



We may be coming to the end of 2014 but – perhaps because I’ve just celebrated my 50th birthday – instead of reflecting on what’s happened this year, my thoughts have been drawn rather to what happened in 1964. Looking through records of the time, it seems that 1964 was a boom time for both mass popular communications and immense creativity. It saw the first publication of The Sun; new television and radio channels launched - sometimes quite literally in the case of pirate radio stations like Radio Caroline and Radio Sutch; fabulous music from the Rolling Stones who

had their first headlining tour; great new television programmes (I know it’s from the US, but part of my heart will always belong to The Munsters) and, for those with nothing better to do, the birth of Match of the Day.

I wonder what those who turn 50 in 2064 will think when they look back at what happened in the year of their birth? What are the features that will stick in the collective memory? Ebola, the annexation of the Crimea, the birth of ISIS or the first landing of a spacecraft on a comet? Obviously, the reflections of those of a superior intellectual stamp will be drawn to the myriad of great things delivered by the UK’s world-leading Intellectual Property Office: the world’s first Global IP Enforcement Summit; the launch of the UK’s first Orphan Works Licensing Scheme; the transformation of legislation to reflect the more digital environment; the conclusion of negotiations with international partners to ensure British businesses can trade around the globe, or the start of a more active campaign to educate young people about IP and why they should respect it.

Looking back through the past year’s editions of IP Connect it’s been quite a year. Together the articles tell a story of an organisation working hard to improve the UK’s intellectual property environment in ways which respect both creators and users of IP and which deliver for the whole of our society. That is a challenge we will continue to embrace in 2015.

A very happy festive season to all readers of IPConnect. Click [here](#) if you’d like to see earlier editions of the newsletter to remind yourselves just what the IPO has been up to in 2014. As ever, do let me have any thoughts and feedback on IP Connect and how we can make it even better by clicking [here](#).

Rosa Wilkinson, Director of Innovation and Strategic Communications

The Chancellor’s Autumn Statement 2014

Last week (3 December) the Chancellor set out a range of measures in the [Autumn Statement](#) designed to support the UK’s business entrepreneurs, creative industries and research and development communities that will be of interest to the IP community.

He gave a boost to the creative industries by extending the tax reliefs currently in place for theatres to orchestras and will introduce a new children’s TV tax relief.

He signalled his support for business investment by pledging £400m to extend government-backed venture capital funds which invest in fast growing SMEs, called Enterprise Capital Funds and guaranteeing up to £500m of new bank lending to SMEs. The Funding for Lending (FLS) scheme to boost bank lending to firms will also be extended for another year which will be focusing exclusively on smaller firms.

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The Chancellor also announced that he will increase the R&D tax credit for small and medium companies to 230% and the credit for large firms to 11% as well as strengthening the Entrepreneurs' Relief and the Social Investment Tax Relief.

And, as part of the Government's £5.9 billion sustained investment in science, he announced £95 million to help the UK take the lead in the next European mission to Mars; £235 million will go on a new science research centre called the Sir Henry Royce Institute in Manchester; and £20 million will go towards a research centre on ageing, in Newcastle. More detail is expected when the Science and Innovation Strategy is published later this month

International

IPO CEO visits China

John Alty, Chief Executive of the UK Intellectual Property Office recently visited Beijing and Wuhan to further deepen UK-China cooperation on IP. During the visit, John launched **a factsheet** designed for Chinese companies doing business in Europe, explaining how to protect and enforce IP in the UK.

John Alty said: "This visit to Beijing and Wuhan is an opportunity to further deepen IP cooperation between the UK and China. I have held warm and productive meetings with my Chinese government counterparts and 2015 will be another exciting year.

"I was pleased to meet a range of Chinese companies during this visit and to launch *Intellectual Property in the UK: A Guide for Business*. I have seen first-hand the exciting innovation that Chinese companies are producing. This new guide will help Chinese companies obtain IP protection in the UK and benefit from expanding UK-China trade and investment."

