



The Federation's achievements

One of our members asked a couple of months ago whether we could identify recent lobbying achievements of the IP Federation.

Without wishing to sound too glib, we can say that in many ways our greatest achievement is being invited to participate in the discussions - with the Intellectual Property Office in the UK, with the EPO through the Standing Advisory Committee before the European Patent Office (SACEPO) etc., with the judges, with the European Commission, etc.

On top of this we have a close relationship with the IPO Chief Executive, the CBI and BUSINESSEUROPE, where we are known and respected for the quality of our input. The fact that so many prominent people are prepared to address our Council meetings is evidence of this. As another of our members has put it:

Generally speaking we have the clout to get the movers and shakers to come along periodically.

However, 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. Notwithstanding this we have had a number of achievements including:

- Getting Gowers to recommend that the Government took IP seriously. Arguably it is down to us that we have a Minister for IP.
- Stopping the Government capitulating on certain elements of the Community Patents Court - especially the opt-out.
- Having real impact on thinking by the world's five major intellectual property offices, the so-called "IP5", through the trilateral IP offices.

The Federation's campaigns

Some of the more specific campaigns in which the Federation has lobbied over the last fifteen years 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).

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- (i) **Against UK and EU second-tier patent rights, which if introduced would have wasted time and money and generally been anti-competitive**
In the late 1990s the then UK Patent Office was encouraging the minister (then Kim Howells) in that direction, but a Federation delegation put him right. The Federation also lobbied the Commission. The Federation renewed its lobbying in its response to the Gowers consultation. It now seems that the threat of UK and EU second-tier patent rights has disappeared for the foreseeable future.
- (ii) **For ratification of the London Translation Agreement**
The Federation continuously told the UK Patent Office how important this was, and wrote in 2003 to M. Pompidou, the Head of the EPO, who responded warmly. The Agreement was ratified by enough countries to bring it into force about three years ago, and some members of the Federation are now saving around £6000 for every invention they patent in Europe. Further ratifications would save more money.
- (iii) **Against overly generalised Commission views on competition law**
e.g. in *Arco v Repsol* and *IMS Health*, in both of which the Commission responded in press statements to very special facts, not with considered argument but with sweeping generalisations that could affect the normal business of Federation members. The Commission did not persist with such generalisations in either case.
- (iv) **For repeal of the antiquated and troublesome competition law Sections 44 and 45 of the Patents Act 1977**
These were repealed with effect from 1 March 2000 after a brief prepared by the Federation was submitted via CBI.
- (v) **For improved powers of trade mark owners to block the registration of company names similar to their marks**
especially by fraudsters seeking to deceive the public. In lobbying the DTI (as it then was) the Federation did not achieve as much as it would have wished in the Companies Act 2006, but it did achieve the appointment of someone from the Trade Marks Registry as the adjudicator of disputes of this sort, and the operation of the system has in the event been quite favourable to trade mark owners.
- (vi) **For Sections 22 and 23 of the Patents Act relating to National Security to apply in such a way as to cease to impose pointless restrictions on non-defence companies and not to be an unnecessary burden on defence companies**
A satisfactory amendment of these sections was made in the Patents Act 2004 following a meeting with MoD in which the industrial lead was taken by two members of the Federation Council.
- (vii) **For an appropriate definition of corporate practice in the Rules of Conduct for UK Patent Attorneys**
The code, which came into force in 2010, contained wording proposed by the Federation without which UK companies with in-house IP departments would now be in a difficult situation.

Work in progress

Work in progress includes the following:

- (viii) **For improved patent search quality, in the interests both of patentees and potential infringers of patents**
This was first raised by the Federation at a major international conference in 2007, has been taken up by the International Chamber of Commerce, and is still the subject of active international debate.
- (ix) **For a high quality EU patent**
This must be of use to industry with sensible language provisions.
- (x) **For a high quality EEUPC**
The European and European Union Patents Court (EEUPC) must also be of use to industry and provide high quality judgements.
- (xi) **For appropriate provisions for privilege in the proposed EEUPC**
Without this, the usefulness of the EEUPC is likely to be reduced.
- (xii) **For a realistic approach to R&D cooperation to be reflected in the R&D block exemption**
This is currently under review by the Commission

Benefits of being in the Federation

None of the above could be achieved without our members of course. 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

Thus at the start of its tenth decade of representing the IP interests of industry, the IP Federation is as active as ever in its aim to bring about improvements to intellectual property rights systems throughout the world, to the advantage not only to industry, but in advancement of economic development generally.

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