



### **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 2013***

Policy papers submitted in 2013 are as follows:

##### **February**

**PP 1/13 Privilege in the Unified Patent Court - Comment on Draft Rule 287 on Attorney-Client Privilege**

Comments on draft Rule 287 on Attorney-Client Privilege the Rules of Procedure for the Unified Patent Court

**PP 2/13 Proposal for harmonisation of claim formats**

Proposal for harmonisation of claim formats to facilitate cooperation between Patent Offices and help users

##### **March**

**PP 3/13 Trade secrets consultation - protection of business and research know-how**

Summary of IP Federation response to the public consultation on the protection of business and research know-how on 8 March 2013

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)

Limited by guarantee Registered company no: 166772

## **April**

**PP 4/13 Online open consultation regarding divisional applications (Rule 36 EPC)**  
Response to online open consultation on the impact and effectiveness of amended Rule 36 EPC regarding divisional applications on 5 April 2013

## **May**

**PP 5/13 Draft proposal for a revised block exemption for technology transfer agreements and guidelines**  
Comments on the Draft Commission technology transfer block exemption regulation (TTBER) and accompanying Guidelines in response to the public consultation with deadline 17 May 2013

**PP 6/13 Discussion Document on an Appointed Person for Patents and SPCs**  
Response to UK IPO (Intellectual Property Office) discussion paper on an Appointed Person for Patents with deadline 21 May 2013

## **June**

**PP 7/13 Criminal sanctions for Registered Design infringement**  
Letter to the UK IPO (Intellectual Property Office) proposing the restriction of any offence to one in which there has been deliberate intent to deceive the purchaser of the product

**PP 8/13 Consultation on accelerated patent processing at the IPO**  
Response to UK IPO (Intellectual Property Office) consultation on accelerated patent processing at the IPO with extended deadline 21 June 2013

## **July**

**PP 9/13 Patent-related incentives and impediments to transfer of technology**  
Practical examples and experiences on patent-related incentives and impediments to transfer of technology, in response to a request by the Standing Committee on the Law of Patents (SCP) to update the document on transfer of technology (document SCP/18/8) by 30 June 2013

**PP 10/13 Criminal sanctions for Registered Design infringement - IP Federation response**  
Opposition to the proposed introduction of criminal sanctions for registered design infringement, with scenarios illustrating a number of unintended and damaging consequences of creating criminal sanctions for infringement of registered designs

**PP 11/13 Intellectual Property Bill 2013-14: Part 1 - Design**  
Letter to the UK IPO (Intellectual Property Office) on criminal sanctions for Registered Design infringement (Clause 13, IP Bill); appointed persons at appeal for Registered Designs (Clause 10, IP Bill); Unregistered Design Right (UDR) qualification - CDPA SS. 217 to 221; and Unregistered Design Right - functional designs

**PP 12/13 Patents, Trade Marks and Design Rights: Groundless Threats**  
Response to Law Commission consultation relating to their Patents, Trade Marks and Design Rights: Groundless Threats project with deadline 17 July 2013

## **August**

**PP 13/13 Court of Justice case C-364/13 (International Stem Cell Corporation)**  
Request urging UK intervention in Court of Justice case C-364/13 (International Stem Cell Corporation)

## **September**

**PP 14/13 Commission proposal to amend Brussels I Regulation to UPC Agreement**  
Comments on the Commission proposal to amend Brussels I Regulation (Regulation (EU) No 1215/2012 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters) to the Unified Patent Court Agreement

**PP 15/13 Public consultation on the Rules of Procedure for the Unified Patent Court**  
Response to public consultation on the Rules of Procedure for the Unified Patent Court  
closing 1 October 2013

### **October**

**PP 16/13 Intellectual Property Bill 2013-14: IP Federation position on Clause 13**  
Opposition to the proposed introduction of criminal sanctions for registered design infringement

**PP 17/13 Intellectual Property Bill 2013-14: IP Federation position on Clause 3 (qualification criteria)**  
Opposition to the proposed qualification criteria for unregistered design right

**PP 18/13 Intellectual Property Bill 2013-14: Clause 18 (sharing information with overseas patent offices)**  
Proposal to limit the sharing of information with overseas patent offices to specific circumstances

### ***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 2013 are set out below. These are all cases of success or partial success in which the Federation had a role, in most cases a much more prominent one than other trade associations (the professional bodies are often, and properly, neutral on such issues).

1. Following our debate with Alliance/ACID (mediated by the IPO), the IP Minister proposed an amendment that reasonable belief of non-infringement should be a defence to the proposed criminal offence of Clause 13, IP Bill. This amendment was passed before the House of Lords (third reading).
2. The IP Minister was persuaded by our position on UDR, in relation to Clause 13.  
  
To put this in context, the ACID/Alliance lobby in favour of criminalising UDR infringements has been very strong.
3. The IP Federation has been acknowledged as one of the key stakeholders with regard to the IP Bill debate so far.
4. The UPC draft rules of procedure events, jointly organised by CIPA, the IPO and ourselves in early September, have proved to be a tremendous success. The London event had over 1800 "hits" from across the world on the webinar.
5. The IP Federation's submission to the Commission's consultation on trade secrets appears to have had positive impact. The Commission's view now is that criminal sanctions are not appropriate for trade secrets save for fraud.
6. The UK Government are introducing a research and Bolar exception into the UK legislation, in line with other countries. The IP Federation have been consistently lobbying for this change.
7. Direct representations to the IP Minister have helped to get the Vitorino report on copyright levies back on to the agenda of the Competitiveness Council.
8. In the current tough business environment, we have done well to attract four new members to the IP Federation.
9. The Japanese Patent Office have apparently expressed support for PCT search and collaboration. If true, this means that of the "IP5", only the Chinese Office have not yet

indicated support for this. The IP Federation continue to lobby actively in favour of PCT search and collaboration involving the IP5.

10. We lobbied against a proposed scheme for “superfast” accelerated patent processing at the UK Intellectual Property Office. The IPO announced in August that the Government has decided not to implement the proposed superfast service, or to make any changes to the IPO’s existing acceleration services.
11. We lobbied against the current Rule 36 EPC, indicating that the time limit comes at too early a time to allow a just possibility to file a divisional application. The EPO’s Administrative Council adopted in October an amendment of the provisions of the European Patent Convention, enabling the filing of divisional applications as long as the earlier (parent) application is pending. The 24-month time limits for the filing of divisional applications are repealed.

### ***Work in progress***

Work in progress includes the following campaigns:

- a) for the Intellectual Property Bill 2013-14 to be adopted with provisions which are fair for IP owners and users alike;
- b) for improved patent search quality, in the interests both of patentees and potential infringers of patents;
- c) for the retention of an iterative examination process at the EPO;
- d) for the UK to remain involved in the process for establishing the unitary patent package in the European Union;
- 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; and
- h) 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. We have well over a hundred followers on Twitter, 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 November 2013