



## The UK Intellectual Property Office

### *Personnel*

From early September 2012, John Alty, Chief Executive and Comptroller General, was asked to take on the role of Acting Director General of Knowledge and Innovation (K&I) in the IPO's parent department, the Department for Business, Innovation and Skills (BIS) whilst a permanent appointment is being made. In order to ensure that the IPO is properly led during this period, John asked his deputy, Sean Dennehey to take on the role of acting Chief Executive.

An important initiative by the IPO has been the appointment of IP attachés to support UK businesses in China, India, Brazil, and Singapore (for South East Asia). The attachés are Tom Duke who is based in Beijing, Anshika Jha in India, Sheila Alves in Brazil, and Tan Shin Yuan in Singapore. We welcome their appointment to these new roles and look forward to working with them.

### *Activities*

Following the Hargreaves Review, a number of public consultations continue to be set up. The IP Federation has provided comments where appropriate. On 12 June 2012 it was announced that IPO was reviewing its Patent Opinions Service which allows individuals or companies to request an opinion on the validity or infringement of a patent. The consultation outlines proposals to expand the service to additional questions of patent validity, and validity and infringement of Supplementary Protection Certificates (SPCs), and to provide the IPO with a power to begin revocation of a patent following issue of an opinion which concludes that a patent is invalid.

The IP Federation responded with Policy Paper No. 16/12, saying our members saw no reason why the IPO should not be able to issue opinions on the matters set out in these questions. We noted that the proposal relating to patent validity was to allow all grounds to be raised that could be raised in revocation, apart from entitlement.

We believe that safeguards need to be built in so this is not a fast-track system for the revocation of patents. To dissuade third parties from filing deliberately vexatious opinion requests, we think that the fees should be set at a sensible level which reflects the number of issues which the IPO is being asked to consider.

One question, prompted by the Hargreaves Review, asked if the IPO should be able to revoke, on his [*sic*] own initiative, any patent that an opinion has concluded is invalid. The question here should *not* be whether the IPO can actually revoke on its own initiative, but rather whether it can initiate revocation proceedings on its own initiative. We believe the IPO should definitely *not* be able to revoke a patent simply because it has issued an opinion that a patent is invalid.

Our concluding remarks were:

The IP Federation supports the Government's policy objective to achieve strong and sustainable economic growth to ensure future prosperity for the UK economy. We agree that intellectual property and the ability to turn innovative, engaging and sustainable ideas into business success is a vitally important part of this.

The IP Federation is the operating name of the Trade Marks, Patents and Designs Federation  
Registered Office 5th floor, 63-66 Hatton Garden, London EC1N 8LE

Email: [admin@ipfederation.com](mailto:admin@ipfederation.com) | Tel: 020 72423923 | Fax: 020 72423924 | Web: [www.ipfederation.com](http://www.ipfederation.com)

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Industry hopes that any changes to the IPO Patent Opinions Service will be to this end, rather than simply provide a fast-track system for revocation of patents with no safeguards built in for patent holders.

The IP Federation continues participation in the PPWG (the Patent Practice Working Group). Last year's closure of the IPO Patent Search and Advisory Service, which occurred at short notice and without any advance alert or consultation with the PPWG, was thankfully just a blip in what otherwise has been a steady improvement in user consultation and cooperation between the IPO and the IP Federation.

The IP Federation expects to continue to be involved in the PPWG providing user feedback through 2013, and also to be involved in assessing and commenting on the proposed Patents Act changes in 2013.

2013 will also see the IPO preparing for the logistics required to implement the Unitary Patents Court and Unitary Patent system. The IP Federation appreciates that putting in place an IT system to support the Unitary Patent and the court system is a mammoth task that will likely consume huge amounts of money and effort by the IPO and the participating governments. We trust that putting in place IT procedures for opting patents in / out of the system will be done with care, and that there will still be the time and energy left at the IPO for a full economic evaluation of the actual costs that the two systems will impose on users, and an estimate of the benefit to the UK economy as a whole.

David England, 6 December 2012