



## **Industrial Strategy – Call for Views**

The IP Federation represents the views of UK Industry in both IP policy and practice matters within the EU, the UK and internationally. Its membership comprises the innovative and influential companies listed at the end of this paper. It has wide experience of how IP law, including patent litigation, works in practice in the UK, Europe and internationally.

### ***The consultation***

As the government sets out its plans for “an ambitious new industrial strategy”, the UK IPO is seeking views to form part of their contribution to the next phase of the strategy. They are looking for views on a range of specific ways they can get innovators to work together more effectively and get the most out of their IP.

The consultation will run for five weeks, closing on **15 November 2017**. Responses may be made by e-mail to [Industrialstrategy@ipo.gov.uk](mailto:Industrialstrategy@ipo.gov.uk).

### ***IP Federation response***

We welcome the fact that the government wishes to encourage innovation and particularly collaboration and commercialisation relating to innovation. We support all initiatives which are designed to achieve these goals for all innovators, both large and small. Such initiatives should be properly coordinated across HMG departments and agencies, developed in close consultation with industry and supported by economic impact assessments. They should also support the wider UK prosperity agenda.

We have considered the example proposals included in the annex to the consultation document and wish to offer the following comments.

### ***Help for small businesses***

We welcome any initiative which helps small businesses better to understand IP, its limitations and its potential. The provision of toolkits consisting of standard or model agreements would be supported by our members, as would any and all efforts to educate small businesses in respect of IP. However, we caution against the IPO getting involved in activities involving commercial matters, such as IP trading platforms or valuation in view of the widely differing values and priorities existing within different commercial entities. It is our view that these are areas to which the “one size fits all” principle does not apply. Furthermore, any involvement by the IPO in commercial dealings between IP owners would damage its vital position of impartiality.

### ***Voluntary registers***

We do not object to the existence of voluntary registers for unregistered rights - as long as users are made aware of the limitations of those registers. However, we remain firmly opposed to any suggestion that the IPO should create, maintain, endorse, administer or otherwise be associated with any register of this type. To do so would risk any such register being regarded as having more authenticity - and therefore authority - than is appropriate. We are also concerned that persons with limited understanding of IP will misinterpret the content of such registers: for example, that the omission of an image from a register of images protected by copyright means that that image cannot be protected by copyright. We also note that images and designs which are protected by rights such as copyright and UDR (unregistered design right) are notoriously difficult to search - even by people well acquainted with IP rights. This, we believe, makes any sort of register of very limited value to third parties and liable to inflict unnecessary burdens on all businesses, including SMEs.

### ***Core activities***

We firmly believe that the IPO should, first and foremost, ensure that its core activities of granting valid and enforceable IP rights remain highest on the priorities list. Eliminating search and examination backlogs so that strong UK rights are granted quickly and efficiently does, in our view, go a long way to achieving the government's aim of encouraging collaboration and commercialisation by innovators.

IP Federation  
15 November 2017