



## IP Minister confirmed

**We are pleased to confirm that Jo Johnson MP, Minister of State for Universities, Science, Research and Innovation will assume responsibility for the IP portfolio. This follows the appointment of Baroness Neville-Rolfe as Commercial Secretary (Minister of State) at Her Majesty's Treasury,**

Jo was appointed Minister of State for Universities, Science, Research and Innovation in 2016. This role is split between the Department for Business, Energy & Industrial Strategy (BEIS) and the Department for Education. For more detail on his portfolio [click here](#).

## Unified Patent Court update

**On 28 November 2016, the UK Government confirmed its intention to progress proceedings to ratify the [Unified Patent Court](#).**

The UK will continue with these preparations over the coming months and is working with the Preparatory Committee to bring the UPC into operation as soon as possible.

A new project team, led by Dr Laura Starrs, has been set up at the IPO to deliver this work. They will be working with colleagues in the Foreign and Commonwealth Office and Ministry of Justice to ensure the necessary legislative requirements and logistics are in place for entry into force.

As the first step in the ratification process, the UK signed the Protocol on Privilege and Immunities in Brussels on Wednesday 14 December. Preparations for laying legislation to give the UPC all the appropriate privileges and immunities on UK soil have recommenced and we will provide an update on the legislative timetable soon.

## Preparatory Committee update

Meanwhile, the Preparatory Committee is finalising the remaining issues yet to be agreed. The Executive Group met on 11 January and this coincided with a meeting of the Interim Group tasked with solving more practical issues ahead of entry into force of the UPC.

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The PAP allows the start of the operations of the UPC's formal governing bodies.

### Provisional Application Phase

**The Preparatory Committee is working to a start date of the end of spring 2017 for the start of the Provisional Application Phase (PAP). This timetable assumes the Agreement on the Unified Patent Court (UPCA) can enter into force and the Court become operational in December 2017.**

The PAP allows the start of the operations of the UPC's formal governing bodies.

It allows for judicial interviews to begin and for appointments to eventually be confirmed.

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### Sunrise

The start of the sunrise-period for the possibility to opt out European patents is now planned for early September 2017. This period provides a minimum of 3 months for patent holders who wish to opt out their patents to do so before the Court becomes operational.

To note: The above timetable is conditional and provided with the clear disclaimer that there are a number of factors that will dictate whether it is achievable. The most important factors in meeting these dates are the necessary ratifications of the UPCA and accession to the Protocol on Provisional Application.

The Preparatory Committee will hold its final meeting in early March 2017. Updates and specific details of the Committee's work programme will be published on the [UPC website](#).

## IP (Unjustified Threats) Bill – Update


Second Reading of the IP Threats Bill was debated in the House of Commons on Monday 16th January. The debate was opened by the new Minister for IP, Jo Johnson, who briefly outlined the improvements the Bill will make to the threats provisions. This new framework will help business negotiate fairly over patent, trade mark and design disputes, while protecting those businesses which can be most harmed by unjustified threats. The debate is available to view on [Parliament TV](#).

The next stage of the Bill's passage will be Committee Stage, Tuesday 24th January, where the Bill will be considered line-by-line by a Public Bill Committee.

You can follow progress of the Bill [here](#) or visit our [webpage](#) to find out more.

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# International

## China visit confirms UK position as primary international partner for IP cooperation



**The IPO Head of Office visit to China has now become an annual event and is a key part of our China engagement. In December, our Acting CEO Sean Dennehey together with a key officials visited Beijing, Guangzhou and Chengdu.**

Highlights from the visit included:

- Agreement for 2017 bilateral workplans between the UK IPO and the State Intellectual Property Office (SIPO, on patents and designs), State Administration for Industry & Commerce (SAIC, on trade marks) and the National Copyright Administration of China (NCAC).
- An [agreement](#) between the China-Britain Business Council (CBBC) and Chinese e-commerce platform JD.com to reduce online counterfeiting (see further details later on in this edition);

- New [IP guidance](#) for British companies operating in China's booming education sector;
- UK participation as "Country-of-Honour" in a major Copyright Expo and conference in Guangzhou, including holding the [17th UK-China IP Salon](#);
- The latest in a series of CBBC-Alibaba roundtable meetings, with Alibaba Group Partner Jessie Zheng presenting and answering questions from UK rights holders and industry groups.

