



Jo Johnson reappointed minister for IP

BEIS ministerial portfolio areas have now been finalised. [Jo Johnson](#) continues as Minister of State for Universities, Science, Research and Innovation, with responsibility for intellectual property. Other responsibilities include industrial strategy, science and research, including the creation and governance of UK Research and Innovation (UKRI), agri-tech, space and innovation. He will also retain responsibilities for his portfolio within the Department for Education including universities and higher education reform, higher education student finance and education exports.



[Rt Hon Greg Clark MP](#) remains Secretary of State for Business, Energy and Industrial Strategy and [Lord Prior of Brampton](#) will continue to lead on all BEIS issues in the House of Lords.

The Unified Patent Court (Immunities and Privileges) Order 2017

Secondary legislation in the form of an [Order on Privileges and Immunities](#) for the Unified Patent Court were laid in Parliament under the International Organisations Act 1968 on 26 June. Separate legislation will be laid in the Scottish Parliament in due course.

This is the final legislative step in the UK's ratification of the Unified Patent Court. The Orders

implement the Protocol on Privileges and Immunities and gives the Unified Patent Court its legal personality in UK law. The Orders are affirmative orders, which means they will be debated in each House of Parliament. Separately the Scottish Order will be debated in the Scottish Parliament. They will also require Privy Council approval. Once this legislation has been passed the UK will be able to formally ratify the UPC Agreement.

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International

IPO at INTA 2017

Colleagues from the IPO's Tribunal, Trade Marks and Designs and International Policy areas joined forces for the 2017 INTA Annual Meeting held in Barcelona in May, the largest in INTA's 138 year history with more than 10,000 registrants.

Unsurprisingly perhaps, the main topic of conversation was Brexit and how this would affect the protection of trade marks and designs both during negotiations to leave the EU and after the UK's formal exit. The team, led by Steve Rowan, Director of Tribunals, Trade Marks and Designs, was ably assisted by a number of trade mark and designs examiners. They provided guidance and advice that the UK remains a full member of the EU until formal exit and the IPO will continue to provide the usual high quality and timely service to customers.

This year, as well as having a dedicated stand at the conference, the IPO's [international attaché network](#) (or most of them!) were also in attendance. They offered their highly valued and unique advice to attendees on helping UK business protect their IP in overseas markets, namely Brazil, SE Asia, India and China.

A highlight of the week was a joint reception with the Chartered Institute of Trade Mark Attorneys on Sunday. Held in a venue just off La Rambla boulevard, Kate O'Rourke (CITMA President) and Adam Williams (Acting Director of International Policy at the UK IPO) addressed the attendees with the message of continuing support for UK businesses trading internationally and delivering strong, reliable services for IP owners.



Attaché Networking Week

The IPO has a global outlook with our specialist Intellectual Property Attaché Network in four of the most important and challenging markets in the world; China, India, Brazil and South East Asia. Since the Network was introduced in 2012, the Attaches have given direct one-to-one support to more than 1,000 UK businesses on IP issues. They have undertaken nearly 700 outreach and education events reaching nearly 20,000 UK exporters operating in overseas markets. This year has already seen them deal with cases worth more than £189m in potential lost revenue.

On the 15 May the IPO began its annual attaché networking week – an opportunity for the attachés to come back to the UK and meet a wide range of stakeholders including businesses, industry groups, cross government colleagues and not least each other! This year the schedule was extended to ten days to include attendance at the 138th annual INTA conference in Barcelona. It was a highly valuable and extremely busy programme.

