



## **The IP Federation's activities**

One of the IP Federation's chief lobbying tools is its policy papers. These are all available on the website at:

[www.ipfederation.com](http://www.ipfederation.com)

The policy papers on the website represent the views of the innovative and influential companies that 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)
- European Union Intellectual Property Office (EUIPO)
- World Intellectual Property Organization (WIPO)
- UK Intellectual Property Office (IPO)

as well as, in appropriate cases:

- BusinessEurope
- European Commission
- Ministers
- Judges

### ***Policy papers 2020***

Policy papers submitted in 2020 are as follows:

**PP 1/20 The proposed supplementary unregistered design (SUD)**  
IP Federation policy position regarding the proposed supplementary unregistered design (SUD)

**PP 2/20 UK Research and Development Roadmap**  
IP Federation response to UK government's online survey about research and development closing on 12 August 2020

**PP 3/20 Intellectual Property Action Plan - European Commission**  
IP Federation response to the request for feedback on the European Commission's proposed Intellectual Property Action Plan Feedback closing on 14 August 2020

**PP 4/20 The UK needs to adopt a broader text and data mining (TDM) exception to copyright infringement**

IP Federation plea for the UK to adopt a broader text and data mining (TDM) exception to copyright infringement

**PP 5/20 Artificial intelligence and intellectual property - call for views**

IP Federation response to UK government's call for views on artificial intelligence and intellectual property closing on 27 November 2020

### ***IP Federation centenary***

The IP Federation was founded on **23 April 1920** as the Trade Marks, Patents and Designs Federation in order to co-ordinate the views of industry and commerce in the United Kingdom, and to make representations to the appropriate authorities on policy and practice in intellectual property matters. Thus Thursday 23 April 2020 was our centenary.

We had planned a lavish reception at the Tower of London to commemorate the centenary, but have had to postpone this.

### ***IP Federation President's reception 10 July 2020***



Scott Roberts was elected as the new President of the IP Federation at our AGM on 10 July 2020. We were hoping to commemorate the handover by Suzanne Oliver, Immediate Past President, at an IP Federation Centenary President's Reception, but the Covid-19 pandemic meant that the whole event had to be done as an on-line meeting.

### ***The Federation's campaigns***

The IP Federation has invested considerable time and resource in 2020 in support of its aim of improving the intellectual property (IP) framework to meet the needs of innovative industry. Set out below are a number of key successes in which the IP Federation played a leading role.

1. In an extraordinary and challenging year, the IP Federation membership have agilely stepped up to the plate in the fight against the Covid-19 pandemic, by sharing their valuable IP for the greater good.
2. The IP Federation has engaged and continues to engage effectively with senior levels of Government on the potential impact of future free trade agreements on the UK's continued participation in the European Patent Convention (EPC). We have worked closely with the Chartered Institute of

Patent Attorneys on this matter, jointly commissioning an impact assessment from Tony Clayton - formerly chief economist of the UK Intellectual Property Office (IPO). This is a substantial, cogent and persuasive piece of research and analysis.

3. The IP Federation specifically advocated for the now adopted provisions in Article 14.38.4 of the UK-Japan Comprehensive Economic Partnership Agreement according to which cooperation to enhance international substantive patent law harmonisation takes place outside the remit of the trade agreement.
4. The IP Federation has continued to have constructive discussions on various IP issues following the UK's departure from the EU. Strong and effective relationships have been reinforced with the DIT, BEIS and IPO, and other key stakeholders. Topics have included trade policy, exhaustion of rights, UPC and SPCs.
5. The IP Federation is proud to play a leading role in helping to create a more diverse and inclusive industry, and continues to be a member of the IP Inclusive Management Board. The IP Federation strongly supported the IP Inclusive round table on 29 July 2020 on BAME representation in IP. On 23 September 2020, we co-hosted a virtual "think tank" meeting with IP Inclusive, looking at ways to improve access to careers in the IP sector for people from less privileged backgrounds.
6. The IP Federation has directly contributed to the work of the Industry Trilateral in formulating a harmonisation proposal across key issues in patent harmonisation including: the definition of prior art; conflicting applications; grace period; prior user rights and defence of intervening user; and mandatory 18-month publication.
7. The IP Federation has consistently supported a Unified Patent Court (UPC) established by an agreement of which the UK was a member. We have also made clear that in our view the system is significantly devalued with the UK not participating. Whilst it appears there are prospects for the UPC to come into force despite the UK's withdrawal, there are many open questions which bear on whether, when, and in what form that might happen. The IP Federation would like to see these resolved in the near future. In view of the degree of uncertainty presently surrounding the project, the IP Federation is awaiting further developments with interest and looks forward to commenting in more detail when the final form of the project is clear.
8. Through continued positive UK industry engagement, we are confident that IP rights for business will be effectively protected after the end of the transition period.
9. The IP Federation has made a strong contribution to meetings of Business-Europe's Patents Working Group on behalf of the CBI, with whom we have a close working relationship.