“ The IPO Head of Office visit to China has now become an annual event and is a key part of our China engagement

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# JD.com and China-Britain Business Council Sign Cooperative Agreement on IP Protection

**China's largest e-commerce company by revenue, and the China-Britain Business Council (CBBC) recently signed an agreement to cooperate on protecting IP online.**

The signing was witnessed by the UK Intellectual Property Office's Acting CEO, Sean Dennehy, during his official visit to China.

The agreement will strengthen existing cooperation on IP protection to fight infringement against British rights owners. JD will provide CBBC with a "green channel" whereby complaints by British companies filed through JD's IP protection platform will receive a streamlined review process. JD will also test an advanced system to separate simple and complex infringement cases to enable faster processing.

The agreement builds upon the work that JD and CBBC are already doing together in China to test and develop industry-wide "zero tolerance" standards for counterfeits.

JD senior vice president Laura Xiong said: "Chinese consumers increasingly appreciate the great quality of British brands in areas from fashion to spirits, and everything in between. Protecting IP has been a core principle for us since inception because consumers deserve the best products, and brands have a right to benefit from their innovation and commitment to quality."

Sean Dennehy, said "I am delighted to welcome this MOU between JD.com and the China Britain Business Council. It sends a strong signal of the clear commitment to the enforcement of the IP rights of British businesses.



Sean witnesses the signing of the agreement to cooperate on protecting ip online.

## UK-China trade marks seminar held in London



In late December the IPO held a China - focused seminar on brands and economic growth hosted by Baker McKenzie. This event was attended by more than 100 people from different sectors of the IP industry, including Vice Minister Liu Junchen. It looked to create a better understanding of brand value in China and to provide a healthier investment environment for China.

The event consisted of two panel discussions aimed at addressing some major UK-China trade mark issues. The first discussion looked at how the trade mark system supports investment in brands and economic growth.

The speakers included His Honour Judge Hacon (UK IPEC), Kate O'Rourke (President of CITMA), Lee Chin (Renmin University), Mr. Ou Xiuping (former Deputy Chief Judge from Guangdong High Court) and moderated by UK IPO's Natasha Chick (deputy director responsible for trade mark and design policy).

The Second panel examined the internationalisation of brands and the challenges of working across borders in a digital world. The speakers included Jessie Zheng (Alibaba Group), Ms. Bin SUN (Xiaomi) and Victor Liang (Baidu). The panel was moderated by Chris Oldknow (Director of Elipe).



## Brazil and UK sign MOU on IP

**British Secretary of State for International Trade and his Brazilian counterpart witness the signing of a bilateral Memorandum of Understanding (MoU) on Intellectual Property.**

The UK and Brazil reaffirmed their commitment to increased intellectual property (IP) cooperation. In early December at the Brazil Joint Economic and Trade Committee meeting British Secretary of State for International Trade, Dr Liam Fox, and the Brazilian Minister for Industry, Foreign Trade and Services, Marcos Pereira, witnessed the renewal of the MoU between the countries' respective IP offices - the Brazilian National Institute for Intellectual Property (INPI) and the UK Intellectual Property Office.

The MoU will be underpinned by a work plan setting out a firm commitment to cooperate across a wide range of IP issues such as sharing best practice in IP office management and patent examination methods. These activities will promote innovation, creativity and economic growth in both countries.

The agreement was signed by HM Ambassador to Brazil, Alex Ellis, and President Luis Otavio Pimentel of INPI.



*Britain and Brazil shaking hands*

“ The UK and Brazil reaffirmed their commitment to increased intellectual property (IP) cooperation. ”

## IPO appoints new IP attaché to Geneva, Switzerland.

**The IPO is pleased to welcome Jan Walter our new IP Attaché in Geneva. Jan took up the post in December and will be embedded in the FCO's Economic Team with UKMis Geneva.**



Jan's primary role will be to represent the UK interests in a range of UN organisations where IP is discussed, including the World Intellectual Property Organization and the World Trade Organization.

Jan will be joining the IPO's wider attaché network which is focused on promoting and defending UK IP interests in specific markets and regions.

Dealing mainly with UN institutions, Jan's role will have a slightly different emphasis to those of his attaché colleagues, where he will look to promote and defend UK interests in the multilateral IP system, which includes discussions on international norms and global services for patents, copyright, trademarks, designs and other IP related issues. Before starting his role as the UK's IP attaché, Jan worked for the Czech Republic mission in Geneva in a similar capacity and brings with him considerable skills and experience in international negotiations in Geneva and Brussels. He can also draw on his background from private and not-for-profit sectors. We wish him all the best of luck with this important role.

