



Every month I receive a read out from the IPO's Customer Insight Team telling me about our customer activity in the previous month. The read out for April shows that for the first month of our operating year, patent applications were up 22%, design applications up by 7% and trade mark applications by 6%.

That our innovators, designers and entrepreneurs are taking steps to protect their intellectual property is greatly to be welcomed, but we all know that unless those rights can be enforced they are meaningless.

As we shape our enforcement machinery, of course, we also want to avoid the emergence of an environment in which people are tempted to profiteer by making unjustified threats to sue for infringement. In April, we set out how we would be working to achieve that balance.

On 10 May, IP Minister Baroness Neville-Rolfe launched a new IP Enforcement Strategy. As the Minister has said, the strategy unpacks our commitment to ensuring that the bargain between the creator and the IP system is honoured. It seeks to deliver a framework which supports the effective and appropriate enforcement of all IP rights.

A little later in the month, the Minister also introduced the IP (Unjustified Threats) Bill. The Bill will provide greater clarity for right holders and third parties that become involved in IP disputes and create an IP environment that favours negotiation and settlement rather than litigation. The UK is already globally respected for its enforcement landscape.

Together, I think these two developments strengthen it further and give our talented creators and inventors an environment in which they can innovate and conduct business with confidence. That matters to all of us who want to see robust, sustainable growth.

**Rosa Wilkinson**

Director of Innovation and Strategic Communications, IPO

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“ Patent applications were up 22%, design applications up by 7% and trade mark applications by 6%. ”

## Contents

**Introduction**

**Enforcement Strategy**

**Unjustified Threats**

**International news**

**Consultation**

**UPC**

**British House**

**Support for Business**

# Enforcement Strategy 2020

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## BARONESS NEVILLE-ROLFE LAUNCHED THE GOVERNMENT'S NEW IP ENFORCEMENT STRATEGY AT AN IPTV EVENT IN LONDON IN EARLY MAY.

The strategy sets out why enforcement of IP rights matters, the scale of the challenges we face and the practical measures we're proposing to take to meet these challenges.

The development of IPTV is a great illustration of why enforcement policies and strategies need to constantly evolve and adapt. Internet protocol television is a system through which television services are delivered using the internet instead of being delivered through traditional terrestrial, satellite signal, and cable television formats.



This presents broadcasters with the opportunity to reach millions of new customers via tablets and phones, but also offers criminals a new method of bypassing pay TV encryption so channels like BT Sport, Zee TV and Sky Movies become freely available to users without the broadcaster receiving a payment for their content.

To succeed in dealing with these types of IP criminals and to help our rights holders enforce their rights we'll continue to work closely with law enforcement agencies, industry stakeholders, consumer groups and colleagues across government.

The strategy sets out three core ambitions:

- UK businesses, including small businesses, are more confident in operating internationally as a result of better IP protection globally.
- Rights owners and rights users have access to proportionate and effective mechanisms to resolve disputes and tackle IP infringement.
- Consumers and users are educated to the benefits of respecting IP rights, and do so.

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“ The development of IPTV is a great illustration of why enforcement policies and strategies need to constantly evolve and adapt. ”

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# IP Enforcement Snapshot

**Creative industries** in 2013 contributed **£76.9 billion** a year to the UK economy.

The creative industries employed **2.8 million** people in 2014.<sup>1</sup>



**UK investment** in intangible assets protected by intellectual property rights has risen from **£23.8 billion** to **£63.5 billion** in 20 years.<sup>2</sup>

Since its creation, the IPO funded **Police Intellectual Property Crime Unit (PIPCU)** has:



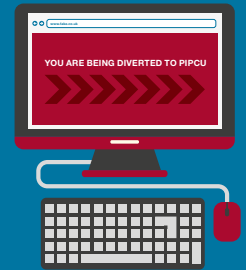
- investigated more than **£33 million** worth of IP crime;

- made **69 arrests**;



- suspended over **8,000** internet domain names;