“The week saw frank and open discussions about stakeholders’ issues in markets and, in my case, on the multilateral level – our insights from the field backed by

UK-based policy leads. This helps build understanding of what is really going on and what the possible solutions are. I feel a far greater understanding of the UK’s key international IP markets and can bring this into my advocacy on behalf of UK Government and UK stakeholders.” [Jan Walter – IPO Attaché in Geneva](#)

“Attaché week is the most valuable work week in the year for me. We have much to share with stakeholders, but also much to learn about developments and trends from our HMG colleagues and from industry. It is a time to reconnect and have these valuable and wide ranging conversations face to face, as we did with many of our trade mark stakeholders at INTA.” [Christabel Koh – IPO Attaché in ASEAN](#)

“It was a very intense week – going from one meeting to another and sharing information to better understand the issues that other attachés face in their markets and how they work with their stakeholders, and receiving updates from the teams on different IP policies. I had great conversations with people that work with IP from all over the world as well as met some of my key-partners in Brazil!” [Angelica Garcia – IPO Attaché for Brazil](#)



Think Brazil

As part of the UK and Brazilian Government's Think Brazil week in May, teams from the UK IPO's Innovation Directorate and International Policy Directorate supported the UK FCO and Brazil's Ministry of Foreign Affairs by taking part in an Innovation in Healthcare discussion at the Brazilian Embassy, London. The week was organised to support our bilateral relationship and stimulate collaboration on key issues.

Chris Smith from the IPO used the opportunity to speak about UK support for innovation at all levels. Angelica Garcia, our Brazil-based IP Attaché spoke about the Attaché Network, and more specifically, the activities we are carrying out in Brazil to raise awareness of IP in-country. The IPO secured a speaking slot for Professor Shehadri Vasan of Public Health England who linked their health-focussed fast track agreement template to the Lambert toolkit.



The event was opened by His Excellency, Eduardo Dos Santos, Brazilian Ambassador to the UK and Joanna Crellin the UK's Consul General in São Paulo.

The event proved to be a great success with cross-sector attendance and productive discussions on areas of mutual interest for both countries.

Legislation And Policy

UPC Timetable Update

The timetable for the start of the period of provisional application and for the entry into force of the Unified Patent Court is reliant on achieving the required ratifications of the UPC Agreement and participation in the Protocol of Provisional Application. Due to some delays with

these procedures, the previously announced target date for the entry into operation of the UPC, envisaged for December 2017, cannot be maintained. An update has been published on the [Unified Patent Court website](#). A new timetable will be communicated in due course.

Intellectual Property (Unjustified Threats) Bill Receives Royal Assent

The Intellectual Property (Unjustified Threats) Bill, which provides a clearer framework for resolving intellectual property disputes, received Royal Assent on 27 April 2017, becoming an Act of Parliament.

The provisions of the [Intellectual Property \(Unjustified Threats\) Act 2017](#) require a minor piece of legislation before they are brought into force. We expect that this will be passed to commence the measures later this year. Changes, such as these, affecting business are typically brought in on a Common Commencement Date (CCD), the next of which is 1 October 2017. A transitional measure will be put in place such that only alleged threats made after the changes are implemented will be treated under the new law.

The Act puts into place recommendations for reform stemming from a Law Commission review. The changes to this complex area of IP law were based on [consultation](#) with businesses and professional bodies. The Intellectual Property Office was supported by the Law Commission as the Bill progressed through Parliament, taking the special parliamentary procedure for uncontroversial Law Commission Bills.

The changes will provide much-needed consistency across the law of IP unjustified threats as it applies to patents, trade marks and designs. It will make it easier for those

involved in an IP infringement dispute to find a resolution and avoid litigation. It will benefit business by cutting the number of cases that are litigated and reducing the complexity of professional advice required.

The new legal framework will help businesses negotiate more fairly over patent, trade mark and design disputes, while protecting those who can be most harmed by unjustified threats of infringement proceedings. In particular, the Act makes clear what can be said in pre-action attempts to settle an IP dispute and more clearly distinguishes legitimate threats from those intended to damage a commercial rival. A change exempting professional advisers acting on behalf of a client from having threats action brought personally against them has been made, tackling the misuse of threats action to disrupt client-adviser relationships. The Act also prepares the way for the unjustified threats regime to apply to the forthcoming unitary patent and proceedings in front of the Unified Patent Court, when these come into being.

Detailed guidance on the new measures will be published before their commencement.