## Malaysia joins TMview

**As of 12 December 2016, the Intellectual Property Corporation of Malaysia (MyIPO) has made its trade mark data available to the TMview search tool.**

MyIPO first joined ASEAN TMview which was developed by the Intellectual Property Offices of the ASEAN Member States with the support of the EU-ASEAN Project on the Protection of Intellectual Property Rights (ECAP III Phase II).

MyIPO's decision to join TMview is a result of the EUIPO's International Cooperation framework in collaboration with

its international partners. This last extension brings the total number of offices participating in TMview to 56 and with the addition of almost 750,000 trade marks from Malaysia TMview now provides information and access to more than 41 million trade marks in total.

Since the introduction of TMview on 13 April 2010 the tool has served close to 26 million searches from 155 different countries, with visitors from Spain, Germany and Italy among the most frequent users. You can find out more at [www.tmview.org](http://www.tmview.org)

## Enforcement

### Illegal IPTV box supplier jailed for four years

Following the first legal case involving a supplier of illegal IPTV boxes enabling viewers to watch unauthorised content, a man has been sentenced to four years imprisonment.

Mr Terry O'Reilly was recently sentenced to four years in prison. A second supplier who worked with O'Reilly, Mr Will O'Leary, pleaded guilty and received a two-year suspended prison sentence. The case was heard at Nottingham Crown Court where O'Leary and O'Reilly were both convicted for Conspiracy to Defraud

The Premier League sought prosecution after the pair were discovered to be selling devices to pubs and consumers which facilitated mass piracy, including the broadcasting of Premier League football on unauthorised foreign channels. The prosecution was supported by FACT following an early investigation by PIPCU.

Premier League Director of Legal Services, Kevin Plumb, said: "This case is particularly important as it is the first involving sellers of so-called IPTV devices which enable people to watch illegal content. The Courts have provided a clear message: this is against the law and selling systems which allow people to watch unauthorised Premier League broadcasts is a form of mass piracy and is sufficiently serious to warrant a custodial sentence.

Detective Chief Inspector Pete Ratcliffe of the City of London Police's Police Intellectual Property Crime Unit said: "This conviction shows how important working with industry and other bodies is to modern day policing. Protecting our creative industries is vital to the UK economy and the millions of jobs that work within them and this case sends a clear message that this is crime that will be investigated and brought before the courts."

FACT Director General, Kieron Sharp said: "As the first sentencing of IPTV boxes in England, today's result should send a hard-hitting message to anyone involved in selling illegally modified set-top boxes. The sale and distribution of these boxes, which are loaded with infringing apps and add-ons allowing access to copyrighted content, is a criminal offence and the repercussions could result in years behind bars.

"We would like to thank the Police Intellectual Property Crime Unit (PIPCU) for their early support in the investigation and we will continue to work with the Premier League and our other members to ensure sports broadcasts are fully protected."

“ There can now be no doubt for consumers that these systems are illegal. ”

# Copyright

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## MCPS sets out relationship with Collective Rights Management Directive

The Mechanical-Copyright Protection Society Limited (MCPS) has outlined its alignment with the Collective Rights Management (CRM) Directive in a Memorandum of Understanding (MOU) with the Intellectual Property Office (IPO).

The CRM Directive ensures that collective management organisations (CMOs) act in the best interests of the right holders they represent.

It outlines the following policy objectives: to modernise and improve standards of governance, financial management and transparency of EU CMOs; to promote a level playing field for the multi-territorial licensing of online music; and to create innovative and dynamic cross-border licensing structures to encourage further provision and take-up of legitimate online music services. The Directive was implemented into UK law in April 2016.

Ros Lynch, Director of Copyright and Enforcement said: "We welcome the conclusion of this Memorandum of Understanding, which gives valuable clarity to MCPS's members and users about the standards they can expect. We look forward to continuing to work with MCPS to monitor their progress".

Jane Dyball, CEO, MCPS, said: "MCPS wholeheartedly welcomes the CRM Directive's principles of transparency, representativeness, accountability, efficiency and fairness and fully appreciates the commitment shown by the IPO in ensuring full compliance with those principles throughout our industry".

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