UK-China trade reached US\$80 billion in 2013 and the UK is now the largest destination in Europe for Chinese investment. The close trade and investment relationship means it is important for innovative Chinese companies to consider how to protect their IP overseas. The UK has well developed IP and legal systems which provide security and predictability for both domestic and foreign companies.

UK and EU collaboration on IP helps SMEs in high growth markets

New figures recently announced show an increase in the number of UK Small and medium sized businesses seeking advice from the UK's Attaché network and the [EU-funded IPR SME Helpdesks](#) in South East Asia, China and Latin America on how to exploit and protect their IP in challenging overseas markets.

In the last year these helpdesks have seen an increase in the amount of UK business seeking advice in South East Asia, China and Latin America:

- In 2014 alone, 55 UK SMEs have received support from the China IPR Helpdesk;
- 32% of enquiries to the ASEAN IPR Helpdesk since May 2013 have come from UK SMEs.

In China, 18% of all enquiries received between 2008 and 2014 are from UK companies - double the number of enquiries from the next placed EU Member State which is Germany with 9%.

These Helpdesks provide "first-line" advice on the management, protection and enforcement of intellectual property rights in three of the world's leading growth markets for UK SMEs. They compliment the [UK's IP attaché network](#) to provide an all round service for UK businesses.

Intellectual Property Minister, Baroness Neville-Rolfe said: "Our IP attachés are a key international asset for the UK Intellectual Property Office. In the last year alone they have given practical support to 233 UK businesses grappling with IP issues.

"There have been some fantastic results thus far, from making inroads into new markets, to effectively teaming up with local partners, sharing information and influencing the shape of UK trade and growth. As a result of their work companies have protected IP assets worth more than £377 million."

At present, total annual investment by UK business in intellectual property rights represents 4.3% of UK GDP and 39% across the entire European Union. Many of these businesses are small and medium enterprises who have chosen to grow their business internationally, particularly in the in the new and more unfamiliar markets of China, South East Asia or Latin America.

IPO supports WIPO Sports seminar in Singapore

The IPO recently supported two experts at a [WIPO seminar on The Strategic Use of IP by the Sports Industry](#) in Singapore on 25-26 Nov 2014. The seminar saw 34 participants from 15 countries with 12 speakers lined up to share a wide ranging discussion related to IP and sports.

The two UK experts were Claire Sng, Associate from DLA Piper UK LLP and Andaleeb Basunia, Rights Protection Lawyer and Manager from Rugby World Cup 2015, IMG, both formerly from the London Organising Committee of the Olympic Games and Paralympic Games (LOCOG), London.



Andaleeb Basunia and Claire Sng addressing the participants at their session on IP Challenges and Opportunities for Governments relating to the Organisation and Commercial Exploitation of Major Sporting Events and Local Competitions.

Claire and Andaleeb presented an overview of their time as brand protection lawyers at London 2012. They discussed the IP issues that they came across and provided practical guidance as to how other event organisers could combat and mitigate against similar issues, including organisers of events that do not benefit from major event legislation.

IPO and IPOs exchange Economists

The UK IPO and Intellectual Property Office of Singapore

(IPOS) have agreed a reciprocal exchange programme of IP officials. This was [announced](#) by Trade Minister Lord Livingston during the state visit of the President of Singapore to the UK in October.

Lili Soh, from the Legal and Policy Affairs Department in IPOS joined the Economics, Research and Evidence (ERE) team on 3 November for 6 months. In return, Pippa Hall from ERE will spend 3 and a half months in Singapore working with IPOS from 1st December.

The two offices have a long history of mutual respect and joint working. This exchange reflects the strong relationship between the UK and Singapore. It is a demonstration of the growing collaboration between the two countries and their IP offices.

Enforcement

OHIM/Europol seminar on Online IP Infringement 5-7 November, Alicante



The Internet is a factor for economic growth. It has emerged as a major communication, creation and distribution channel. However, it has also facilitated illegitimate commerce and allowed the sale of counterfeit goods and the piracy of works on a much wider scale, to the detriment of consumers and legitimate business. Reconciling IP and the Internet has become a crucial issue for debate.



