



## The IP Federation and the IP Minister(s)

This is not the original opening line of this piece. Just a week before this article’s deadline, it started, “*By the time you read this there may be a new IP Minister*”. Fast forward a week or so, and there was a new Prime Minister. Jacob Rees-Mogg, the former Business Secretary in whose department an IP Minister worked, had just resigned. His IP Minister, Dean Russell, was in the post for only 6 weeks. New Prime Minister Rishi Sunak had yet to appoint a Minister for IP. As if that wasn’t enough, between then and publication of this *IP Federation Review*, a new Department for Science, Innovation and Technology has been established as part of a wider departmental and ministerial reorganisation. It is there, not in the new Business and Trade Department, that responsibility for IP now resides. Which brings me back to my original sentence. By the time you read this there may be a new IP Minister.

The rapid pace of ministerial shuffling as ministers, and prime ministers, come and go has led to (currently) four IP ministers having been in the post since 2020. There may be a fifth before very long. In that time, there have also been six Business Secretaries and four Prime Ministers.

The IP Federation has been building relationships with ministers and politicians responsible for and interested in IP since 1920. Since 2007, it has worked with 15 ministers responsible for IP. During this time the IP Federation saw the successful fight for a Central Division of the Unified Patent Court (UPC) to be in London, with the toasting of champagne with Baroness Neville-Rolfe (the then IP Minister in 2015) following the inking of the deal for the London’s UPC location at Aldgate Tower. It has also seen the withdrawal from the UPC in July 2020 (there were no champagne toasts with the then IP Minister Amanda Solloway MP). Only two years and four IP ministers earlier, the then President of the IP Federation James Horgan wrote to the then IP Minister, Sam Gyimah MP, urging that the UK “*should ratify the Unified Patent Court Agreement as soon as possible ... to enable negotiations to commence rapidly to secure the legal basis on which the UK can stay in the UPC.*”

Brexit – its ongoing effects and outstanding trade deals – continues to be a priority issue for the IP Federation’s engagement with Government. What IP laws and regulations stay, go or are amended. The terms of trade negotiations which impact important issues (e.g., grace periods as in the case of Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) being one). How long businesses have to comply with incoming legal and regulatory changes. These are all executive suite questions that impact whether and how businesses operate in the UK. The recent Retained EU (Revocation and Reform) Bill which proposes to revoke or amend statutory and case law derived from the EU, including IP law, is the next key piece of IP-related legislation that will have immediate repercussions for UK business. As with every major development impacting IP law in the last 100 years, the IP Federation will be there representing innovative UK industry on the proposed legislation and seeking to ensure that any legislation does not damage but enhances the UK’s high quality IPR framework.

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Despite being at the coalface of business, IP invariably gets lumped together with another brief. In 2016, the then IP Minister's brief also included energy. So, while the [Minister of State for Energy](#) was looking at the policy responsible for oil and gas, supply security and fuel poverty, they were also responsible for IP and the EU single market. A more recent IP Minister was the [Minister for Enterprise and Markets](#) who, besides IP, was responsible for SMEs, COVID-19 business support, consumer and competition policy business frameworks, labour markets, EU issues and Brexit opportunities. The new Prime Minister has shaken up the portfolios in what was the Department for Business, Energy and Industrial Strategy, among others. Whatever eventually settles following that reorganization, if history is to be repeated, IP will be the one of the last issues to be assigned to a minister.

It is trite to write in these pages that IP is critical to business and, in turn, the economy. That it accounts for [over 80%](#) of the value in the business. That without IP protection and a balanced system which encourages investment and use for new entrants into the market, businesses and the economy fail to grow. That the rapid pace of development in technology and the creative industries means that IP law and policy need to be quick footed and future proofed to ensure that IP is fulfilling its role in promoting, protecting and encouraging industry. That to know where you are going you need to where you have been.

With IP Ministers changing on average every 10 months and with other national priority items on their brief, developing and delivering effective IP policy is an understandably herculean task. However, the IP Federation has remained a constant stalwart in helping to ensure that the direction of UK IP law and policy promotes industry. So, if by the time you read this, we do have another IP Minister, the IP Federation will be there, looking forward to working with them and bringing its experience of where we have been to inform where IP law and policy should go for the benefit of UK industry's present and future successes in the global economy.

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