See also the Activities tab on the IP Federation website (under "Our Work") for the latest news.

### ***Benefits of being in the IP Federation***

As set out on the IP 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 at 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 a Twitter account - @ipfederation. Over the last year, we have once again increased the number of people who follow us on Twitter and now have 970 followers, including some notable figures in the IP world. This is the easiest way to be notified of any new policy papers and other news items on our website.

David England, IP Federation Secretary

## **IP Federation Objectives 2020**

### **Mission**

The IP Federation aims to improve the IP framework to meet the needs of innovative industry by representing, nationally and internationally, the views of UK-based businesses.

Its membership of influential IP-intensive companies has wide experience of how IP works in practice to support the growth of technology-driven industry and generate economic benefit. As a cross-sectoral industry organisation covering all technologies, the IP Federation is able to offer a viewpoint which is authoritative and balanced.

### **Objectives**

1. To drive the best possible outcome for UK IP-rich businesses by:
  - a. ensuring that industry's views on IP are understood by the UK government and other actors, including the UK's Chief Trade Negotiation Advisor, and taken into account during the negotiation of free trade agreements (FTAs);
  - b. engaging with government ministers and senior officials, in particular the IP Minister working alongside officials, especially the IPO, in their efforts to secure IP positions which support industry; and
  - c. reviewing new or proposed trade agreements to promote a beneficial impact on the global IP framework.
2. To promote diversity, inclusion and social mobility in the field of IP by:
  - a. supporting the IP Inclusive Initiative;
  - b. promoting the adoption of diversity and inclusion (D&I) policies in all member organisations; and
  - c. directly supporting a social mobility charity.
3. To drive improvement of the global patent system by active participation in substantive patent law harmonisation work in the UK and in IP5, by:
  - a. continuing to provide a policy advisor to support the work of the IP5 B+ and associated working groups.
4. To build and maintain influential relationships with key organisations by:
  - a. attending the regular "Four Presidents" meetings and extending an invitation to the IPO CEO and senior colleagues to attend Council meetings annually;
  - b. making persuasive representations in the Patent Practice Working Group (PPWG) and the Marks and Designs Forum (MDF), and at topic-specific IPO meetings such as on substantive patent law harmonisation (SPLH);
  - c. engaging directly with the EPO President and the President of the EPO Boards of Appeal as well enhancing existing relationships with other EPO

- staff and through the Standing Advisory Council of the European Patent Office (SACEPO); and
- d. working towards agreeing and implementing a strategy for engaging with European Union (EU) bodies, representatives of the EU Commission and EU Parliament
5. To shape IP policy, law and practice which support innovative industry by providing persuasive and timely briefings and submissions which are authoritative and of a high quality.
  6. To enhance synergies with other IP stakeholders by:
    - a. holding regular consultation/alignment meetings with the Confederation of British Industry (CBI), and representing CBI at BusinessEurope IP working groups; and
    - b. continuing close engagement with CIPA , CITMA and other allies as appropriate.
  7. To broaden the breadth and influence of the IP Federation by promoting membership of the Federation and its committees.
  8. The Governance Committee to:
    - a. submit an annual report to the Council;
    - b. prepare succession plans for President, Vice President and Governance Committee members;
    - c. write internal policies to be agreed by the Council as required; and
    - d. ensure the Articles of Association are compatible with the evolving needs of the IP Federation including the need to meet, collaborate and make decisions remotely.