Photo: OHIM

OHIM (through the European Observatory on Infringements of Intellectual Property Rights) Europol and Eurojust [co-hosted a conference in Alicante](#), from 5 to 7 November 2014, to help Member States and third countries deal with this phenomenon and to strengthen cooperation between agencies in this field.

The IPO's Dave Lowe, Head of Intelligence presented the UK's view to the event and highlighted the need for a range of measures to reduce IP infringement online.

"To succeed we need to involve industry, rights holders, intermediaries (such as payment service providers, domain registrars, advertisers) consumers, law enforcement and government alike. The goal is to provide a proportionate and balanced system of protecting rights, while making legal content accessible." he said.

Wil van Gemert, Deputy Director of Europol, said:

"Intellectual property theft poses a threat to the international economy and preventing this kind of crime is a priority

for Europol, and key to success is linking the efforts of the private sector with the efforts of international law enforcement. Cooperation is more important than ever." The conference hosted investigators from customs and police, public prosecutors, brand protection managers from industry, policy makers and representatives from the judiciary. They exchanged ideas and discussed how IP and the Internet can be mutually beneficial to consumers and legitimate business. Also, what models and best practices can be developed to foster this balance and further combat counterfeiting and piracy.

In 2013, EU customs authorities seized 36 million fake articles, mainly medicines, personal accessories, foodstuffs and beverages. Of these seizures, 72 per cent were related to postal and courier traffic. These items had almost exclusively been ordered through the Internet, which confirms the key role played by the Internet in facilitating intellectual property (IP) infringements.

PIPCU arrests two in Expendables 3 movie leak investigation



The Police Intellectual Property Crime Unit (PIPCU) with support from Merseyside and West Yorkshire Police [arrested](#) two men on suspicion of leaking an action movie The Expendables 3 online before the official release date.

The pair are believed to have stolen the film from a cloud based system before uploading it on to the internet. In the UK it is believed the leaked film was viewed hundreds of thousands of times which has had a significant financial impact on Lionsgate and Millennium Films, costing them millions of pounds in the UK alone.

The film features an array of famous actors including Sylvester Stallone, Jason Statham and Arnold Schwarzenegger and was set to for cinematic release in the US on 15 August 2014. However, around the 25 July 2014 a high-quality version of the film appeared on the internet. The subsequent investigation was launched following a referral from the movie's distribution studio, Lionsgate Films.

Head of PIPCU, Detective Chief Inspector Danny Medlycott said, "This operation shows the significant impact IP has on our creative industries, with millions of pounds being lost as a result of criminal actions".

Unified Patent Court and Unitary Patent update

Preparatory Committee

The 8th meeting of the Preparatory Committee will take place on 27th February 2015. The Executive Group will meet ahead of this in January. It is anticipated that February's agenda will cover Rules on the European Patent Litigation Certificate (following the consultation earlier this year), the court fees consultation and the rules of the Advisory Committee.

Spanish Challenge

The Advocate General's Opinion on the Spanish Challenge (cases C-146/13 and C-147/13) was published on Tuesday 18 November. A press release from the Court on the Opinion is available [here](#). Read the comments on the Opinion from the Preparatory Committee [here](#).

Public hearing on the Rules of Procedure

Some members of the Taskforce attended the public hearing on the Rules of Procedure on 26th November. [The hearing on the 17th draft of the Rules of Procedure](#) gave the opportunity to representatives from EU and national institutions as well as to judges to express their main concerns on key provisions of the rules which will be governing the functioning of the Court.

Workstreams

IT Work on the prototype is coming to a close and the team are now implementing the last of the updates ahead of completing the configuration. Additional language support, for French and German, has now been added to part of the prototype so you can now select your preferred language via the menus and set a preference within your profile. Those interested in viewing the latest updates or in providing further feedback on the prototype should follow this link: <http://prototype.unified-patent-court.org/>.

