



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 2015

Policy papers submitted in 2015 are as follows:

PP 1/15 Public Consultation on Patents and Standards by the European Commission

IP Federation response to the European Commission "Patents and Standards" Consultation

PP 2/15 India National Intellectual Property Policy

IP Federation comments on the Indian Government's draft National Intellectual Property Policy

PP 3/15 Costs of using the Unitary Patent Package

IP Federation position on three issues relating to the cost of using the Unitary Patent Package (Unitary Patent and Unified Patent Court), namely court fees, unitary patent fees and opt-out fees

PP 4/15 The EU Trade Secrets Directive (December 2014)

IP Federation position on the EU Trade Secrets Directive (December 2014)

PP 5/15 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

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PP 6/15 Legal Services Board - Regulatory Restrictions in Practising Rules for In-house Lawyers

IP Federation response to the Discussion Paper of the Legal Services Board (LSB) - "Are Regulatory Restrictions in Practising Rules for In-house Lawyers Justified?"

PP 7/15 Consultation on IPO's new Design Opinions Service

IP Federation response to the consultation on IPO's new Design Opinions Service

PP 8/15 Unified Patent Court - Public Consultation on the Rules on Court fees and recoverable costs

IP Federation response to the UPC Preparatory Committee's public consultation on the Rules on Court fees and recoverable costs closing 31 July 2015

PP 9/15 Indian Government consultation on draft Patent (Amendment) Rules, 2015

IP Federation comments on the Indian Government's consultation on the proposed draft rules to amend further the Patents Rules 2003

IP Federation's message to the new government

In May 2015, the IP Federation wrote to the Rt Hon. David Cameron MP in the light of his re-appointment as Prime Minister. We included a message to the new government which the members of the IP Federation had prepared, putting forward the following views:

- Responsibility for IP should sit within those parts of government responsible for Innovation and Trade.
- IP Ministers are valuable but need to stay in post long enough to make a difference.
- The UK position in the EU gives it influence in IP policy making.
- The IPO should maintain and improve its influence in Europe and internationally.
- Fee levels for the prospective Unitary Patent and Unified Patent Court systems must be attractive to users for them to be successful.
- The IP Federation supports the government's efforts to raise awareness of IP in schools and universities.

We were pleased to see Baroness Neville-Rolfe stay in post as IP Minister.

Joint initiatives

In June and July 2015, CIPA, the IP Federation and the IPO hosted awareness raising events for individuals and businesses to gain a better understanding of the background of the UPC court fee consultation, the details of the various elements contained within it and how best to get views across. A panel of experts discussed the key elements and generated discussion from the audience, with a live and interactive webinar.

IP Inclusive was launched at a special event in central London on 30 November 2015 with more than 12 firms and organisations initially signing up to its charter, a public commitment to the IP Inclusive principles of equality, diversity and inclusion. The aims of IP Inclusive are to improve access to the intellectual property professions, regardless of disability, age, gender, sexual orientation or social, economic and cultural background, race, religion and belief, and pregnancy and maternity. The 40 strong task force leading IP Inclusive are from CIPA, the Institute of Trade Mark Attorneys (ITMA), the IP Federation, FICPI-UK, the IPO, and *Managing Intellectual Property* magazine.

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 2015 are set out below. These are all cases of success or partial success in which the Federation had a role.

1. On the proposals for Unitary Patent (UP) Renewal Fees, we contacted the UK Intellectual Property Office (IPO) and the Minister in advance of the June EPO Select Committee

meeting, asking them to vote in favour of the “True TOP 4” proposal on renewal fees. At the meeting, the IPO supported a provisional decision to accept the “True TOP 4” proposal, on the basis of the equivalent of the fees payable for national designations in Germany, France, the UK and the Netherlands. An agreement has now been reached that renewal fees would be set on this basis.

2. Our submissions on the Unified Patent Court (UPC) Rules of Procedure have been taken on board by the Preparatory Committee (see the recently issued final Rules), ensuring for example that there are appropriate provisions relating to attorney-client privilege, patent attorney representation rights before the UPC, and entitlement of the actual proprietor to opt out of the UPC. Notably this year, the President and Immediate Past President were invited by the IPO to a special event at the new London Court location in direct recognition of the IP Federation's sustained strong contributions and support in the UP/UPC sphere.
3. The IPO consulted on proposed secondary legislation, namely a statutory instrument (SI), to implement the UPC Agreement into UK domestic legislation. The IP Federation responded to that consultation, providing general comments in three key areas, namely (1) Jurisdiction (UK alignment, transitional provisions, IPO Opinions service); (2) Unitary Patent (threats and double patenting); and (3) Infringement Exceptions (specifically software interoperability, Article 27(k) UPCA). At the time of writing, we await the issuance of the SI.
4. We understand that the Japanese Patent Office have now agreed to join the USPTO, European and Korean Patent Offices in a collaborative search and examination pilot, the merits of which we have been advocating strongly for some time.
5. We successfully lobbied for changes to the Registered Designs Act 1949 to allow web-marking for registered designs in the UK. Registered design owners will have the option of marking a product with the address of a website which links the product with the relevant registered design numbers as an alternative way of providing notice of the rights.
6. In response to an IPReg consultation on simplifying and modernising examinations for qualifying as a patent attorney, we indicated that the proposal to abandon the Foundation Level examinations was misguided and objected to the proposal to abolish papers P3 and P4. We encouraged IPReg to withdraw these proposals, and instead review the qualification system within the UK in a holistic manner, defining firstly the purposes of the UK qualification to enable potential future changes to be made that are consistent with the needs of the public, the needs of the profession, and indeed IPReg's own objectives as defined by the Legal Services Board. We were relieved to see that IPReg are taking some time out for further reflection and that no changes to the current UK patent examinations system (at least in the near term) will take place.
7. The IP Federation, together with other reputable organisations have put forward an Equality, Diversity and Inclusion Charter which has been very recently successfully launched under the IP Inclusive initiative.
8. The IP Federation has lobbied via the IPO and directly with the EC; MEPs; rapporteurs and others in Brussels for the Trade Secrets Directive to be a balanced proposal for a minimum standard of legislation that strikes a fair balance between industry and individuals' rights. A provisional agreement was reached unexpectedly right at the end of 2015; the press release indicates that such a middle path has indeed been agreed on the most contentious points of employee mobility, freedom of expression and whistleblowing, with one overall aim being to lay down common measures against unlawful acquisition, illegal disclosure and use of trade secrets without undermining fundamental rights of the individual or the public interest.

Work in progress

Work in progress includes the following campaigns:

- a) for the UK to remain involved in the process for establishing the unitary patent package in the European Union;
- b) for procedures set up in respect of the Unitary Patent (UP) and the Unified Patent Court (UPC) to be user friendly, cost effective, and include adequate protections for users;
- c) for improved patent search quality, in the interests both of patentees and potential infringers of patents;
- d) for the retention of an iterative examination process at the EPO;
- e) for harmonisation of patent law on both a procedural and a substantive level, 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 be amended 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; and
- i) 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
- Monitoring service for all consultations, both national and at EU Commission level
- 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 once again doubled the number of people who follow us on Twitter and now have nearly four 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, 18 December 2015