



Inside in-house

A chance to share a virtual coffee with Belinda and Suzanne as they reflect on being an in-house IP attorney



Suzanne: Well, Belinda, we first met when Roger [Burt] introduced us, as he thought we might get along? At that point though, you had been in the biz for a few years, and I had just started out, having just moved from private practice to in-house at Arm. What can you remember of your first few years in-house?

Belinda: Yeah, he did, and good question. When I made the shift from private practice to working in-house at IBM (many years ago now), I thought that the roles would be rather similar – a steady diet of drafting, patent filings, amendments, oral proceedings, and more amendments – just without the step of having to wait for client instructions, or, I hoped, without having to keep track of and bill a client for every 6 minutes (0.1 hr) of my working day! Actually, it was not too dissimilar at the beginning, though luckily the timekeeping/invoicing did vanish. I started with ‘easy stuff’ with which I was familiar – mainly amendment work, and at least one draft per month, but over the last almost 20 years it has changed in almost every aspect (although I still dabble occasionally with the odd amendment!). The role in fact is constantly changing as the company does, and I still get queries popping up on topics which I have never considered before – this week’s example being copyright levies in Spain and the process of obtaining an exemption for laptops used only for business use! But it was not until I joined IP Federation Council in 2011 and listened to the other representatives there that I realised what a broad and varied job that of an in-house patent attorney truly is!

Suzanne: Yes, I remember my first [IP Federation] meeting, I was shit scared and late (trains!) and I met David Barron outside, funnily enough. We’d met before and so I was relieved to see a familiar face. He’d been ‘sent out’ as we were voting in our solicitor associates, something we do every year, one of the many, many things about the IP Fed I hadn’t realised before I joined. Carol Arnold was President then, and I was super impressed that we had a female leader.

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Though she wasn't the first as I've later discovered. Anyway, it didn't take long to work out the wide variety of the topics we discuss every month, as you only had to look at the agenda, then and now. From national laws covering all forms of IP, to international laws and, over the years, wider topics such as EDI (equality, diversity and inclusion), trade, privilege and exhaustion. Oh, and Brexit, do you remember the Brexit years? I think the whole thing impacted James (Horgan) as President first and then you?

Belinda: Oh my goodness yes. Things have not just changed within IBM, but at the IP Federation too. When I first joined the IP Fed Council, taking over from Roger Burt as IBM's representative (and I remember being completely awed by all the amazing and talented people around the table, and suffering a major bout of imposter syndrome!), the topics of primary focus were EU patent reform, the proposed introduction of a patent box in the UK and the recommendations of the recently issued Hargreaves Review on copyright. 'EU patent reform' at that time had the aim of an EU-wide patent and a Unified Patent Litigation System (UPLS), but the process had stalled with Spain and Italy's refusals to agree on the translation arrangements for the EU patent. An 'enhanced co-operation' procedure between certain member states had just been suggested, and many further years were spent trying to influence and improve this reform package, now referred to as the 'UPC', whilst also commenting in relation to designs, copyright, trade secrets, groundless threats, SPLH (patent harmonisation) to name but a few! With Brexit, the focus shifted to the impact on IP rights, especially those EU-wide rights, such as Community TMs and designs, which previously covered the UK, and more recently the remit of the IP Fed has broadened even further to include proposed free trade agreements, because these often seem to include IP provisions. I remember also watching the IP Federation Presidents at the time – James Hayles and then Bobby Mukherjee – and thinking that I would never be ready to take on that role. I needed quite a lot of encouragement to even think about it, but I am so glad that I did – it was hard work but extremely rewarding. But I don't think I would have been able to get internal approval to take on the role if it had not been for the changes to the leadership structure implemented in 2017 to a presidential 'troika' of President and 2 Vice Presidents (one 'outgoing' and one 'incoming') rather than a single 2-year presidential term. The support from my Vice Presidents, James (Horgan), and yourself Suzanne, made such a difference and the job far more fun – thank you! Tell me, is there anything you would like to share about your time in the Federation?

Suzanne: Sure, and I certainly reflect on my time as President quite fondly (and proudly). I remember being 'tapped on the shoulder' and asked to stand by Gill Smith of Dyson (now retired) and as you, thinking I couldn't possibly contribute anything! I had the same imposter syndrome feelings, but then reflected on why she'd asked, and I think it's down to the fact that everyone who represents a membership company (of which we have about 42), brings something unique to the conversation. Indeed, you and I have been on a number of panels at conferences discussing this – not one in-house role is the same as another, not even within companies in the same sector. And then there's the different sectors we represent and the different company sizes. In fact, when I think about it, I'm not sure any one of us does the same as another on a day-to-day basis. Some of our members have a fulltime policy role for their companies, some companies license IP rather than sell goods, some draft and prosecute in-house, some outsource most to their counsel (and so are mainly portfolio managers, educators and invention harvesters). Some are the world's leading SPC specialists, some are leading our work on trade and some spend a lot of time managing litigation, and more recently focus has also shifted to the regulation of AI and data. Having said that though, the one thing I didn't expect when I took up the mantle from yourself, was that we would immediately be plunged into a global pandemic and most Council

meetings I'd have to chair from my home office.

Belinda: Definitely! Shifting to online meetings was tough as I really missed the face-to-face networking, and the useful exchanges over coffee/lunch, which I had completely taken for granted right up until then. I now appreciate how valuable that aspect of IP Fed is and so I try to attend Council meetings in person whenever I can, despite the additional travelling time involved. Suzanne, can you briefly tell us about the IP Federation's work on EDI and what being a Policy Advisor to the IP Fed entails?

Suzanne: Yes, indeed, as Policy Advisor I focus on those areas which I am most passionate about – EDI as you've mentioned, and also trade, having represented the Federation as President during the UK's leaving of the EU, specifically overseeing our work on the CPTPP. Though reflecting on it now, even this role has changed over the years, as it used to be solely for retired members who had made a significant contribution to the Federation. Whilst I haven't retired (yet), I hope that I have at least made a positive impact over the last few years! As the thing I'm most proud of particularly is our work on EDI, supporting IP Inclusive right from the beginning and especially our work on improving social mobility into the profession with In2scienceUK.

Belinda: Yep, that is really important. The IP Federation seems to be going from strength to strength, with an ever-increasing team of engaged and active members and I am very grateful to be a part of it.

Suzanne: Me too and many thanks Belinda.

Belinda Gascoyne (IBM) and Suzanne Oliver (Policy Advisor)