IP after Gowers: Innovation in 21st Century

Gowers + PO21C = UK Intellectual Property Office
Tokyo, March 2007
Outline

• Origins
• Evolution
• Outcome
• Substance
• Implementation
Origins

- Innovation Report
- Labour Party Manifesto
- Pre-Budget Report 2005
- A Patent Office for the 21\textsuperscript{st} Century
- Pre-Budget Report 2006
Evolution

- Appointment of Andrew Gowers
- Appointment of dedicated HMT Team
- Patent Office Secondee
- Call for Evidence
- Meetings with key stakeholders
- Draft report
- Comment and Discussion with Ministers
- Final Report and Acceptance
Outcome

- **Question**
  - Is IP system fit for purpose?
- **Answer**
  - Qualified “yes”
- **But** –
  - Scope for reform
    - Strengthen enforcement (counterfeiting and piracy)
    - Reduce cost of registering and litigation
    - Improve balance and flexibility
For Innovation

Substance

• Instruments
• Operation
• Enforcement
• Governance
Substance: Instruments

- Balance – research exemption, copyright term, educational provisions of CDPA(1988), no retrospective amendments
- Coherence – TRIPS and LDC timetable (2016), Africa and IP use, access to medicine
- Flexibility – format shifting, private copying (research), DRMs, archiving, orphan works, creative transformation, voluntary copyright register, policy on software/business methods/genes
Substance: Operations - 1

• Award
  – quality (community patent review)
  – accelerated grant of patents and Trade Marks
  – Community Patent, EPC
  – Translations (London Agreement)
  – Ease of access – PPH – Japan and USA
Substance: Operations - 2

• Use
  – advice for business, including “genesis” pilot,
  – B2B licensing models,
  – databases of LoR and expired patents,
  – guidance on valuation of intangible assets,
  – best practice business support
  – effective collecting societies
  – IP and competition policy
Substance: Enforcement

- Equal on-line and physical penalties
- Review unfair competition position and legislate if necessary
- DCA to review damages policy
- Promote voluntary agreements on ISP/rights holders relationships
- Home Office to add IP crime to National Community safety Plan
- Judicial training
- TSO powers
- European Patent Litigation Agreement
Substance: Governance

- Strategic Advisory Board on IP -£500k research fund
- Align fees and costs more closely
- Transparent financial reporting
- Policy and tribunal separation from operations
- Promote mediation
- Fast track litigation
- Change name – UK Intellectual Property Office
For Innovation

• Dedicated team (GITs)
• X-Whitehall Group
• Plan
  – Themes with Ministerial lead as appropriate
    • Improving access to content
    • Strengthening enforcement
    • Simplifying procedures for business and users
    • IP and development
    • Patent quality
    • Innovation support
    • Policy functions
    • Tribunal functions
    • Finance
    • Name change
Implementation – 2

• Action so far
  – New Innovation Support Strategy Announced
  – Change of CDP Act for 107A in hand
  – Proposals to increase policy capability and resource
  – Proposals to increase separation of tribunal and operational line management
  – Appointments to secretariat of new SABIP