



The Federation's activities

One of the IP Federation's chief lobbying tools is its policy papers. These are all available on the website at:

<http://www.ipfederation.com/>

The policy papers on the website represent the views of the innovative and influential companies which are members of the Federation. Members are consulted on their views and opinions and encouraged to debate and explore issues of practice and policy. Only after consensus is achieved are external bodies informed of the collective views of industry via the Federation.

The policy papers are also submitted to the relevant third party consultative bodies, e.g. the Standing Advisory Committee before the European Patent Office (SACEPO), and the Patent Practice Working Group (PPWG), at the:

- European Patent Office (EPO)
- Office of Harmonization for the Internal Market (OHIM)
- World Intellectual Property Organization (WIPO) and
- UK Intellectual Property Office (IPO)

as well as, in appropriate cases:

- BUSINESSEUROPE
- the European Commission
- ministers and
- judges.

Policy papers 2014

Policy papers submitted in 2014 are as follows:

PP 1/14 Intellectual Property Bill 2013-14: criminal sanctions for Unregistered Design Rights

IP Federation position on the potential introduction of criminal sanctions for Unregistered Design Rights (UDRs)

PP 2/14 IP Federation comments on the proposed EU trade secrets directive

IP Federation comments on the proposed EU trade secrets directive

PP 3/14 Response to consultation on simplifying and modernising the examination system for qualifying as a patent attorney

IP Federation response to IPReg consultation on simplifying and modernising the examination system for qualifying as a patent attorney

PP 4/14 IP Federation comments on the compromise text for the EU trade secrets directive

IP Federation comments on the compromise text for the proposed EU trade secrets directive

PP 5/14 IPReg Competency Frameworks - Patents and Trade Marks

IP Federation comments on the IPReg draft Competency Frameworks for patents and trade marks

PP 6/14 Substantive Patent Law Harmonisation [SPLH]

Plea for continued efforts to find common ground for international agreement on a number of substantive aspects of patent law, including the prior art to be considered in relation to novelty, the principle that the patent on a given invention should be awarded to the first inventor to file and a grace period

PP 7/14 IP Federation comments on other appropriate qualifications under Article 48(2) UPCA

Unified Patent Court Agreement: IP Federation response to the consultation on the proposals by the Legal Working Group of the Preparatory Committee on the draft European Patent Litigation Certificate (EPLC) closing on 25 July 2014

PP 8/14 IP Federation note to the UPC Preparatory Committee

IP Federation note to the Preparatory Committee on the Draft Rules of Procedure of the Unified Patent Court on:

- Rule 14 - language
- Rules 37 and 118 - bifurcation and grant of injunctions
- Rules 19, 336 and 340 - general case management / joinder of actions
- Rules 101 and 113 - timings
- Rule 220.2 - procedural appeals

PP 9/14 IP Federation submissions on draft UPC legislation

IP Federation response to the IPO's Technical Review and Call for Evidence on draft secondary legislation implementing the Unified Patent Court Agreement (UPCA) closing on 2 September 2014

PP 10/14 UK Government consultation on timing of repeal of section 52 of the Copyright, Designs and Patents Act

Response to UK consultation on timing of repeal of section 52 of the Copyright, Designs and Patents Act (CDPA)

PP 11/14 Proposal to amend the marking provisions for registered designs

Proposal to amend the marking provisions for registered designs to provide for the marking of products with a relevant internet link (virtual marking)

PP 12/14 Unified Patent Court IT system and confidentiality issues

Concerns amongst IP Federation members regarding the broad issue of information security within the Unified Patent Court (UPC) system

The Federation's campaigns

An important point to understand is that in general IP lobbying and influencing is a long term activity - especially as we do not tend to get involved in short-term single issue items of a sectoral nature. However, some of the more specific campaigns in which the Federation has lobbied and enjoyed various key successes in 2014 are set out below. These are all cases of success or partial success in which the Federation had a role.

