

FOI Release
Information released under the Freedom of Information Act

Title: National security patents

Date of release: 29 August 2019

Information request:

- How many applications have been restricted under section 22 post 2016 to 2018 (information in addition to table 8a found at <https://www.gov.uk/government/statistics/facts-and-figures-patent-trade-mark-design-and-hearing-data-2016>)
- Of the applications restricted under section 22 from 2000 – 2018 how many have been used by the government (sections 55 -59)
- Of those applications used by the government, how many have had a hardship payment
- Of those applications who have received a hardship payment, what is the value of the hardship payment
- What is the total amount of hardship payments made, each year, between 2000 – 2018.
- What is the total amount of hardship payments made between 2000 – 2018.

Information released:

In answer to your first point, the Intellectual Property Office (IPO) Facts & Figures report for 2017 is published and can be found at: <https://www.gov.uk/government/statistics/facts-and-figures-patent-trade-mark-design-and-hearing-data-2017> . Section 8a on national security patents appears on page 15.

We cannot provide you with data for 2018 because the report is awaiting publication and the information contained within that document is exempt from disclosure under section 22 of the Freedom of Information Act, which applies to information intended for future publication.

Section 22 is a qualified exemption, which means that the IPO must consider whether the public interest in maintaining the exemption is greater than the public interest in disclosing the information. As the IPO publishes this information annually at approximately this time of year, we feel that there is a reasonable argument to withhold it at this time, as it would be fairer to all interested parties to make an orderly release of official statistics on a single date. Although we do not yet have a definite date for publication, we expect it to occur within the next two months and the document will be available on the IPO section of the GOV.UK website. It should be announced on our home page.

With regard to all your other questions, on Crown use of restricted applications and any related hardship payments, IPO does not deal with requests for compensation arising from Crown use, so does not hold any relevant information. You may wish

to direct your enquiries to the Ministry of Defence's Intellectual Property Rights group (DIPR) which is the responsible body. The address for enquiries is DIPR, MOD Abbey Wood, Bristol BS34 8JH.