



UK Government consultation on timing of repeal of section 52 of the Copyright, Designs and Patents Act

Introduction

The Federation represents IP intensive companies in the United Kingdom - a list of members is attached. Our member companies are extensively involved with IP in Europe and internationally. Not only do our companies own considerable numbers of IP rights, both in Europe and elsewhere, but they are affected by the activities and IP rights of competitors. They may be either plaintiffs or defendants in IP related court actions, here and elsewhere.

The consultation

On 5 September 2014 the Government launched a consultation on the timing of the repeal of section 52 of the Copyright, Designs and Patents Act 1988 ("CDPA"). The effect of this change will be to bring some older works back into copyright. This will mainly affect artistic works over 25 years old that were industrially manufactured. The Government is seeking further information in its consultation on what items may be affected in practice.

When the change comes into effect, the consequence will be that rights holders can license these works or prohibit further copying. Anyone who is not the copyright holder or their licensee will need to seek permission or a licence to make copies lawfully. The Government proposes that the repeal should take effect on 6 April 2018.

Responses may be made by e-mail to section52CDPA@ipo.gov.uk. The consultation closes on 27 October 2014.

IP Federation response

The potential impact on UK Industry of the repeal of section 52 CDPA remains to be seen. The IP Federation commends the UK Intellectual Property Office on launching this consultation at this stage, and urges that any further proposed changes in this area are subject to a consultation process involving users of the IP system. It is crucially important for businesses (large and small) to be made aware of the proposed transitional provisions in good time in advance of the new law coming into effect (through targeted IP awareness workshops and education campaigns, for example), and for the subject provisions to be sufficiently clear so that users can understand the effect of the proposed legislative changes and operate competitively with sufficient certainty in a complex business landscape of IP rights.

IP Federation
27 October 2014



IP Federation members 2014

The IP Federation represents the views of UK industry in both IPR policy and practice matters within the EU, the UK and internationally. Its membership comprises the innovative and influential companies listed below. The CBI, although not a member, is represented on the Federation Council, and the Council is supported by a number of leading law firms which attend its meetings as observers. It is listed on the joint Transparency Register of the European Parliament and the Commission with identity No. 83549331760-12.

AGCO Ltd
Airbus
ARM Ltd
AstraZeneca plc
Babcock International Ltd
BAE Systems plc
BP p.l.c.
British Telecommunications plc
British-American Tobacco Co Ltd
BTG plc
Caterpillar U.K. Ltd
Dyson Technology Ltd
Element Six Ltd
Eli Lilly & Co Ltd
ExxonMobil Chemical Europe Inc.
Ford of Europe
Fujitsu Services Ltd
GE Healthcare
GKN plc
GlaxoSmithKline plc
Glory Global Solutions Ltd
Hewlett-Packard Ltd
IBM UK Ltd
Infineum UK Ltd
Johnson Matthey PLC
Merck Sharp & Dohme Ltd
Nokia UK Ltd
Pfizer Ltd
Philips Electronics UK Ltd
Pilkington Group Ltd
Procter & Gamble Ltd
Renishaw plc
Rolls-Royce plc
Shell International Ltd
Smith & Nephew
Syngenta Ltd
The Linde Group
UCB Pharma plc
Unilever plc
Vectura Limited