



I rather like October. I tend to agree with American novelist Nathaniel Hawthorne's observation that "There is no season when such pleasant and sunny spots may be lighted on, and produce so pleasant an effect on the feelings, as now in October." My regular journeys between the IPO's London and Newport offices tell me the harvest is in and the newly ploughed fields along the M4 give a sense of both completion and preparation for the coming year. There's a similar feeling inside the IPO as colleagues take a moment to review the

harvest of their work and look ahead to the challenges to come and where we should focus future activity. There's a sense of both achievement and aspiration.

IP Connect readers will pick up on some of that in this edition. On the completion side of my equation you will see articles on the changes to our legislative environment that come into force on 1 October. You'll also spot information on the transition to our new web location within [GOV.UK](http://GOV.UK) on 6 October and on publication of the final report from the Summer's great International IP Enforcement Summit. On the 'aspiration' side, there's news on orphan works and questions about how we should handle changes to copyright protections for artistic designs. Completion and preparation – even Government follows a constant cycle.

As ever, we look to make IP Connect a source of reliable and timely updates on what's happening within the IPO. Recent feedback from our independent stakeholder survey tells me that you like it now, but I want it to get better and better every month. If you have thoughts about how it can be improved, or suggestions for issues that you'd like it to cover, I'm keen to hear about them. Click [here](#) to give us your feedback and ideas.

**Rosa Wilkinson, Director of Innovation and Strategic Communications**

## Major reform of intellectual property comes into force

New measures that will update and modernise the intellectual property (IP) framework [came into force on 1 October](#). This will bring much of the significant programme of reform, started by the Hargreaves review of IP in 2010, to a conclusion.

The Government is committed to making sure the UK has a strong and respected IP framework that keeps pace with innovation and the digital revolution, while providing strong protections for creators and inventors. The Government is introducing changes through the Intellectual Property (IP) Act, which received Royal Assent in May, and a series of exceptions to copyright and patent law.

The Intellectual Property Act 2014 will help simplify and strengthen protection for the UK designs industry, worth more than £15 billion to the UK economy, and help improve the efficiency of the IP rights system. The key changes that come into force include:

- the creation of a criminal offence for intentional copying of a registered design
- changes to the ownership provisions of designs (the creator, rather than the commissioner will usually now own the rights)

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- providing new protections for pre-publication research to ensure the UK's universities and the research sector remains a world-leader
- webmarking to display your patent rights
- the expansion of the patent opinions service, providing quick and affordable opinions on a wider range of patent disputes and
- the promotion of international 'patent work sharing' to cut backlogs.

Three new exceptions to copyright will also come into force that will modernise the copyright system and help to make sure that copyright continues to act as an incentive to creativity and investment in our creative industries. They cover personal copying for private use; parody, caricature and pastiche; and use of quotation.

The exceptions aim to support reasonable use of creative content, without undermining copyright's important role in supporting our creators and creative industries.

IP Minister, Baroness Neville-Rolfe, said: "These changes are going to bring our IP laws into the 21st century. They will mean that the UK IP regime will now be responsive to the modern business environment and more flexible for consumers.

"Not only will these new measures provide a significant boost to the UK's creative industries, they will also better protect a number of sectors including the protection of the UK's design industry, worth more than £15 billion to the economy."

Separately, the Government has also introduced a Legislative Reform (Patents) Order that will provide support for the life sciences sector by allowing the use of patented products when carrying out product or technology assessments.

The Order was approved by Parliament in July 2014 and came into force on 1 October 2014. The Order clarifies that activities relating to medicinal product assessments are within scope of the experimental use exception (also known as the research exception).

The changes will allow companies to use a patented product, when carrying out medicinal product assessments, either to provide information to the regulatory authorities or for health technology assessment. The changes meet a government commitment to ensure the IP system supports the life sciences sector.

Further information, and a link to the full text of the Order, is available [here](#).

## IPO moves to GOV.UK

The Intellectual Property Office website will move to GOV.UK on 6 October 2014. Our new web address is <https://www.gov.uk/ipo>. To help our customers with the move, we've produced a [short video](#) to outline the main changes. If you do need help finding your way around please contact our [web team](#).

