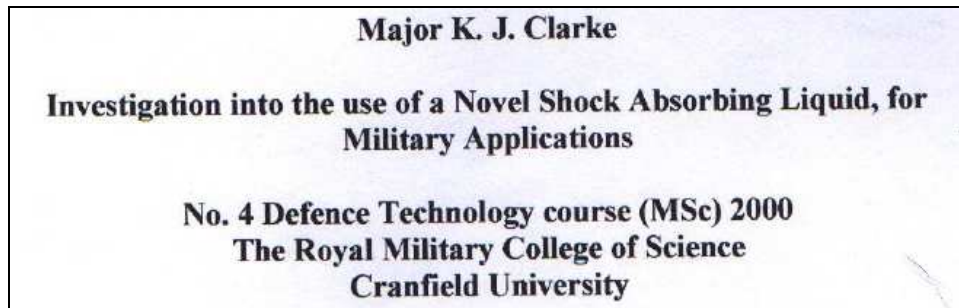
The University should acknowledge this omission and, where necessary, correct its shared records.

**20 Background**

Two University Professors expressed interest in exploring different ways in which SALi Technology could be used to protect service personnel against explosive, sharp object and blunt trauma attack.

1 Professor Horsfall of Cranfield was interested in protection against buried explosives.

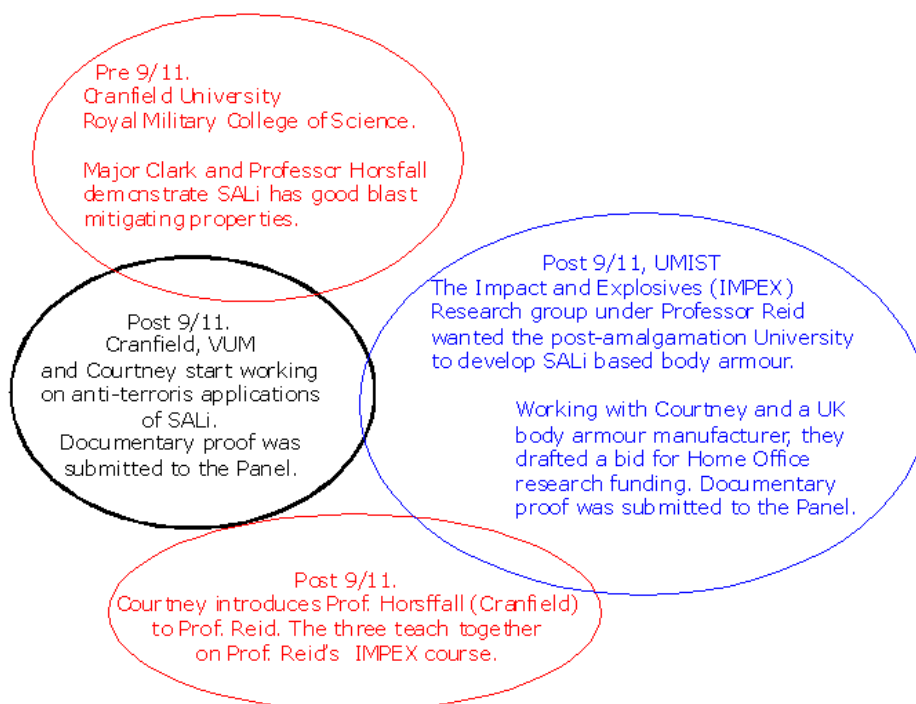
In 2000, Major Clarke of the Royal Engineers, working under the supervision of Professor Horsfall at Cranfield Royal Military College of Science, demonstrated that SALi had potentially outstanding blast mitigation properties.



2 Professor Steve Reid, who ran the Impact and Explosives research group at UMIST, suggested using SALi as a trauma protection layer in protective clothing. (Bullet proof Kevlar can stop a bullet, but the resultant blunt trauma can still kill.)

Kevlar is expensive and heavy, but by placing a SALi cushioning layer behind it, the IMPEX group predicted that the thickness of Kevlar required for stab and bullet protection could be reduced.

In the aftermath of the 9/11 attacks on America, these possibilities seeded a number of overlapping collaborations between the pre-amalgamation Manchester University, UMIST, Cranfield and Courtney.



**Figure 15.** Courtney worked hard over a number of years, bringing together expertise that could have protected British troops and made a valuable contribution in fighting terrorism. However, the problems caused by the cover-up of bad research at VUM poisoned the inter-university collaborations. This denied Courtney an opportunity to help his country fight terrorism.

Professor Rod Coombs( Vice-President), Albert McMenemy (Registrar & Secretary) and the Formal Enquiry Panel were all sent details of the earlier collaborative work on defence applications of SALi.

(See Document **IC 26**, hard copy of Exhibit 21/Nobel Folder on CD ROM.)



**Fig 16.** Cranfield University, 2002.

This photograph from Exhibit 21 shows SALi Technology being investigated as vehicle protection against buried explosive attack.

Buried Improvised Explosive Devices (IEDs) have taken more lives and maimed more soldiers in Afghanistan than any other form of attack.

Cardiff University are interested in reviving the blast mitigation research, so it is important that Courtney can clear his name and move on. (Document **IC 27**)

## **20 The complaint**

The misleading records created by the University to hide its research failings have hampered research on anti-terrorist applications of SALi Technology.

We still do not know how effective SALi protection would be in counter-terrorist applications, but early research results were encouraging.

Courtney has been denied an opportunity to help his country fight terrorism. He has also been denied an opportunity help to protect British troops against the threat of improvised explosive devices.

Courtney's name should be cleared so that he can move on, instead of wasting time trying to re-establish his professional reputation, and that of his invention.<sup>16</sup>

The complainant anticipates feeling a great sense of relief when he receives an acknowledgement for this letter from the Commissioner. At least he will know by then, that the truth about him is stored somewhere in the archives.

Yours sincerely,

Bill Courtney

<sup>16</sup> For the last five years Courtney has been partially sighted. He struggles to read, write and type. Producing documents such as this letter to the Information Commissioner are very time consuming.