- seized more than **£3 million** worth of counterfeit goods;

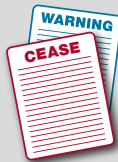


- diverted more than **11 million** visits from copyright infringing sites to a **PIPCU domain suspension site**.<sup>3</sup>

**Operation Jasper**, which tackles counterfeiting and piracy on social media sites, since June 2015 has taken down:

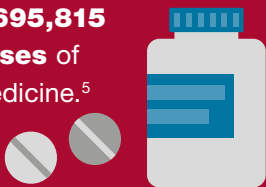


- 8,100** Facebook listings;
- 55** Facebook profiles;



- issued over **200** warning letters; and
- delivered **24** cease and desist letters.<sup>4</sup>

During 2014, Customs agencies involved in Operation Pangea **seized 35,206 parcels** containing **9,695,815 doses** of medicine.<sup>5</sup>



Between April 2014 and April 2015, there were 4,534 notifications of criminal use on '.uk' domains, resulting in 4,513 being suspended.<sup>6</sup>

The top five countries of origin for IPR-infringing goods continue to be:



Statistics provided by a range of sources show that **in 2014/15:**



- The British Phonographic Industry (BPI) seized **385,078 CDs** and **15,217,916 digital tracks**;

- The UK Border Force detained over **1.6 million IPR infringing items** with a retail value of more than **£56 million**;



- UK IPO attachés provided advice and support to over **4,200** businesses operating or preparing to operate in overseas markets;

- The UK Publishers Association requested Google to remove **1.75 million URLs** from its search results, which link to copyright protected material.



<sup>1</sup> DCMS (2016), Creative Industries Economic Estimates, Statistical Release [www.gov.uk/government/statistics/creative-industries-economic-estimates-january-2016](http://www.gov.uk/government/statistics/creative-industries-economic-estimates-january-2016)

<sup>2</sup> [www.gov.uk/government/publications/estimating-uk-investment-in-intangible-assets-and-ip-rights.html](http://www.gov.uk/government/publications/estimating-uk-investment-in-intangible-assets-and-ip-rights.html)

<sup>3</sup> IPO, IP Crime Report 2014/15

<sup>4</sup> National Markets Group

<sup>5</sup> Ibid

<sup>6</sup> Ibid

<sup>7</sup> IPO, IP Crime Report 2014/15

# Intellectual Property (Unjustified Threats) Bill Introduced

## ON 19<sup>TH</sup> MAY LADY NEVILLE-ROLFE, MINISTER FOR IP, INTRODUCED THE INTELLECTUAL PROPERTY (UNJUSTIFIED THREATS) BILL IN THE HOUSE OF LORDS.

UK law provides a statutory right of redress against unjustified threats to sue for infringement of a patent, trade mark or design right.

The threats provisions have been criticised for not working as well as they should. They are thought to be unclear and have been accused of failing to achieve the necessary balance, which is to allow rights holders to protect highly valuable assets, but not to misuse threats of infringement to distort competition.

So the government asked the Law Commission to review the relevant law. Following a consultation and a response report, the Law Commission presented a final report and published a Draft Bill in autumn 2015.

The Bill provides greater clarity for right holders and third parties that become involved in IP disputes. Changes introduced by the Bill will help create an IP environment that favours negotiation and settlement rather than litigation. It proposes changes that help clarify the existing provisions making the provisions more consistent across the relevant IP rights.

The Bill will follow the special procedure which exists for bills implementing uncontroversial Law Commission recommendations.

“ The threats provisions have been criticised for not working as well as they should. ”



# IPO experts teach enforcement officials in Asia



## DAVE LOWE, HEAD OF INTELLIGENCE HUB AT THE UK INTELLECTUAL PROPERTY OFFICE (IPO), RECENTLY DELIVERED A TRAINING PROGRAMME FOR VIETNAMESE ENFORCEMENT OFFICIALS IN HANOI.

