



If January is the month when we imagine but can't yet see the potential delights of the year ahead, February is the month when we begin to see the first shoots of progress towards them. Certainly, this edition of IP Connect shows that we have been busy sowing the seeds: appointing a new IP Attaché – Vijay Iyer – to cover the Indian market, launching a consultation on how we should approach implementation of the Collective Rights Management Directive, and pressing ahead with preparations for the Unified Patent Court to name just three.

We've also been thinking hard about the things we should prioritise in our 2015/16 corporate plan which we will publish at the end of March. We're absolutely determined that the UK should remain the best IP environment in the world. Making sure that we do demands attention and action across a wide waterfront, so it's been helpful to hear what our stakeholders and customers think the headlines should be as part of a series of round table discussions with our Minister Baroness Neville-Rolfe. My in-box door remains open to views as we work up the plan – or, of course, on how we can ensure that IP Connect is the newsletter you want it to be. Click [here](#) to send me any comments.

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

## IP Minister delivers keynote address to CIPA diversity forum

IP Minister Baroness Neville-Rolfe, [delivered the keynote address at a recent Chartered Institute of Patent Attorneys \(CIPA\) event](#) that brought together key players in the IP professions in order to agree collaborative initiatives which will improve diversity in the IP sector.

Speaking at the event, Minister for Intellectual Property, Baroness Neville-Rolfe said: "To succeed, a modern Intellectual Property framework needs to make sure that it reflects changes in innovation, technology and business practice.

"It is encouraging that 40 per cent of recent trainee patent attorneys are women, and that women outnumber men when it comes to trainee solicitors and trade mark attorneys. Whatever the current gender balance in the IP professions, we are clearly laying strong foundations for the future and this is helping to encourage the innovation for which we are known internationally."

### The event tackled the following issues:

- Raising awareness upstream of the professions – promoting the work of the IP professions and the routes to entry among key audiences;
- Making the professions more welcoming – what do the IP professions look like to a new recruit?
- Improving the recruitment process – how to spread best practice;
- Building a fair working environment – are we sufficiently sensitive to diverse backgrounds and needs?



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The round table discussion considered diversity from a range of angles, for example gender, race, religion, age and disability, as well as economic and social background.

Andrea Brewster, CIPA Vice-President and event chair, said: "The professions can only benefit from the involvement of people from a wider range of backgrounds, who will bring with them new perspectives, new approaches, new skills and new insight into our increasingly diverse client base: through this, the professions will be better placed to evolve to match their developing competitive landscape."

Delegates included representatives from: the IP Federation; the Intellectual Property Office; International Federation of Intellectual Property Attorneys (FICPI); Vodafone; the Bar Council; the Institute of Trade Mark Attorneys and IBM.

## International

### IPO's Head of Global Cooperation and Development visits India

The IPO's Head of Global Cooperation and Development, Andrew Davidson visited India in January to support the ongoing work of our IP Attaché based in India. The visit coincided with two significant IP conferences in India: the [Global IP Conference](#) and the [World IP Forum](#) and was designed to use these events to promote the work of our IP Attaché to the hundreds of delegates attending from more than 30 countries.

It also gave a chance to promote the UK system as a great place to protect your IP.

Significantly too, the visit provided an opportunity to welcome Vijay Iyer to the team. He has just taken up the Indian IP Attaché post, providing maternity cover for Anshika Jha. Vijay joins the team from a Senior Science & Innovation Adviser post in the UK Science & Innovation Network, where he supported UK-India research partnerships.

Vijay has many years professional experience in technology transfer and innovation management and is a Registered Patent Agent in India. Vijay is primarily based in the British Deputy High Commission, Mumbai, but also spends time in the British High Commission, New Delhi. His email is [Vijay.Iyer@fco.gov.uk](mailto:Vijay.Iyer@fco.gov.uk) – please do get in touch.

Andrew's visit also provided an opportunity to be involved in the public consultation for India's new national IP Policy. You can find a draft [here](#). The new Modi government has launched the [Make In India](#) campaign, and is working hard to push India up the international 'ease of doing business' rankings. The reform of the Indian IP system will be a key part of this project.

The UK IPO will shortly publish a suite of factsheets aimed at helping British companies understand the Indian IP system – in short, how to protect and enforce the rights your business relies upon. We look forward to announcing their publication in a future edition of IP Connect.