## Enforcement



### PIPCU one year anniversary: IP Minister celebrates unit's success



The Police Intellectual Property Crime Unit (PIPCU) recently welcomed the new intellectual property minister to its offices to celebrate its first year in operation. Baroness Neville-Rolfe, along with IP advisor, Mike Weatherley

MP, visited the City of London Police unit to hear about its headline achievements since launching in September 2013.

Minister for Intellectual Property, Baroness Neville-Rolfe said, "Intellectual Property crime is challenging and fast evolving. From counterfeit goods to online piracy, this type of crime channels money away from legitimate businesses and harms consumers. PIPCU plays a key role in cracking down on counterfeiters and pirates through pioneering operations. This makes sure that we can deliver the enforcement activity we need for industry, business and the wider economy. I am delighted to see their excellent work delivering results."

City of London Police Detective Chief Inspector Danny Medlycott, who is the Head of PIPCU, said: "We were delighted to welcome the new IP Minister and Mike Weatherley to our headquarters this week to mark the end of our first year in operation."

At the visit PIPCU also announced its latest success stories; since April 2014 the team has diverted more than 2.5million visits from copyright infringing sites to a domain suspension page. This official message from the City of London Police, the National Policing Lead Force for Fraud, warns users that the website they are trying to access is currently under investigation by PIPCU. The page also includes signposts to safe and reliable websites that provide legitimate access to music, films and books, as well as a link to the PIPCU website so users can find out more information about the unit.

Other key successes for the team over the past twelve months include; seizing more than £1.29m worth of suspected fake goods following raids across the UK, disrupting nearly 3,000 websites, receiving more than 200 referrals from industry and making 34 arrests.

## South East raids target counterfeit goods



On 23 September Police officers from the South East Regional Organised Crime Unit (SEROUCU), alongside partner agencies, including the IPO conducted three warrants to [disrupt the supply](#) of counterfeit goods.

Officers from Metropolitan Police Service (MPS), Government Agency Intelligence Network

(GAIN), Intellectual Property Office (IPO), REACT Services UK Ltd, Her Majesties Revenue & Customs (HMRC) and London Fire Brigade were involved in the operation.

Warrants were carried out at commercial and residential addresses in Beulah Hill, Norwood, London; Streatham High Road, London; and Blackthorn Road, Reigate, Surrey. Officers found a large amount of suspected counterfeit designer items ranging from aftershave and perfumes to handbags and clothing.

Senior investigating officer Detective Inspector Simon Harsley, of SEROCU said: "These warrants focused on the disruption of organised crime groups. This has been a complex investigation and we have worked closely with our partners in MPS, GAIN, IPO, HMRC, REACT and London Fire Brigade to ensure a successful result.

"This is not about just some cheap fake goods. Organised crime groups exploit people in other countries, who are forced to work in sweat factories, under appalling conditions, while the offenders live lavish lifestyles.

"Unknowing customers buy goods which go directly into the pockets of these types of offenders, resulting in more human suffering around the world. I hope today's warrant sends out a strong message to offenders that we are closing the net on organised crime groups who operate in the supply and distribution of counterfeit goods."

## International partnership publishes report on counterfeiting and piracy



International IP Enforcement  
Summit London 2014

The IPO, the Office for Harmonization in the Internal Market (OHIM) and the European Commission have [published the report](#) of the recent International IP Enforcement Summit 2014, held in London 11-12 June.

The Summit provided a unique opportunity to bring together senior leaders from the international IP landscape, to share best practice and identify opportunities to collaborate to combat piracy and counterfeiting. More than 300 experts attended representing 30 countries. Attendees included experts from government, enforcement authorities and multinational businesses, including:

- Vince Cable, UK Secretary of State for Business, Innovation and Skills;
- Heinz Zourek, Director General of the European Commission;
- Kunio Mikuriya, Secretary General of the World Customs Organization;
- Former US Senator Chris Dodd, Chair and CEO of the Motion Picture Association;
- Paul Polman, CEO of Unilever;
- Rob Wainwright, Director of Europol.

Debate at the Summit focused on online environment, customs enforcement in Europe and at external borders, and the coordination of tools and techniques to tackle IP infringement. The report outlines the detailed discussions which took place and recommendations for further collaboration.