This was part of a Prosperity Fund project to strengthening the effectiveness of intellectual property rights enforcement in Vietnam. It was led by the British Embassy in Hanoi, UK IPO and the Vietnamese Market Surveillance Agency (MSA).

Over 170 officials from MSA, Ministry of Science and Technology Inspectorate and Customs across the provinces were trained in Ho Chi Minh City, Danang and Hanoi. The project also developed an IPR enforcement curriculum for MSA officials, promotion of anti-counterfeiting day in Vietnam, and knowledge management of counterfeiting goods.

During Dave's visit, he also spoke at an expert lecture series at the Hanoi Law University on the importance of IP law, practice and enforcement in the UK. Together with our attaché to SE Asia Christabel Koh who is based in Singapore, IPO also confirmed with IPO Philippines on 2016 work plan. One of the key highlights is UK's participation at the IP Enforcement Summit in Manila in October 2016.

“ This was part of a Prosperity Fund project to strengthening the effectiveness of intellectual property rights enforcement in Vietnam. ”

# Consultation

## Changing the way we process patent form 7

We are proposing to stop notifying inventors, who are not applicants, when they have been mentioned in a patent application.

Following discussions with stakeholders, we propose to stop notifying inventors (who are not also applicants) when they are mentioned in patent applications.

There is no proposed change to the way we communicate with inventors who are also applicants.

There are a number of reasons why we are considering this change:

- We are no longer legally obliged to notify inventors of their inclusion in a patent application.
- The majority of inventors are already aware of their inclusion in an application. Many are employed by the applicant, or have assigned or agreed to assign, their right to be granted a patent.
- We have evidence that a number of inventors have been confused by our existing notifications, incorrectly assuming they have to respond in some way.
- We currently only notify inventors in applications which do not claim priority from an earlier application. This results in different processing depending on the type of application and we would like to standardise our approach in this area.

If you wish to comment on this upcoming change please e-mail your thoughts to [patentform7@ipo.gov.uk](mailto:patentform7@ipo.gov.uk) by 30 June 2016.

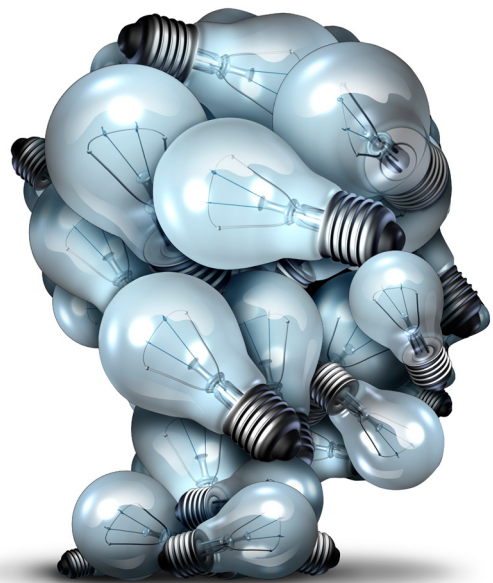
### Unified Patent Court

Recruitment of legally and technically qualified judges for the Unified Patent Court has opened.

Details can be found at the UPC website here:

<https://www.unified-patent-court.org/news/upc-judicial-recruitment>

The deadline for applications is **4 July 2016.**



“ We propose to stop notifying inventors (who are not also applicants) when they are mentioned in patent applications. ”

# British House Rio 2016

Join us at British House in Rio de Janeiro during the Olympic and Paralympic Games and engage with a global audience.

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**Olympics 5th-21st August • Paralympics 7th-18th September**

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British House is the UK's official residence at Rio 2016, the place to celebrate our sporting performance and a showcase for the best of the country and its capital, London. An exclusive programme of cultural and businesses activities will make it the ultimate setting in which to network, trade and connect, with a focus on the following themes: investment, major events, energy, education, science & innovation, intellectual property, urban development, digital business, culture and the creative industries.

To find out more about attending events at British House register your interest now at [www.britishhouserio.com](http://www.britishhouserio.com)



# Support for Business

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