



October at the IPO had a distinctly international focus. In addition to the UK China IP Symposium during President Xi Jinping's state visit to the UK, teams here were working hard to deliver the global IP environment British businesses need to support their international ambitions. In this edition of IP Connect we update you on our work to drive progress on patent harmonisation, on agreements with the Philippines and Vietnam, as well as our progress towards setting up the Unified Patent Court.

Closer to home, we report on the launch of Creative Content UK, an industry-led, Government –funded initiative that seeks to deter people from using illegal copyright content from dodgy websites and to steer folk towards genuine providers through the 'Get it right from a genuine site' campaign. As you will see from our new 'Fast facts' booklet, the UK's creative industries – those most affected by illegal downloading – account for some 1.8 million UK jobs and represent some 5% of our Gross Value Added. Creative Content UK helps to ensure that value doesn't leech away from the industry through online piracy. You may 'get it right', but what about those around you? Might it be time for a conversation with the rest of your family and friends?

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

## UK-China IP Symposium

Close collaboration between the [China Britain Business Council](#) (CBBC) and [Alibaba](#), China's most popular ecommerce website, has resulted in the removal of more than £8 million worth of counterfeit versions of UK products.

The agreement signed in September 2014 means that more than 25 UK businesses, including several large multinationals have been able to get counterfeit goods sold on Alibaba removed.

The announcement was made by Intellectual Property Minister Baroness Neville-Rolfe at the [UK-China Symposium](#). The symposium allows British and Chinese businesses to understand how they can effectively protect their IP. It takes place during China President Xi Jinping's state visit to the UK and highlights the importance both countries place on IP.

Baroness Neville-Rolfe said:

"British products are in demand around the world because our firms invest heavily in creating highly original designs.

"The removal of £8 million of counterfeit UK goods will protect the livelihoods of some of our most innovative firms and the jobs of British people. There is more work to be done but I am pleased that the UK is collaborating closely with Alibaba to find constructive solutions.

"I am clear that the UK should be the most innovative place to do business and a strong IP system plays a big part in that. By continuing to work with China we can bring even more benefits to the UK."

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David Ho, senior legal counsel, Alibaba Group said:

“We are committed to the protection of intellectual property rights and the long-running battle to eradicate counterfeit merchandise that may appear on our marketplaces. We continue to work with rights holders to protect their IPR and welcome further collaboration with the CBBC and British companies going forward.”

As part of the symposium, Baroness Neville-Rolfe also launched a **toolkit** which will safeguard £65 million per year in joint UK-China IP research and innovation. It provides a clear framework for negotiating how IP will be managed in joint research projects.



Based on the Lambert Toolkit, which was created to help manage IP in domestic collaborative research projects, the UK-China toolkit has been adjusted for both UK and Chinese law. It provides a clear framework for negotiating how IP will be managed in joint research projects.

Also announced were the first wave of projects funded by the Arts and Humanities Research Council (AHRC) in Ningbo, China, which are implemented by a group of British and Chinese academics and will include industry input.

The AHRC has provided £500,000 in matched Newton funding to establish a China Digital Copyright and IP Law Research Centre at the University of Nottingham campus in Ningbo, China.

## Key countries commit to future work on patent harmonisation

In October, representatives from over 40 countries and intergovernmental organisations met in Geneva for the annual **Group B+** meeting, to discuss patent harmonisation and other global patent reform issues.

The Group under the chairmanship of UK IPO Chief Executive John Alty discussed the work produced by its Sub-Group on Patent Harmonisation, which as reported in our **July edition** had published a paper setting out objectives and principles which it believed should underpin

patent harmonisation in a number of key areas.

Group B+ endorsed this work, and agreed to the formation of separate workstreams chaired by representatives from the sub-group to explore the following areas:

- Non-prejudicial disclosures / grace period (including relationship with third party rights);
- Conflicting applications;
- Prior user rights issues (outside of the grace period); and
- Options for implementation.

In addition to government representatives, industry representatives from Europe, Japan and the United States attended the meeting to outline the progressive work they had been doing to reach agreement on the terms of patent harmonisation. They stressed the need for agreement on a package consistent across major patenting jurisdictions, something which they believed could only be achieved multilaterally – making Group B+ the ideal forum. Group B+ members welcomed their involvement and agreed to continued engagement with all interested stakeholders as work progresses.