Summit delegates have expressed their support in the Communiqué at the close of the summit to work in partnership to support and strengthen the effectiveness of authorities and services in addressing IP crime. The delegation intends to gather again in 2016 to review the impact of their actions in this area.

## International

### UK-China IP Symposium week update

As previously reported in [IP Connect](#), the 2<sup>nd</sup> [UK-China IP Symposium](#) was held on 1 September 2014. This launched a week of IP activities across eight Chinese cities. IP Minister Baroness Neville-Rolfe led a UK delegation including a high court judge, officials from the UK IPO and British businesses.



The IP Symposium itself was opened by Baroness Neville-Rolfe and Commissioner Shen Changyu from the Chinese State Intellectual Property Office (SIPO), and was attended by 180 British and Chinese companies.

The Symposium featured presentations and discussions on IP economics & government services to business; IP in research and technology commercialisation; Patents & designs; Trade Marks; and IP Enforcement. Baroness Neville-Rolfe's Symposium speech is online [here](#). For a round up of other events during the Symposium week click [here](#).

## IPO Enforcing in Vietnam

The IPO recently visited Ho Chi Minh City and Hanoi in Vietnam as part of our engagement with south east Asia led by our attaché Christabel Koh. At a UK Business IP Roundtable in Ho Chi Minh City, (22 Sep) in partnership with the British Business Group Vietnam, the IPO met British businesses from varied industries to discuss some of the most pressing IP issues when doing business in Vietnam and new, emerging challenges and beyond its borders.

Christabel was joined by IPO Head of Intelligence and Enforcement, Dave Lowe, in Hanoi at the [2014 International Law Enforcement IP Crime Conference](#). The two-and-a-half day event (23-25 Sep) brought together more than 500 delegates from 80 countries.



The Conference is an annual gathering of enforcement authorities and brand owners, to share expertise, exchange information and encourage the fight against IP crime.

The event was opened by Khoo Boon Hui, Senior Deputy Secretary, Ministry of Home Affairs Singapore also Chair of Interpol Trafficking in Illicit Goods and Counterfeiting Sub-Directorate Steering Group; Keith Williams, President and CEO of Underwriters Laboratories; Police Lieutenant General Phan Van Vinh, General Director of Police General Department on Crime Prevention and Suppression; and Police Senior Lieutenant General Le Quy Vuong, Deputy Minister, Ministry of Public Security Vietnam.

Stephen Head, Commander of National Coordinator Economic Crime, City of London Police delivered a keynote address on the second day of the Conference. Sir Ronnie Flanagan, former Her Majesty's Inspectorate of Constabulary and Chief Constable, Police Service of Northern Ireland and Royal Ulster Constabulary spoke at a panel session on Trafficking in Illicit Goods and Organised Crime. Andy Fyfe, Detective Chief Inspector, City of London Police was amongst the panel of speakers at an operational workshop on Payment Service Termination Strategies. Viet Mai Hoa, National IP Manager of Unilever was also involved at the operational workshop on Implementing Regional Enforcement Strategies.

Through senior level engagement, involving UK Trade and Investment, the National Crime Agency, and IPO with key SE Asian counterparts such as the National Office of IP Vietnam, Customs and Excise Indonesia and the International Trade Mark Association, the visit provided a wide range of opportunities for the UK Government to promote the importance of the IP agenda for benefit of both Vietnamese and British businesses.

## Patents

### IP Minister addresses CIPA Congress 2014

IP Minister, Baroness Neville-Rolfe, addressed this year's CIPA Congress on Thursday 2 October. Talking to the theme of the Congress, The lifecycle of intellectual property: IP from cradle to grave, the Minister outlined the importance of investment in IP and IP rights, and how it is a key component of economic growth. Baroness Neville-Rolfe emphasised the relationship between universities and companies and its crucial in turning ideas into commercial successes.

## Copyright

### Orphan Works special update

If you want to copy a work protected by copyright you must (with a very limited number of exceptions) seek the permission of the creator or rights owner. This is often through gaining a licence to make use of the work. However, where no rights owner can be found, this means that no licence can be issued – therefore any use of the work is unlawful. A copyright work is known as an “orphan work” where one or more right holder is unknown or cannot be located.