1. With techUK and others, the IP Federation campaigned successfully for the adoption of new secondary legislation into the UK in respect of introducing a narrow private copying exception.
2. The IP Federation's valuable input was publicly recognised by the Government IP Minister and other key stakeholders during the Parliamentary debate stages of the UK IP Bill 2013-2014, which passed into law in 2014. We publicly supported the need for IP reform (as proposed by the UK Government), and we welcomed the introduction of virtual marking provisions into law, as applied to patents. We managed to maintain the

fundamental principle of reciprocity in respect of the unregistered design right qualification (UDR) criteria in the 2014 Act, and we stopped the possible proposal to extend criminal sanctions to UDR infringements. As a result of our sustained campaigning during the passage of the UK IP Bill 2013-2014, appropriate safeguards were further introduced into the Act in respect of the criminal sanctions provisions, as applied to registered design infringements.

3. We have lobbied successfully for improvements in the latest draft Unified Patent Court rules of procedure (17th version), including specific improvements to the rules relating to representation and privilege, bifurcation and grant of injunctions, procedural appeals, evidence, and general case management. In this regard, the IP Federation have raised various issues vital to UK industry at the Trier public oral hearing (26 November 2014) on the UPC draft rules of procedure.
4. We have strongly supported the proposed European Commission initiative to improve protection for trade secrets in Europe, by introducing a directive that would require all EU member states to meet a minimum standard for protection of trade secrets. We have engaged successfully with key stakeholders in Europe to support the general thrust of the proposed Directive and to help secure further specific improvements to the proposed Directive, in the interests of Industry.
5. We have had real impact in advocating the value of the collaborative search and examination proposal by the world's five major Intellectual Property Offices, with the relatively recent positive development of Japan adding its support to this proposal.
6. Last year, we urged the UK Government to intervene in Court of Justice case C-364/13 (International Stem Cell Corporation) and to argue that cells capable of commencing the process of development of a human being but which do not have the capacity to develop into a human being should not be considered as included in the term "human embryos". The Government duly intervened, and in December 2014 a judgment was issued along the lines that the Federation argued.
7. The IP Federation applied this year to be added to the list of accredited non-governmental organisations before WIPO. Our application proved to be successful. The decision to grant permanent observer status to the IP Federation in this regard was taken by the Assemblies of the WIPO Member States at their annual session in September / October 2014.

Work in progress

Work in progress includes the following campaigns:

- a) for improved patent search quality, in the interests both of patentees and potential infringers of patents;
- b) for the retention of an iterative examination process at the EPO;
- c) for the UK to remain involved in the process for establishing the unitary patent package in the European Union;
- d) for the draft Rules of Procedure of the Unified Patent Court (UPC) to be adopted, subject to certain amendments;
- e) for harmonisation of substantive patent law and renewed efforts to find common ground for international agreement on a number of aspects;
- f) for resistance to widespread imposition of criminal penalties in IP cases, particularly in the field of infringement of registered and unregistered designs;
- g) for retention of the present reciprocity provisions on the unregistered design right (UDR) in the Copyright, Designs and Patents Act 1988, which offer UK manufacturers protection from unfair competition, encourage reciprocity and support UK innovation;

- h) for the marking provisions for registered designs in the UK to amend to provide for the marking of products with a relevant internet link (virtual marking), as is the case with patents under the Intellectual Property Act 2014;
- i) for the adoption of the proposed EU trade secrets Directive, as long as the draft is improved in certain areas; and
- j) for an improved process for filing observations at the Court of Justice of the European Union (CJEU), to allow UK organisations to participate fully.

See also the Activities tab on the IP Federation website for the latest news.

Benefits of being in the Federation

As set out on the Federation's website, membership benefits include:

- Authoritative representation at national and international level
- Access to legislators and officials
- A non-sectoral forum to exchange ideas and opinions on key intellectual property issues as they relate to IP
- Excellent networking and learning opportunities, for new and established IP attorneys
- Advance notice of forthcoming legislative proposals and practice changes
- Regular alerting service, newsletters and policy papers.

Social networking

As well as having its own website, the Federation has web presence through social networking sites, with a page on Facebook, a profile on LinkedIn and most recently a Twitter feed - @ipfederation. Over the last year, we have double the number of people who follow us on Twitter and now have well over two hundred followers, including some notable figures in the IP world, and this is the easiest way to be notified of any new policy papers and other news items on our website.

David England, 22 December 2014