



## Innovation and Growth Report 2016-17 Published



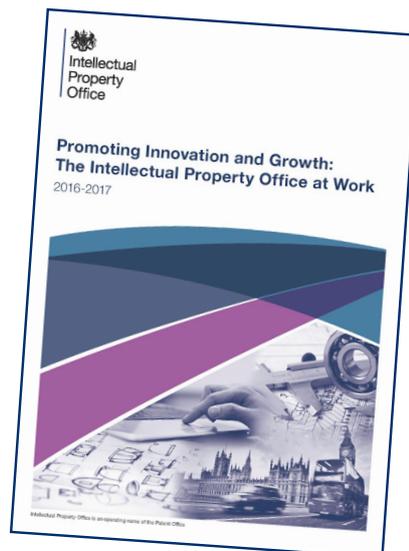
“As minister with responsibility for intellectual property (IP), I firmly believe in the link between IP and innovation, and consequently growth. As this report sets out, IP supports innovation by allowing it to be protected and exploited by its originator. Without IP, innovation would be stymied as businesses and individuals hold back or reduce investment in innovation due to the risk that others will be able use and profit from it, cutting or even eliminating their fair return.”

*Jo Johnson, Minister of State for Universities, Science, Research and Innovation.*

**The IPO has published its annual [Innovation and Growth Report](#).**

**This report describes many of the things the IPO has done in the past twelve months to create an IP framework which balances protection and knowledge sharing, administering IP rights and coordinating enforcement of those rights, and helping people to understand and use them.**

The report, helps paint a picture of the support the IPO provides to innovation and growth and the contribution we are making to the Government’s ambition to make the UK the most innovative country in the world.



*Promoting Innovation and Growth Publication*

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# Legislation in Effect from 1 October 2017

## Unjustified Threats Act

The [IP \(Unjustified Threats\)](#) Act will take effect on 1 October, 2017. The Act clarifies the type of communications which are permitted between parties involved in a dispute over IP infringement. It prevents the misuse of threats to intimidate or gain an unfair advantage in circumstances where no infringement of an IP right has actually occurred. Also, it will provide a clear framework within which businesses and their professional advisors can operate to resolve disputes. This includes attempting to negotiate a settlement before turning to litigation.

This document sets out the changes that have been made to the legal framework, and the expected impacts on IP rights holders, and third parties, as well as businesses, including legal services.

## Changes to Penalties for Online Copyright Infringement

The criminal law provisions relating to online copyright infringement will change on 1 October 2017. The maximum sentence that can be levied from this date for such criminality will be ten years, bringing it in line with what is already available for physical copyright infringement.

The changes affect sections 198 1(A) and 107 2(A) of the Copyright Designs and Patents Act. The former makes it a criminal offence to infringe a performer's making available right, and the latter an offence to communicate a work to the public.

The recast offences also remove an element of strict liability and also ambiguity surrounding the term 'affect prejudicially'. This has been replaced with gain or loss in money, echoing the Theft Act. An additional *mens rea* (guilty knowledge and wilfulness) has also been introduced. Therefore, it must now be proved that a person "knows, or has reason to believe that the act of infringement will cause loss to the owner of the right or expose the owner of the right to a risk of loss".

## New Online Design Registration System

A new online design registration system, known as [webmarking](#) is being introduced from 1 October 2017. This provides users with the option of marking their product with a web address, instead of the registered design number. A similar system has been in place for patents since 1 October 2014. Removing the need to mark the registered design numbers directly on the product will reduce burdens and costs for businesses and individuals who own registered designs. IT looks to make it easier for the public to access up-to-date registered design information in relation to a product.



 United Kingdom Parliament

# Copyright News

## Ensuring High Standards in Collective Rights Management: IPO Publishes Annual Review

The government passed regulations in 2016 about the activities of [collective management organisations](#) and ‘[independent management entities](#)’. These bodies license businesses and other organisations to use copyright works. They offer these licences on behalf of large groups of creators and rights holders. Examples include PRS for Music, the Copyright Licensing Agency, and NLA Media Access Limited.

The Intellectual Property Office (IPO) is responsible for monitoring compliance with the new regulations. These cover areas like transparency, governance, distributions to right holders, and relationships with licensees. In August, we published our first annual review of our activities in this area. The review covers areas including: our responses to complaints, our work to encourage compliance and good practice, and our plans for the 2017-18 period.

You can find the review at <https://www.gov.uk/government/publications/ensuring-high-standards-in-collective-rights-management>. If you have any questions about the review, or want to let us know about a possible breach of the regulations, please email the team at [collectiverights@ipo.gov.uk](mailto:collectiverights@ipo.gov.uk)



*Ensuring High Standards in collective rights Publication*

## Orphan Works Licensing Scheme: A World First 3 Years on

The 29 October 2017 will mark the third anniversary of the introduction of the UK [orphan works licensing scheme](#), the world's first online system for the licensing of orphan works.

Orphan works are creative works, like photographs, film footage or pieces of music that are protected by copyright, and where one or more of the copyright holders is either unknown or cannot be found.

Unless the use of the orphan work falls within a copyright exception, the licensing scheme provides a lawful means of using an orphan work, following a diligent search for the copyright holder. Applications may cover up to 30 works and be for as many uses as you like.

To make an application, you need to pay an application fee and a licence fee. The application fee is on a sliding scale and will depend on the number of works included in the application. Licences for commercial use are based on market rates according to the type of use. The applicant could choose to use an orphan photograph on the front cover or inside the book, a full page or just a small image. All of these will be priced differently so you can decide what meets your needs – and budget.

