



David Overington Lewis OBE, 1931–2023

President of TMPDF, 1981-83

Pictured here at his OBE ceremony in 1991, with his son Richard
and daughter Corinne (now deceased)

Registered Office 2nd Floor, Viaro House, 20-23 Holborn, London EC1N 2JD

Email: admin@ipfederation.com | Tel: 020 7242 3923 | Web: www.ipfederation.com

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DAVID OVERINGTON LEWIS OBE was born on 17 November 1931 in Hampstead, London. David was educated at John Lyon School in North London and Northampton Engineering College. A founder member of the University of London Air Squadron, he was a pilot in the Royal Air Force on National Service, achieving the rank of Flying Officer in 1954.

David qualified as a UK Registered Patent Agent (now Attorney) in 1961. He later became a Fellow of the Chartered Institute of Patent Attorneys, a European Patent Attorney, a Registered Trade Mark Attorney, and a Fellow of the Chartered Institute of Trade Mark Attorneys.

On the retirement of Mr A. C. Price at the end of April 1964, David became the representative of Babcock and Wilcox Ltd on the Council of the Federation, attending his first meeting on Friday 8 May 1964. His attendance at Council was exemplary - and unique in duration. He attended his last meeting on Friday 10 January 2020 by phoning in. (Even before the Covid lockdowns later in 2020, remote attendance had become more common.) His last attendance in person had been on Friday 12 July 2019, when the Council meeting was followed by an Annual General Meeting of the Federation and a reception.

The Babcock IP function was not large, consisting in 1978 of only two registered agents/attorneys, and by 1992 of only David. He retired from employment with Babcock in the mid-2000s and was a part-time consultant to Babcock at the time he suffered from a stroke not long after the January 2020 Federation meeting.

With characteristic diligence, David e-mailed the Secretary on the very date of the February meeting to say that he could no longer represent Babcock International Group plc. This in fact terminated Babcock's participation in the Federation, which had commenced in 1921, the year after the Federation's foundation. David was made an Honorary Fellow of the Federation (from which position in June 2020 he still commented on a draft that I had prepared). He died peacefully on 22 December 2023.

Trying to cover all David's contributions to the Federation over more than half a century would be a massive task, but some comment on his time as President is possible. He chaired his first meeting in that capacity in September 1981 and his last in July 1983 (a two-year Presidential term then being the norm). A major concern in this period was the effect on IP practice of the Companies Act 1980, which introduced, in addition to "limited companies", "public limited companies" (plcs). A plc had obligations exceeding those of mere limited companies, and all companies had to register as plcs if they were quoted on the stock exchange. This caused difficulties with some foreign IP Offices who were unhappy about registering the name change, asserting that an assignment was needed (which was legally impossible). Other topics now similarly remote were printing of A and B publications following the 1977 Patents Act,¹ formalities dangers in the early days of the PCT, and the possible introduction of UK trade mark protection for services.² These things are all pure history now.

But, so persistent are some IP issues, that there were many activities during David's Presidency that related to law which has continued to develop and/or which is still controversial:-

¹ Previously, applications were published in full only once, in the form of the complete specification as accepted by the Patent Office but before grant (to allow opposition within a 3-month period). Amendment slips recorded any changes arising in opposition or otherwise.

² This protection came in in 1986. Before then, providers of services hoped that class 16 applications might give them protection via the paperwork that accompanied service provision.

- (i) The Community Patent Convention and the possibility of a related court (then called “COPAC”) were a hot topic. It was only in 2023 that the Unitary Patent and the Unified Patent Court came into existence.
- (ii) The first European block exemption on technology transfer (relating only to patents at that time) was under discussion.
- (iii) Despite representations by the Federation and others, the Lord Chancellor offered no hope that ECJ decision in the *AM&S* case would be overruled. This decision, in respect of Commission competition law investigations, deprived companies of privilege in their communications with employed legal advisers. This dismal situation has not changed in the last 40 years.
- (iv) There was discussion of the UK copyright protection for purely functional designs, something which made the UK an outlier in international terms and of which the Federation disapproved. The CDPA 1988 replaced this with unregistered design right, which still exists in 2024. This had a far shorter term including a licence of right period, an international reciprocity requirement for non-EEA persons, and a “spare parts” exception - but it still covered purely functional designs.
- (v) The proposal for counterfeiting to be covered in the forthcoming Uruguay Round of GATT (start date 1986) was discussed. In the event, the scope of the Round was vastly extended, to include all IP matters. This resulted in the TRIPS agreement of 1994, which in 2024 remains a cornerstone of IP law internationally.

David was for a long time the Federation’s representative on the UK government’s Standing Advisory Committee on Intellectual Property (SACIP). Other public service included work on the redevelopment of the British Library. He was awarded an OBE in 1991. SACIP was later abolished in favour of less formal consultation, about which David and others were unhappy.

David also served for many years on the International Chamber of Commerce Intellectual Property Commission, which in earlier years always met in a splendidly ornate room in a historic building facing directly onto the Seine. I particularly got to know David when the then substantial UK delegation to the Commission used to meet for dinner the evening before the main meeting. At *Le petit colombier*, led by the late Dick Fawcett, we UK delegates reviewed our positions for the following day, and at the end of dinner superb soufflés would be consumed.³

David had presence, though not through physical stature, rather through his friendliness and knowledge. David always had a smile, and a twinkle in his eye.

David knew London well, often travelling by bus and on foot where less knowledgeable people used the Underground or taxis. He boldly walked to his office at Babcock in the immediate aftermath of the central London tube and bus bombings of July 2005. On one IP-related occasion in 2009, I well remember a late evening walk in central London squares with David and his wife Miriam, and their reminiscences.

Miriam, who herself was a distinguished teacher and district councillor, survives David, as do a son, Richard, and grandchildren David and Francis. His daughter, Corinne, sadly predeceased him in 2013.

Michael Jewess, Honorary Fellow

³ The restaurant, in rue des Acacias, no longer exists.