The last workshop using the prototype took place in Munich on the 27 November. There was an IT workshop that included members of the Working Group on 1 December to look at the system specification that will form the basis of the tender documentation.

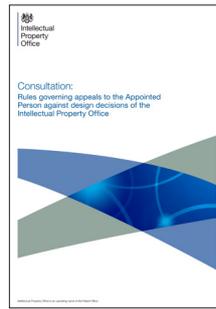
Facilities It is expected that a decision on the location of the London court will be made in Spring 2015. IP Connect will keep readers informed of progress next year.

Unitary Patent

The next meeting of the EPO Select Committee has been confirmed for 9 December. Communiqués of the Select Committee meetings so far are available on the EPO website [here](#):

Designs

Designs Appeals - Consultation on rules



Although many sections of the IP Act were brought into force on 1st October 2014, the section relating to the route of appeal requires additional legislation before it can be brought into force.

The IPO is [consulting](#) on the detail of changes to the route of appeal arising from section 10(2)-(11) of the IP Act. It is seeking views on the processes governing appeals to the "Appointed Person" from decisions of the Intellectual Property Office (IPO) relating to designs.

The Appointed Person (AP) is someone with the necessary knowledge of, and experience in applying, intellectual property law, and is specifically appointed after open competition by the Lord Chancellor, and is independent of the IPO. Appointees are typically barristers, but may be other IP specialists such as academics or other legal advisers. The role of the AP is fulfilled by a number of individuals.

The appeals cover applications for registered designs, designs already on the register and certain aspects of unregistered designs, such as settling the terms of a licence of right. The consultation includes a draft of the legislation which sets out how to appeal, as well as the forms used to instigate an appeal.

Until the changes now being consulted on are brought into force, decisions from the IPO in relation to registered designs are made to the Registered Designs Appeal Tribunal, with unregistered design decisions being appealed to the High Court.

It should be noted that this consultation refers to an appeal against decisions of the IPO, the actual reference in the relevant legislation is to the registrar (Registered Designs Act 1949) and the comptroller (Copyright, Designs and Patents Act 1988). **This consultation closes on 7th January 2015.** The IPO intends to publish a summary of responses to the consultation within three months of the closing date, and to lay the rules in Parliament in time for commencement in April 2015.

Registered and Unregistered Rights Expert Advisory Groups Conference

On Monday 3 November the Intellectual Property Office (IPO) held a one day Conference, bringing together the newly established Registered and Unregistered Rights Expert Advisory Groups. The Conference, hosted by the Chartered Institute of Patent Attorneys (CIPA), provided an opportunity to discuss ways of working, the current IPO research programme and potential key research topics for the coming year.

The REAGs were established to provide independent and robust challenge to the IPO research programme and to

provide input and put peer review to the development of research specifications and research publications. The Unregistered Rights group will be chaired by Professor Charlotte Waelde, Professor of Intellectual Property Law at the University of Exeter. The Registered Rights group will be chaired by Roger Burt, formerly Legal Counsel at IBM and President of CIPA.

Membership is made up of representatives from industry, academia and public sector bodies that not only have experience in commissioning and peer reviewing research. If you would like to see the IPO Research Programme 2014/15 or if you have any views, comments or would simply like to would like to know more, please contact the Economics Research and Evidence team at the IPO.

GOV.UK

Company Names and Copyright Tribunals move online

The IPO have completed the next phase of online transition to Gov.uk by moving the [Company Names](#) and [Copyright Tribunals](#) information and services over to their new home. The new GOV.UK site replaces all individual central government department and the majority of government agency websites, bringing them all under one umbrella. The move is part of the [Government's Digital Strategy](#), a major initiative gathering information and online services in one place to make them simpler, faster and easier to use.

Once the transfer takes place, bookmarks created previously will be re-directed to the appropriate place on GOV.UK. Please email websitetransitionteam@ipo.gov.uk if you have any questions regarding the move.

IP Events

Click [here](#) for a list of forthcoming IP events which may be of interest to you or your clients/members.



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