It was agreed that the Sub-Group would meet again in Spring 2016 to discuss the output from the workstreams, with the ambition being for Group B+ to consider concrete proposals at its next plenary meeting in Autumn 2016. More detailed information about the discussions can be found in the **meeting report** and **agreed statement** from the meeting.

## Enforcement

### Get it right from a genuine site

A new advertising campaign has been launched which highlights the positive impacts of choosing to access content from legitimate sites vs the negative implications of accessing content from dodgy sites.



Creative Content UK is an industry-led initiative that aims to deter people from accessing content illegally. The **@GetItRight** education campaign they have just launched is jointly funded by IPO, Department for Culture, Media & Sport and Business Innovation Skills.

The campaign looks to position the consumer as an investor in the creative process. You, as a consumer of legitimate content, provide the driving force for new music, film and

games. The antagonist is placed as sucking the life out of the world, leaving it lifeless and grey. They have created an **advert** which was showcased during an ad break on ITV's X Factor.

As part of targeting the audience of young consumers, **@GetItRight** has launched a multi-city Street Art project to resonate with a new generation of young consumers that are passionate about the quality and authenticity of content.

This Street Art project kicked-off in Birmingham last week with the unveiling of a six storey high artwork. Street art murals are now planned for Liverpool, Cardiff, Bournemouth and Edinburgh in the coming weeks, with other sites potentially following.

Intellectual Property Minister Baroness Neville-Rolfe said:

"The Government is committed to tackling online copyright infringement and supporting the creative industries that bring so much to the UK's economy and culture. We want the UK to be the most innovative country to do business and a thriving creative industry plays a part in that.

"The Creative Content UK education campaign that the government is funding as part of this work. 'Get It Right from a Genuine Site' shows that online piracy, including illegally downloading music or streaming films, has a real impact on the creative industries and that simple choices about where you get content make a big difference."

## OPSON Conference



The new look OPSON UK for 2015 was unveiled recently at a planning conference held in London. Intellectual Property Minister Baroness Neville-Rolfe launched the proposed activity by challenging industry and law enforcement to work together to manage the risks to the public of fake and illicit foodstuffs as part of the worldwide Interpol initiative.

This year, the IPO's Intelligence Hub has been joined by the Food Standards Agency's newly formed National Food Crime Unit (NFCU).

Head of the NFCU Intelligence Team, Nicola Bell told the conference: "We will be building on previous year's experiences to increase participation and collaboration. Our national plan includes focussed activity against areas of risk for the UK".

The international engagement around OPSON has increased since 2011 when 11 countries took part. In 2014/5's activity, this has increased to over 50 nations across the globe, working together to tackle food related crime.

## UPC update

It is a major undertaking setting up the Unified Patent Court (UPC) with many milestones to be achieved before we reach opening day. Last month we were pleased to have met one of these milestones with the signing of the Protocol on Provisional Application. This was signed by the Intellectual Property Minister Baroness Neville-Rolfe in the margins of the Competitiveness Council in Luxembourg alongside six other member states.

This was an important step for the court as it will allow certain elements of the agreement to come into effect before the court opens, meaning the court will be able to appoint judges and other court staff so that they are in position when the court opens. It was also at this time that the Chair announced that the Preparatory Committee aims to complete its work by June 2016 with a view to the UPC opening at the start of 2017.

Another significant step towards realisation of the UPC happened with the agreement by the Preparatory Committee of the Rules of Procedure. The Rules of Procedure for the court have been through many revisions and went through changes following a consultation held two years ago, and a user hearing held last autumn. The 18th draft is now published and is considered final. It may be necessary for minor technical amendments to be made to the Rules in order that rules which are yet to be agreed can be inserted (for example rules for court fees) but fundamentally this work has been completed and provide the legal framework for how the UPC will operate.

The next series of milestones will likely happen in early 2016 when court fees, recoverable costs and SMEs will be agreed (this follows the public consultation in the summer). The recruitment and appointment of judges will also need to be agreed and then started alongside the practical preparations needed for the court to function as an organisation such as finance and HR systems.