## UKTI webinar: Introduction to South Korean Intellectual Property Rights

Date: w/c 2<sup>nd</sup> March, Cost: Free, Duration: 1 hour

South Korea is the 14<sup>th</sup> richest economy in the world and, through the recently implemented EU-Korea Free Trade Agreement, a host of new business opportunities have opened up to European companies. This webinar, hosted by UK Trade & Investment, will provide an introduction to IP law in Korea, including how to avoid the most common difficulties. The webinar will be delivered by experts based in the Korean market and based on practical examples faced by overseas companies.

The date and time (likely to be 9-10am GMT) will be confirmed shortly. To register your interest please contact [gareth.taylor@fco.gov.uk](mailto:gareth.taylor@fco.gov.uk)

## Copyright

### Vision for Digital Single Market

In a speech in Brussels (20 January 2015), Business Secretary Vince Cable called for the creation of a digital single market. Not only would this boost UK and Eurozone economies by €340 billion but it will make online prices fairer, enable startups to be formed within 24 hours, and help businesses sell throughout the EU, he said.

Speaking at the Lisbon Council's Robert Schumann lecture, Business Secretary Vince Cable said: "In today's world of smartphones and wi-fi, consumers who have paid for a service rightly expect to be able to use it across borders in the EU. But at the moment we have a patchwork quilt of digital content and services - very good in some places but threadbare in others."

The recommendations were published in 'the UK's vision for the EU's digital economy', which can be found at <http://engage.number10.gov.uk/digital-single-market/>. The main recommendations of interest to IP Connect readers will be those about promoting wider legal access and use of copyright material across the EU, but there will be recommendations of interest to anyone who is interested in operating a business across the EU or buying goods and services in the EU.

### Consultation: Collective Rights Management (CRM) Directive

The Government has launched a [consultation](#) on proposals for the implementation of the Collective Rights Management (CRM) Directive.

This Directive aims to modernise and improve the functioning of Collective Management Organisations (CMOs) across the EU. It introduces minimum standards for European CMOs that are intended to enhance governance and transparency and put right holders at the centre of a decision-making. Additionally, it introduces criteria that CMOs wishing to engage in multi-territorial licensing of online music must comply with.

Implementation of this Directive into UK law must happen by April 2016. The Government will be consulting on two options, as well as the discretionary provisions in the Directive and the costs of implementation.

The CRM Directive is a move towards the completion of the digital single market. Its adoption fulfils several of the UK's policy objectives for collective rights management specifically and copyright more generally. In particular, as one of only two net exporters of music in the EU, the UK stands to gain from the better transparency and governance of CMOs across the EU.

The IPO has already held workshops for all the main stakeholders affected by the Directive: CMOs, independent management entities (IMEs), rightholders and licensees. We are also talking to stakeholders about the need for further events during and after the consultation period.

The Government intends to publish a summary of the responses to the consultation and its response to those responses following the General Election in May 2015.

In the light of those responses it may need to amend the Impact Assessment and will then undertake a technical consultation on the draft Regulations which are required to implement the Directive. The implementing Regulations will be laid in time to ensure that the Directive's provisions enter into force in the United Kingdom no later than 10 April 2016.

The deadline for comments is midday 30th March 2015. The consultation document and response form are both available on the .gov website.

## Copyright notices

Two Copyright Notices have been published since the last edition of IP Connect. The first was on the [performance of live music](#): many performers get confused about when they need to obtain a licence to perform a specific copyright work and when it is the responsibility of the venue. [This Notice](#) explains who needs which licence, and also gives guidance for performers playing at a festival or busking.

The second Notice is on [knitting and sewing patterns](#). Copyright has many varied applications, and the use or re-use of knitting patterns is one where the IPO receives a steady number of enquiries. Applying equally to sewing patterns, this Notice gives advice to help people using or creating knitting and sewing patterns to help them negotiate copyright issues when carrying out craft activities as a hobby or business.

Don't forget that you can request that a particular area of copyright law is explained or clarified via our simple [online request](#).

## Economics, Research and Evidence

### 3D printing executive summary report published

The IPO has [published the executive summary](#) of a two-part study: *A Legal and Empirical Study into the Intellectual Property Implications of 3D Printing*, undertaken by Bournemouth University and Econolyst. This provides insight into the IP implications of 3D printing and examines the extent of the use of 3D printing within online platforms and selected industrial sectors. It also undertakes legal analysis, with an emphasis on copyright law in this area.

