

Industrial Strategy Consultation
Intellectual Property Office
Concept House
Cardiff Road
Newport South Wales NP10 8QQ

14th November 2017

Dear Sirs,

Industrial Strategy - Intellectual Property call for views

We are responding to the call for views on maximising the incentives of the Intellectual Property system to stimulate collaborative innovation and licensing opportunities published on 11 October 2017.

The IPO will already be well aware that our members and their clients place great value on IP rights and appreciate the efficiency and cost-effectiveness which the IPO offers.

We have read the document and have concerns about the possibility of a Voluntary IP Register. We accept that unregistered rights can give rise to uncertainty for both the owners of those rights and for those alleged to have infringed them or who are seeking not to infringe them.

However, in our view a voluntary register of unregistered rights is inadvisable and we are dubious of its merits. Our clients tend to understand the difference between the monopoly which registered rights offer and the right to prevent copying which unregistered rights offer. We therefore believe that a voluntary register of this nature will muddy the waters rather than providing a solution.

Additionally, whilst there are certainly situations in which a voluntary register may provide clarity as to ownership, it seems likely to us that any benefit is likely to be substantially outweighed by the legal administrative burden mentioned in your document. We also consider that it will be inherently problematic to have a register which contains items of IP which do not and cannot constitute monopoly rights.

In more detail, we are unsure how the IPO would propose to administer a register of this nature. For example, would there be application fees, registration fees and/or renewal fees? And would there be a searchable register? Our fundamental concern is that the public, notably those without professional representation, may misunderstand the benefit of a registration on this register and erroneously believe that a registration gives them an enforceable right. This in turn may lead to greater uncertainty and disillusionment with the IP system, which are clearly the opposite of what is intended.