## We need you!

Work has been progressing well on the UPC's Case Management System, and the Alpha system has now been released for user testing. To help shape the way the system looks and feels please register at <http://secure.unified-patent-court.org/login> and create an account. Please provide feedback via the 'send feedback' button at the bottom of the web page.

# Designs

## Hague Agreement deadline

A **consultation** on the UK accession to the Hague agreement closes on **10 November**

Your views on the UK's accession to the Geneva Act of the Hague agreement for the international registration of industrial designs would be appreciated.

## Digital services for design applications

The IPO has launched a **new digital service** to enable customers to apply to register their designs online. We have been working closely with our customers who have told us that the absence of an online application tool is a barrier to them applying to register their designs. Customers are at the heart of our service development and we have used feedback from them to create this initial release and will continue to use their feedback to iterate and improve the service going forward.

This is the first time customers have been able to apply to register a design digitally in the UK and it offers an alternative to our current paper process. It is also part of the wider designs modernisation work that is ongoing which will see further initiatives developed and launched not only to promote the importance of design registration but to help designers protect their IP.

# International news

## Vietnam MOU signed

The IPO has signed a Memorandum of Understanding with Vietnam. This MOU covers a number of areas and looks to establish a broad and flexible framework under which the participants can develop cooperation activities in the field of IP protection, exploitation and utilisation to create innovative and competitive environments.



IPO CEO John Alty signs MOU with Vietnam counterpart– Vice Minister of Ministry of Science Technology (MOST) & Head of NOIP Tran Viet Thanh.

## Philippines Enforcement MOU

The IPO has signed an enforcement Memorandum of Understanding with the Intellectual Property Office of the Philippines (IPOP) in the margins of the WIPO General Assembly in Geneva. IPOP's enforcement policy has recently placed more emphasis on improving IP education, both within schools, universities and in the wider business environment. This is very much in line with what the UK has done over the last few years and thus is an area where sharing of materials and best practice could be beneficial for both sides.

Enforcement in the Philippines consists of a national committee made up of 12 government agencies. IPOP acts as the secretariat for this committee and work closely with the constituent agencies and external interests such as OHIM. They are currently developing ways to improve enforcement of IP rights online and much like the UK have had some successes in cutting off access to payment services by notifying platforms such as Paypal and Gcash of any infringing activity by its users.

## Launch of Fast Facts 2015



The IPO Strategic Communications team has launched the Fast Facts 2015 booklet. This booklet contains facts and figures which describe the intellectual property landscape. It is a companion that can be used in briefings and speeches, discussions with stakeholders, or statements to the media or the general public.

View and download the booklet [here](#)

## Unjustified threats on Intellectual Property rights

Opportunity to comment on proposed reform to the law relating to unjustified threats on intellectual property rights closes on 13th November.

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

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, in 2012, the government asked the Law Commission to review the relevant law. Following a **consultation in 2013** and a **response report in 2014**, the Law Commission has now presented a **final report and published a Draft Bill**.

The government has been supportive of the Law Commission work to date and is currently considering the Law Commission's Report and the draft Bill that accompanied it. As part of this, the government is keen to confirm stakeholder views.

You can email your comments to: [IPUnjustifiedThreats@ipo.gov.uk](mailto:IPUnjustifiedThreats@ipo.gov.uk)

### Patent Box

HMT are consulting on changes to the design of the UK Patent Box. The changes will enable the UK to comply with a new international framework for preferential tax regimes for intellectual property (IP) set out by the Organisation for Economic Co-operation and Development (OECD).

The **consultation** sets out the Government's preferred approach, within the new international framework, and seeks views on how this will affect businesses.

**Responses are due by 4th December 2015:**

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## IP Equip



Are you or your team equipped to deal with intellectual property matters? The IPO has a free online e-learning tool that helps businesses and business advisors understand intellectual property rights ie trade marks, patents, copyright and designs.

**IP Equip** contains 4 short modules and uses case studies to show why intellectual property is important.

Many of our customers complete IP Equip to learn about IP.

### **Benefits of completing IP Equip modules include:**

- free access to business checklists, business guides and a document library
- CPD credit on completion (1 point)
- IPO certification via a certificate
- you can use your smart phone, tablet or PC to take the training

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