Enforcement

Enforcement Landscape Review – Tender Review

The IPO is inviting fresh bids for research into the effectiveness of the UK's enforcement framework. We have split the research into distinct parts:

- Part A will focus on developing evaluation criteria to assess the processes needed to enforce IP rights and the consequences of infringement.
- If taken forward Part B will focus on identifying recommendations for changing the enforcement framework.

We are inviting bids from stakeholders interested in undertaking Part A only at this stage. The decision to proceed with Part B of the research will be taken after the results from Part A have been considered. The aim of the research is to construct a snapshot of the current UK enforcement framework for each IP right and builds on a commitment made in the [IPO's Enforcement Strategy](#).

An open meeting to discuss the research tender will be held at

the IPO's London Office on 5 July at 2pm. If you are interested in attending please contact enforcement@ipo.gov.uk by close on 3 July, teleconference facilities will also be available.

If you have any questions or to receive the tender document please contact Robert.Mould@ipo.gov.uk The deadline for receiving completed applications is 5pm on Wednesday 26 July.

Tackling the Trade in Counterfeit Goods

Working towards delivering successes on the IP Enforcement Strategy “tackling the trade in counterfeit goods”, members of the IPO have supported colleagues to make a significant impact on counterfeit goods entering the UK.

Between November 2016 and May 2017 IPO supported Border Force and industry colleagues in intensification exercises which resulted in more than 222,000 counterfeit items, with an estimated retail value of over £118m.

Members of the Intelligence Hub are currently analysing data from the detentions, with a view to reporting details

of consignors to source countries, as well as working with partners such as HMRC and Regional Asset Recovery teams within the UK to target financial benefits to criminals dealing in counterfeit goods.

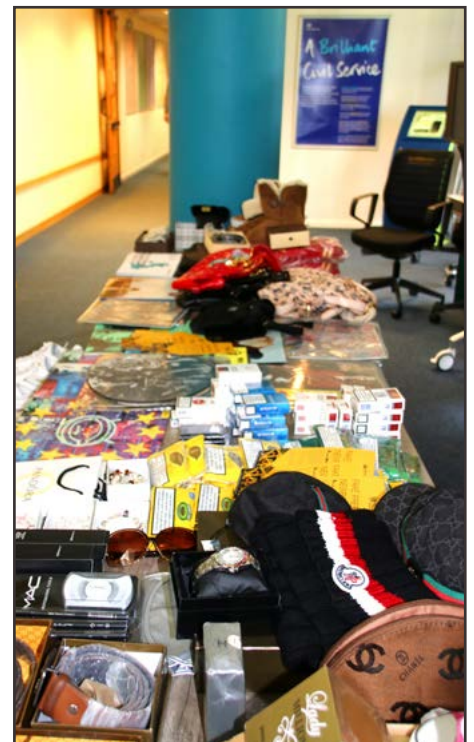
Head of Enforcement at the IPO Matt Cope said: “This is a first class disruption to the trade. We intend to support under pressure Trading Standards teams by working with Border Force colleagues who are doing an excellent job and making the UK live up to its number 1 rating for IPR enforcement in the world.”

Fake Free Newport

In May the IPO held a short seminar for staff outlining a local initiative “Fake Free Newport”. Staff received a short talk from Newport Trading Standards who highlighted the initiative and the work of Trading Standards in their fight against counterfeit goods. The talk was followed by a mock up market stall highlighting the wide range of counterfeit goods seized by officers in Newport.

The IPO is supporting the local initiative and it is hoped that similar schemes can be adopted in other areas. The campaign seeks to reassure businesses and those thinking of investing in the city that anyone selling fake and unsafe goods will be dealt with by Trading Standards using all of its powers. It encourages local businesses to agree to a code of conduct that ensures that they sell only genuine products and to report those that do not.

The campaign is in response to the “Prosperous Wales” initiative which aims to promote good honest businesses that have invested in the city and seek to prosecute business or individuals who are breaking the law. For more information on the campaign please contact the Enforcement Outreach Team: enforcement@ipo.gov.uk



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