



Interview by Peter Windsor, F1 journalist for "The Race Driver", originally published here:
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David Hunt Exclusive On Team Lotus

Even though I've been a Lotus fan since the early 1960s I was always a bit nervous about the whole "Lotus returns to F1" story this year because nothing – in the early months – seemed to ring true. It's one thing to say to the world "let's make a fresh start" but it's quite another neatly to sidestep everything that has gone before. The history of Lotus in F1, so far as I know it, is simple enough: Colin Chapman started the whole thing – the whole thing being Team Lotus; Peter Warr and Fred Bushell kept it nicely afloat upon Colin's passing; and then the business was sold by the Chapman family to a new group in 1991. Team Lotus at that point featured such drivers as Mika Hakkinen and Johnny Herbert, Honda Mugen engines – and such sponsorship acquisition kings as Guy Edwards and David Hunt. It should have been amazingly successful. It wasn't. For reasons I never understood, and despite the management of my friend Peter Collins, it quickly faded away. Taken over by the Administrators in 1994, Team Lotus was then sold to the highest bidders – David Hunt and Kenny Wapshott.

The youngest of four brothers (of which the eldest, James, won the 1976 World Championship), David by that time had forged a reputation not only as one of the best procurers of sponsorship ever to walk an F1 paddock but also as a resilient believer in Team Lotus and in everything for which it stands. He and Wapshott bought as a going concern the business, the name, the logo, the history and all the worthwhile assets as well as responsibility for the staff. On many occasions over the past 15 years the business, led by Hunt, has faced hurdles that would have forced lesser people to take up something less dangerous – like shark-fishing – but David has stuck with it. He's a racer; and he has rebuffed legal attacks from virtually every quarter as if he's James, slicing down inside of Niki Lauda at Paddock Bend at Druids in '76. Whilst for too long the Team Lotus history has been plagued by greed and jealousy, making it a difficult team to sell and to re-launch, none of it has been due to Hunt.

When a Malaysian called Tony Fernandes and his partners were granted an F1 team franchise for 2010 it was in the hope that they would be bringing the Lotus name back to F1 – a generic name that he had agreed to licence (confusingly) not from Hunt but from Proton,

the (Malaysian) owner of Group Lotus. Now it's just possible, I suppose, that you could go racing as "Lotus" without being able to use any of the Team Lotus intellectual property rights (branding, merchandise, logo, history etc.) but it wouldn't be very clever (given the stellar history of Team Lotus prior to 1990 and everything that's globally good about the Team Lotus name).

Accordingly, I think everyone in F1 was delighted to hear just before the Singapore GP that Fernandes had at last signed a deal with Hunt that would enable "Lotus Racing" to continue as "Team Lotus" from 2011. I, for one, was looking forward to seeing the proper logos back in place and I think everyone from Mike Gascoyne downwards also truly believed that the marketing potential of the famous name could re-establish the team somewhere near the respectable end of the grid.

All that now appears to have been a bit of puff. Group Lotus has launched legal action against Fernandes and his companies and continues to make noises about racing in F1 independently of the Fernandes operation; and Fernandes himself was Tweeting from Bali, obviously not wanting to be disturbed, as the Brazilian Grand Prix took shape, so I rang Hunt, knowing that he has still not yet spoken to the press about any of this. To my surprise, David was keen to talk, explaining that he was "so fed up with so much confusion generated by the misguided and ill-informed comment from bloggers and journalists" that it was time to "help everyone to have a clearer picture by putting the record straight". As we chatted, he described a situation far worse than I had imagined, so I repeat our conversation in full, for to condense it would do an injustice to the complexity of the problem.

PW: *So, David. First there was the press conference in Singapore, confirming that Team Lotus are finally back in F1. Then, the day after the race, Group Lotus – Proton, actually – declared (and I quote) that they are the "owners of this (the Team Lotus) brand and will take all necessary steps to protect it." I think they also said that, until 1994, Group Lotus and Team Lotus were under common ownership, with common directors, and that Team Lotus, under your ownership, has never raced, adding that your ownership is ineffective. What was that all about?*

DH: I was infuriated by that because I view it as libel. They're basically saying that I have been lying for the past 16 years. All these claims are complete nonsense. If Team Lotus was under common ownership and control, how come the Chapman family sold it to Peter Collins in 1991? Why were Group Lotus a third-party sponsor of the Lotus F1 cars during Collins's tenure? And why did they stand by while the Administrators then sold it to me and my partner in a sale that was completely under the jurisdiction of the British High Court? Nevertheless, for the first couple of months after we purchased it, rumours were being

spread that we didn't own the name Team Lotus. This was obviously a concern to Group Lotus and a potential nuisance to us and Group therefore decided to clarify the issue by writing to us and apparently everybody else they could think of who might have had some interest in the Team Lotus property, including the Chapman family and Peter Collins. They asked anyone who thought they had an ownership claim to set it out in writing. The only respondents were us, and our lawyers set out the rights we had acquired in full to Group Lotus. Group then thanked us and gave everyone on the list a second chance to comment and then invited us to a meeting so that we could start working together – them as Group and us as Team, just as it had been in the Chapman and Collins eras before. At no point did Group say that they felt they themselves had any claim on any Team Lotus property, and as far as I'm aware from that date until the day after the Singapore Grand Prix this year they have never suggested that we did not own Team Lotus. So for Group now to claim that they've always owned Team Lotus is pure fantasy.

