



For Innovation

# IP after Gowers: Innovation in 21<sup>st</sup> Century

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





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# Outline

- Origins
- Evolution
- Outcome
- Substance
- Implementation





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# Origins

- Innovation Report
- Labour Party Manifesto
- Pre-Budget Report 2005
- A Patent Office for the 21<sup>st</sup> Century
- Pre-Budget Report 2006





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# Evolution

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





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# 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





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# Substance

- Instruments
- Operation
- Enforcement
- Governance





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# 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





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# 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







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# 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





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# 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





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# 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





# Implementation - 1

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- 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





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# 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