The Government is introducing a scheme to license orphan works in the UK for both commercial and non-commercial use, alongside bringing in European law to allow digitisation of orphan works by cultural organisations.

### Publication of diligent search guidance

The diligent search guidance, published 17th Sept, will be helpful for anyone who wants to make use of a copyright work for which the rights holder is not immediately obvious. They will be particularly useful if you decide to apply for a licence under the orphan works licensing scheme, which requires a thorough search to be completed, as they set out what this must entail.

The guidance includes details on the sources that you can consult when searching for the owner of a copyright work. They also provide a (non exhaustive) list of additional resources which might be helpful.

These documents are divided into three broad areas of copyright works:

- Film and sound – including movies, cine-film, musical and sound recordings;
- literary works – including novels, poems, diaries, notes and essays;
- still visual art – including pictures, paintings, sketches and drawings, photographs.

The guidance has been developed through working with professionals in the relevant sectors. Checklists are also provided to help you through the process. If applying through the government licensing scheme, you can use these to show that you have completed a diligent search as required in the application process.

Find the guidance at: <https://www.gov.uk/government/publications/orphan-works-diligent-search-guidance-for-applicants>

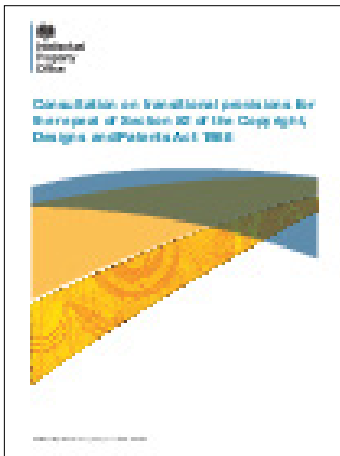
## Parliamentary debate

The UK Government has powers to enable licensing of copyright works in the UK where the rights holder cannot be located. The EU has also agreed rules for cultural institutions to be able to digitise and display works when they cannot find the rights holder. The final Parliamentary debates on the Regulations introducing these are expected to take place in October: House of Commons 14<sup>th</sup>, House of Lords 23<sup>rd</sup>.

If the Regulations pass successfully, it is intended that the orphan works licensing scheme will be launched on the 29<sup>th</sup> October 2014.

## Consultations

### Copyright in Designs – your views sought



Cutting-edge designs and designs that have stood the test of time continue to be in high demand. The Government is aware of the need to have an appropriate intellectual property framework to incentivise the creation of artistic works. Currently, some artistic designs are protected by copyright but, if mass produced, these artistic designs lose their copyright protection after 25 years.

The Government has passed a law in the Enterprise and Regulatory Reform Act 2013 that removes this unequal treatment, but now has to choose when the change should be made. When the change does come into force, some older works will come back into copyright. This will mainly affect artistic works over 25 years old that were industrially manufactured. For example, some furniture could qualify for copyright protection, or a work of visual art that was made into wallpaper might be affected. Anyone who is not the copyright holder or the licensee will need permission or a licence to make lawful copies.

As a result of the change to the law, firms will need to adjust their business models and product lines. The Government is now consulting on when this change should happen with a proposed date of 6 April 2018. The Government believes this transition period strikes a balance between designers and creators who should have their creative works protected for the full term of copyright protection and those businesses that will need time to adjust to the legislative changes.

But it also wants to know if the transition period will be fair and proportionate for all affected parties and what items may be affected in practice. The consultation closes on Monday 27 October. To find out further information go to: <https://www.gov.uk/government/consultations/transitional-provisions-for-the-repeal-of-section-52-of-the-cdpa>.

## UPC update

### Preparatory Committee

The Preparatory Committee website has published details of the new Expert Panel membership which met recently in London. This body provides advice and guidance to the Chairman and working group co-ordinators. The Preparatory Committee has also agreed a revised Roadmap which can be found at: <http://www.unified-patent-court.org/news>.

## Spanish Challenge

The CJEU has announced that the expected Advocate General's opinion on the Spanish Challenge (CJEU cases C-146/13 and C-147/13) will not be published in October. No revised date has been given.

## Events

Click on the link below for a list of forthcoming IP events which may be of interest to you or your clients/members.

<https://www.gov.uk/government/publications/ipo-events-calendar/ipo-events-calendar>



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