Beyond that, we did two races at the end of 1994 – Japan and Australia – under our own ownership and control, so that part of the Group statement is completely untrue as well. We even gave Mika Salo his first F1 race, for Pete's sake!

The truth is that Group Lotus has never competed in F1, never built an F1 car and never owned Team Lotus. They've always been separate companies – as is common practice in F1, as well as being common sense. Colin Chapman always wanted to protect Lotus Cars from the insurance and accident problems that can affect a race team and of course he was and is not alone in this respect.

PW: *Correct. When I represented Carlos Reutemann in his negotiations with Colin Chapman in late 1978, none of the contracts were with Lotus Cars or Group. Anyway. What happened when Proton bought Group Lotus?*

DH: That's when things changed. When they bought Group Lotus in late 1996 a lot of Malaysian dignitaries flew over to see the new purchase at a launch event. They were taken completely by surprise when they learned that their new trophy asset did not include an F1 racing team. It's a bit like the Americans thinking they'd bought Tower Bridge only to find the old London Bridge on their doorstep. It seems the Malaysians had been lacking in their Due Diligence. I flew out to KL to meet the Chairman of Proton and there I explained that we were keen to return Team Lotus to F1, referring to the detailed proposal I'd sent to the Malaysian Prime Minister around a year earlier for a project called 'Malaysia Team Lotus'. The Chairman asked for a copy and asked for one to be sent to Group Lotus. I was happy to oblige. I left with the understanding that they were indeed interested and would discuss it at board level.

That was the last friendly word I had with them. Thereafter they attacked our trademarks in the Trademark Court on numerous occasions, without any material success. They tried to force us to change our logo. They told us that the Group Lotus board's considered view was that F1 is of no benefit to the Lotus brand. They put the Team Lotus history into their publicity material and website, pretending it was theirs. And they never challenged our ownership, privately, publicly or in court. Indeed, it's interesting to note that, having never dared challenge us over ownership in 13 years, three days after control was seen to have passed to other Malaysian hands, they came out with that extraordinary press statement. Interesting timing!

Let's be clear: Group Lotus has never raced in F1, and, despite what it now claims on the freshly-applied murals on the Proton Building at Hethel, it has no F1 World Championships, Grand Prix wins, poles or even races contested in its history. Their claims are as ridiculous as if I had announced a new sports road car from Team Lotus which followed in the long tradition of Team Lotus road cars such as the Elan, Esprit, Europa etc. I would have been passing off; my claims would have been laughable and Team Lotus would have been demolished in court if it had dared defend litigation from Group. In my opinion that is what is likely to happen to Group in the litigation now underway in the British High Court. It is also my opinion that they know that as well as I do, which is why they have attacked now. I believe they are counting on it never reaching the court hearing and a 'Malaysian settlement' resolving 'ownership' of Team Lotus in their favour.

Over the 16 years under my control for various reasons we've had numerous firms of lawyers go through Team Lotus's legal rights with a fine toothcomb and none has deemed our rights to have been deficient in any way, at least until we came up against Tony's lawyers. But that's another story. My point is that in my view Group Lotus's High Court litigation can only succeed if they can convince a judge that black is white or find some new legal doctrine that numerous lawyers had never thought of before.

Group Lotus/Proton have had 13 years to do a deal with me – and in all that time they have been sitting on my Malaysia Team Lotus proposal and the current '1Malaysia' approach looks remarkably like my original vision for them. But rather than working with Team Lotus as sister companies with overlapping interests and names because we were founded by the same man, as had been the historic tradition, they set out to damage or destroy Team Lotus in the hope, I imagine, that they could then grab the Team Lotus brand, logo, identity and history for their own use without having to pay for it – and in the hope that no one would notice. Now, having failed to stop me, and with Tony and his partners having proven the claims I have long been making – ie, that the F1 universe would welcome Team Lotus back to

the starting grids and it is a very valuable brand – Proton and Group Lotus are acting like spoiled children and trying to steal the sweeties from Tony and his partners like playground bullies. They didn't dare whilst I was holding the sweeties because they would have never won in the British courts and I am not subject to any political influence. Tony, and his partners (Din and Naza) and staff at Lotus Racing, don't deserve to have the rights taken away from them.