The research finds that the legal position under copyright law is uncertain. In particular when creating a design file, modifying existing CAD files, or scanning products. It found that 3D printing raises a variety of issues relating to Intellectual Property Rights (IPRs), but also made clear that challenges posed by 3D printing are unlikely to materialise for some time. Key findings include:

Files labelled 'fashion' attract a higher number of views and downloads;

- Files labelled 'art' and 'robot' are marketed at higher prices;
- Labels bearing the tag 'miniature', 'art', and 'jewellery' are more common on online communities. This could be because hobby and leisure a key area for these platforms;
- The number of downloads is unrelated to their price. This could be due to lack of accessibility to the relevant materials or lack of access to sophisticated 3D printers – those capable of printing more expensive files;
- CAD files can be modified by a variety of tools such as mobile software applications that interact with 3D printing platforms;
- Higher views and downloads depend on choice of the platform and type of brand/product. One example is *iPhone*-labelled files. These attract more downloads and views. The more popular a product, the more likely it is that people would look for something to compliment it (e.g., a cover or case, a decorative stand); to enhance it.

The report also provides a series of recommendations to government, intermediaries and industry. A recurring message was the need to raise awareness, education and further understanding of the IP implications of additive manufacturing. This is a potentially disruptive technology and the Government will keep this issue under close scrutiny.

## Enterprise Dynamics, Innovation and IP International and UK Perspectives

The IPO recently hosted a seminar (20 January) to review recent UK work (studies and research papers) on enterprise dynamics and innovation in the context of international studies at US Bureau of Census and the the Organisation for Economic Co-operation and Development (OECD).

The morning session included a review on the US Bureau of Census and OECD work on enterprise dynamics, jobs and innovation, while the afternoon session featured a presentation by the UK Enterprise Research Centre of a cohort study tracking the survival and growth of UK firms established in 1998; and research focussing on university spin-offs.

Finally, Suma Athreye from Brunel University presented IPO commissioned research on patent incentives and firm propensity to patent. Her findings were that those firms collaborating with Universities have higher patent propensity, whereas firms collaborating with customers, suppliers or competitors tend to patent less.

The UK IPO's outgoing Chief Economist Tony Clayton also led a discussion on our research priorities for 2015.

## UPC update

There was an expert panel meeting on 4 February in London. This was the second meeting of this advisory group and the main focus of their discussion was on the court fees structure and interpretations of the opt-out.

### Governance

The Project Board met on 29 January. The agenda included discussion on progress on facilities, an update on the forthcoming fees consultation, and a paper on costs of the court and the financial contributions by signatory states.

### IT

The closing date for responses to the Pre Qualification Questionnaire is **2 February**. For more information, or to see the notice, please go to the [IPO's procurement portal](#). The IT Working Group will meet on 4 February in London to discuss tender documentation.

### Facilities

The team continues to investigate London property options. The Facilities Working Group met by teleconference on 27 January, discussing privileges and immunities for court staff and locations, building security, and ICT functions.

### Legal

The next meeting of the Legal Working Group on the Rules of Procedure is awaiting confirmation and is expected for February.

### Finance and HR & Training

There was a meeting between the Financial Aspects and the HR and Judicial Training Working Groups at the end of January primarily to discuss judicial terms and conditions. It is clear that a number of important challenges remain in terms of balancing flexibility for the judiciary and the UPC with overall affordability, notwithstanding the context and status of a new and complex international court. It was agreed that further work was needed to develop detailed provisions in terms of salary, allowances and tax treatments. We expect further meetings to discuss these issues in greater detail.

### Unitary Patent

As reported in our last update, the EPO Select Committee (SC) met on 9 December.

At this meeting the participating states reached provisional agreement on the [administrative rules](#) that EPO will apply to requests for Unitary Patent Protection. The SC chair repeated his aim to conclude discussions on UP fees by June 2015. The Select Committee will meet again on 19 February. Communiqués of the Select Committee meetings are available on the [EPO website](#).

### Useful documents

A reminder that there is a helpful '[plain English](#)' [guide on the UPC](#) website for those that want to avoid the legal jargon.

## IP Events

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

## Sign up to a free IP Health Check

The IP Health Check is one of our free '[IP for Business](#)' online support tools. It provides you with a tailored confidential report based on your answers to a series of simple questions. The report includes a list of action points to help you protect and exploit your IP rights, guidance on how to put these into practice and links to useful information, websites and other resources.



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