



## **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
- OHIM
- WIPO and
- UK Intellectual Property Office

as well as, in appropriate cases:

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

### ***Policy papers 2011***

Policy papers submitted in 2011 are as follows:

#### **February**

##### **PP 1/11 Proposal for a Council Decision authorising enhanced cooperation in the area of the creation of unitary patent protection**

Statement in support of the Commission's proposal to invoke enhanced cooperation in order to move forward with the creation of a unitary patent in Europe, as a further option for obtaining patent protection, though with concerns about any extension of the Court of Justice's role in interpreting substantive patent law

##### **PP 2/11 Examination practice in the EPO**

Paper to the President of the European Patent Office, recommending that examiner training should take account of the following points and the Guidelines to Examination should be amplified to give them proper emphasis:

1. An iterative examination process will often be the best way of ensuring that the examiner fully appreciates the invention and the applicant's aims, while the applicant has an adequate opportunity to respond to the examiner's objections. It is the way to ensure that a high quality patent is granted.

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2. Telephone discussions are to be encouraged and training given to examiners to help them with this.
3. In appropriate cases, it would be good practice for the examiner to schedule a preliminary technical conversation with the applicant, to ensure that there is a common understanding of the nature and objectives of the invention.
4. Oral proceedings should be a matter of last resort. When they are necessary, they should be conducted by video, telephone or on-line conference if requested by the applicant.
5. The summons to oral proceedings should clearly define the issues and new objections should, in general, not be raised in oral proceedings.

**PP 3/11 Consultation on the introduction of a Patent Box**

Response to the Government's consultation on the taxation of innovation and intellectual property with a deadline of 22 February 2011

**March**

**PP 4/11 Independent Review of IP and Growth - call for evidence**

Response to the Review of Intellectual Property and Growth: Call for Evidence with a deadline of 4 March 2011:

Contrary to the sceptical opinions held by some, the IP systems in the UK, in the rest of Europe, and elsewhere when in compliance with international agreements, are generally sound. They are not broken and do not need major adjustment. The first need is to improve quality and efficiency within the existing systems.

**PP 5/11 Representation before the European and Community Patent Court**

Statement in support of the current version of Article 28 of the draft Agreement which will establish the Court:

We believe that opening up representation to suitably certificated EPAs will not only be a progressive step in line with the general objective of improving the patent system in Europe but that specifically it will ensure wider choice and therefore better access to justice for all; especially for those high technology SMEs which will likely be the bedrock of the European Union's future economic well-being.

**PP 6/11 Unintentional infringement of UK and Community designs**

Response to IPO public Consultation about equalisation of remedies for unintentional design infringement launched on 1 December 2010

**PP 7/11 Development of a PCT third party observations system**

Response to WIPO Circular C. PCT 1288 containing proposals as to the details of how the International Bureau intends to implement a Third Party Observation System under the PCT

**April**

**PP 8/11 IPO consultation on amending the Patents Act 1977 to provide for online patent document inspection**

Response to the Intellectual Property Office's formal consultation dated 31 January 2011, which sets out proposals to amend the Patents Act to provide for online patent document inspection, introducing a new section 118A into the Act which contains an exception from copyright

**PP 9/11 Commission report on implementation of enforcement directive**

Comments in support of the UK Government's response to the consultation on the Commission Report on the enforcement of intellectual property rights from 11 January to 31 March 2011

## **May**

### **PP 10/11 Cabinet Office Procurement Policy - Use of Open Standards**

Response to Government proposals that open standards should be sought whenever it is procuring IT equipment, in Procurement Policy Note on Use of Open Standards when specifying ICT requirements dated 31 January 2011

## **June**

### **PP 11/11 Third party observations at the EPO**

Letter to the EPO asking it to reconsider its decision not to include a "clarity" tab on the proposed web page for making observations, and to amend the Guidelines to make explicit the fact that third parties may object under Art. 115 EPC to lack of clarity of the claims of European patent applications

## **July**

### **PP 12/11 IPO consultation on experimental use and Bolar exemption**

Response to IPO consultation dated 6 June 2011 to investigate the impact, if any, of UK patent legislation on the conduct of clinical and field trials involving pharmaceuticals in the UK

## **August**

### **PP 13/11 EU-India Free Trade Agreement**

Letter to the IPO advocating the provision of Regulatory Data Protection in India in the EU-India trade talks

## **September**

### **PP 14/11 Harmonisation of Substantive Patent Law**

Plea for renewed 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 15/11 Draft agreement on a Unified Patent Court and draft Statute**

Statement in support of the "principles paper" prepared by a sub-group of the European Patent Reform Consultation Group constituted by the IPO, urging that the text of the agreement on a Unified Patent Court and draft Statute requires amendment

## **October**

### **PP 16/11 IPReg Consultation on Litigation Rights for Patent and Trade Mark Attorneys**

Response to consultation on litigation rights supporting IPReg in its proposals to issue a revised qualification regime for patent attorney and trade mark attorney litigators to facilitate the grant of relevant rights to registered patent and trade mark attorneys

## **November**

### **PP 17/11 Implementing the Hargreaves review - call for evidence in relation to the design sector**

Response to the Intellectual Property Office's call for evidence in relation to the design sector closing on 11 November 2011, aiming to gain a better understanding of whether the design rights system in the UK is geared to the needs of business

### **PP 18/11 Location of the Unified Patent Court**

Letter to Baroness Wilcox, Parliamentary Under-Secretary for Business, Innovation and Skills, requesting the Central Division of the new Court to be located in London

### **PP 19/11 Unitary Patent Protection Regulation - Articles 6-8**

Plea for MEPs to push for the deletion of the infringement provisions in Articles 6-8 from the Unitary Patent Regulation, and to give full consideration is given to other significant issues to ensure we achieve a better patent system in Europe

## **December**

### **PP 20/11 Unitary Patent Regulation and Unified Patent Court Agreement**

Plea for the UK not to initial, agree to or sign anything in which our concerns are not dealt with or which precludes further progress on structural issues

### ***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.

David England, 19 December 2011