PW: *So where do you now stand with Tony Fernandes and his partners? What is the situation with them?*

DH: When I was first approached by Tony in 2009 we agreed to give Proton first crack at doing a deal with me, but they blew it. They were shown respect, but did not reciprocate. So when I got into serious negotiations with Tony I think it is very revealing that Group Lotus/Proton then frantically tried to re-open negotiations on several occasions. Why would they do this if they believed we did not own anything?

I told them they'd blown their chance; and, anyway, Tony had by then asked me not to re-open negotiations with them. He had given me his word that he would do a fair and reasonable deal with me and that he was not in F1 to rip anyone off; he knew he had to do a deal with me because we were the ones, not Group Lotus/Proton, who held the rights to return Team Lotus to Formula 1 and he acknowledged the huge efforts that I and many others had made over the years to keep Team Lotus alive and unsullied. So against that background, and Tony's commitments, I told Proton they had missed their chance; in any event, they'd had 13 years to think about it and that seemed like a fair crack for them.

PW: *So Proton did try to negotiate with you during that time?*

DH: Yes, I exchanged similar undertakings with them at the outset but they had quickly amounted to nothing. That's now at the root of the difficulties that currently lie between Tony and his partners and me: their lawyers have recently threatened legal action against me based on what appear to be nonsensical and unsupported allegations from third parties. I completely refute the allegations and will naturally defend them if they were to proceed. I'm sure it's all a misunderstanding and will be cleared up quickly but I remain completely confused as to why it's happened. I've been bending over backwards to support them in every area and to bring them significant sponsorship dollars, so I'm sure we'll find it's a simple case of crossed wires between client and lawyer or some other equally innocent explanation.

I have stuck resolutely to what we agreed and have delivered on my side of the bargain, as Tony freely acknowledges and any journalist who has tried to interview me will attest. I dread the thought of more confrontation, nonsense and legal action, but I have invested 16 years of my life in ensuring that what is true and right and proper prevails. Before Singapore

I was looking forward to putting that chapter behind me, but if I have to stand up and fight for honour and integrity and what's right and proper then I shall do so again because that is so much more important than money or power.

PW: *What do you think is going to happen with the current "Lotus Racing" F1 effort?*

DH: It would be a disaster if Tony and his partners let it go. They've represented to the world, and given me assurances, that they're totally serious and fully-committed to the Team Lotus brand. Tony has been a fan since childhood and this is a dream come true for him; all the rhetoric has been there and without it I wouldn't have done business with them. Yet it appears they may be giving in at the very first hurdle, a threat they were well aware of at the outset and which came from people who were, at the outset, ostensibly on the same side as Tony! I certainly hope they don't give in and I'm comforted that Tony has confirmed to me again over the past few days that they will fight it all the way in court. I would be both outraged and bitterly disappointed if Team Lotus were to be sequestered in some political backroom in Kuala Lumpur and pressures applied in commercial and/or political ways unrelated to F1. My view is that it's really all about who is going to lose face – the Proton and Group Lotus bosses due to the wild and laughable claims they have made – or Tony and his partners for all their claims about being serious and committed to bringing the Team Lotus brand back and taking it back to its former glories. For either side, that's a huge potential loss of face as I understand Malaysian culture.

If Tony, Din and Naza were to roll over it would demonstrate to me that they have been acting in bad faith, with me and the fans and the F1 authorities who gave them their entry. It would also be a blot on my custodianship of Team Lotus as I will have sold it to people who were not passionate or serious or committed – something I have always been at pains to avoid.

I'm also sure that Tony has not forgotten that he has a commitment to the staff in Norfolk. Many have had to re-locate and I am pretty sure almost every one of them went there because they believed they were part of a 'Lotus F1 project'; they didn't go there to work for Team Tune.

And there's also the fans, many of whom have been waiting 16 years for the return of Team Lotus. From the correspondence I receive I know the sick feeling in the stomach all true Lotus and Team Lotus fans the world over will get if it's announced that Team Lotus is now under Proton's control. I imagine that would be the final nail in the coffin for almost all true Lotus F1 fans.

PW: *All very frustrating. Do you think there is any realistic way that this can be resolved?*

DH: I would be quite happy to take back custodianship of Team Lotus and defend any actions brought by Group Lotus/ Proton. I have no fear of Group Lotus or Proton whatsoever and am entirely confident of the legal position. Tony could have a licence to race as Team Lotus. That would free him up to focus on delivering results on track and the fans would see the true DNA of Colin Chapman's F1 legacy on the grid next year whilst I sort out the legal side. After all, I have 16 years of knowledge of Group Lotus/Proton's actions and am therefore the best person to defend any claims they bring. We might even have an action or two we could bring against them!

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