Over the first three years, we have issued licences for a variety of uses. These include the use of a photograph on product packaging, the adaptation of a book as a film, a sound recording from the 1950s for a TV advertisement, and not forgetting the use of a Welsh language ballad for inclusion in a TV programme. The possibilities are endless!

If you'd like further details of these or any of the other applications we've received, check out the [orphan works register](#). This can provide inspiration, as well as containing information on all our applications. The register is also the way to help reunite copyright owners with their works.

If you think your work is on the register or if you have ideas to explore please let us know. Contact us at [orphanworkslicensing@ipo.gov.uk](mailto:orphanworkslicensing@ipo.gov.uk). The team are really interested in hearing from you.

“ Orphan works are creative works, like photographs, film footage or pieces of music that are protected by copyright, and where one or more of the copyright holders is either unknown or cannot be found. ”

# Enforcement and IP Crime News

## IP Crime Report 2016/17 Published



IP Crime Report and Trading Standards Publications



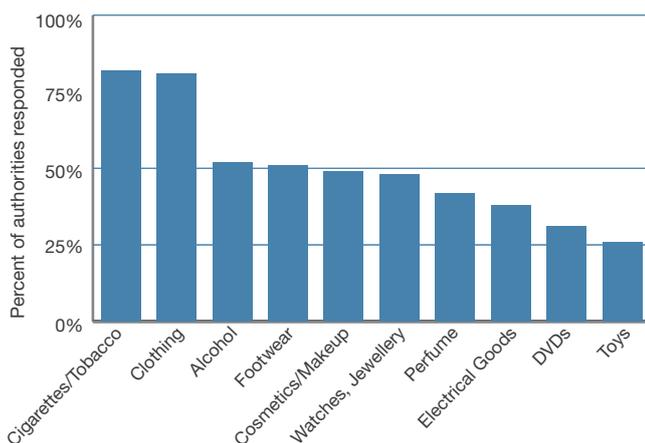
The latest [IP Crime and Enforcement Report](#) was published on 7 September. The report provides an insight into the scale and scope of counterfeiting and piracy in the UK and an overview of the work being done by law enforcement and stakeholders to tackle these threats.

This year's report includes a separate supplement containing IP related case studies from Trading Standards' teams throughout the UK. This showcases the work of Trading Standards Officers all over the UK and highlights the joined-up, innovative and sometimes dangerous work enforcement officers undertake to deliver results. The report also contains statistical data and enforcement activities from UK law enforcement agencies including Police, Trading Standards and Customs along with industry enforcement work.



Highlights from the Report

### Top ten counterfeit/pirate products investigated by Trading Standards



### PRS for Music Member Anti-piracy System (MAPS) results since its launch in March 2016

- Located over 7.1 million URLs for websites linking to or hosting PRS for Music repertoire
- Sent over 159,000 take down notices to websites
- Sent over 292,000 live links to Google for delisting from its search pages
- Forced 220 illegal websites to cease operating completely

### Operation Jasper phase two key actions

TS authorities taking part	80
Warrants executed	41
Warning notices	31
Cease and Desist notices	42
Delistings/pages taken down	3009



### Domains suspended by Nominet

10 million+ .UK domains registered

8049 domains suspended for criminal activity – up from 3886 in the previous year

100%+ increase in domains suspended



# Other News in Brief

## Tim Moss Talks Interviewed by Managing IP



Tim Moss, IPO CEO

Tim Moss, the CEO of the IPO, was interviewed by [Managing IP magazine](#) in August. He spoke to James Nurton about Brexit and being an “honest broker”.

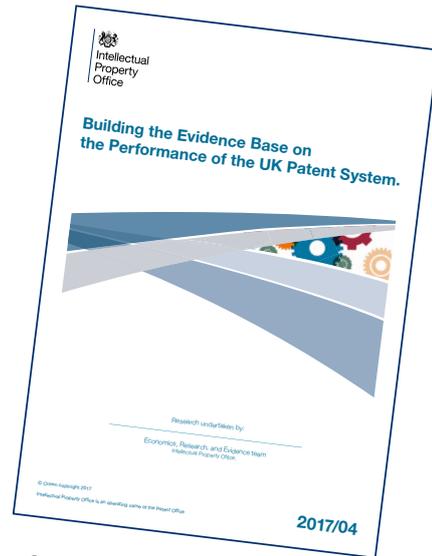
## IP Facts and Figures Published



Our facts and figures for 2015 and 2016, providing you with annual administrative data for designs, patents, trademarks and hearings, are now available online.

## UK Patent System: Building the Evidence Base

IPO published its [research](#) on the performance of the UK patent system. This report brings together new and existing research including data analysis of patent datasets, interviews with users of the patent system, and reviews of academic literature.



UK Patent System  
Performance Publication

## China IP Roadshow

The [annual China IP roadshow](#) will run from 18 to 20 September 2017. This year it will visit Glasgow, Edinburgh, Leeds, Barnsley, Liverpool and Manchester.

The China IP Roadshow will be tailored to provide attendees with practical advice when they are looking to expand their business in or to China.

More information on our social media feeds ([www.twitter.com/the\\_ipo](http://www.twitter.com/the_ipo)) soon.



## Be Alert to IP News

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[A list of forthcoming IP events](#) which may be of interest to you or your clients/members.



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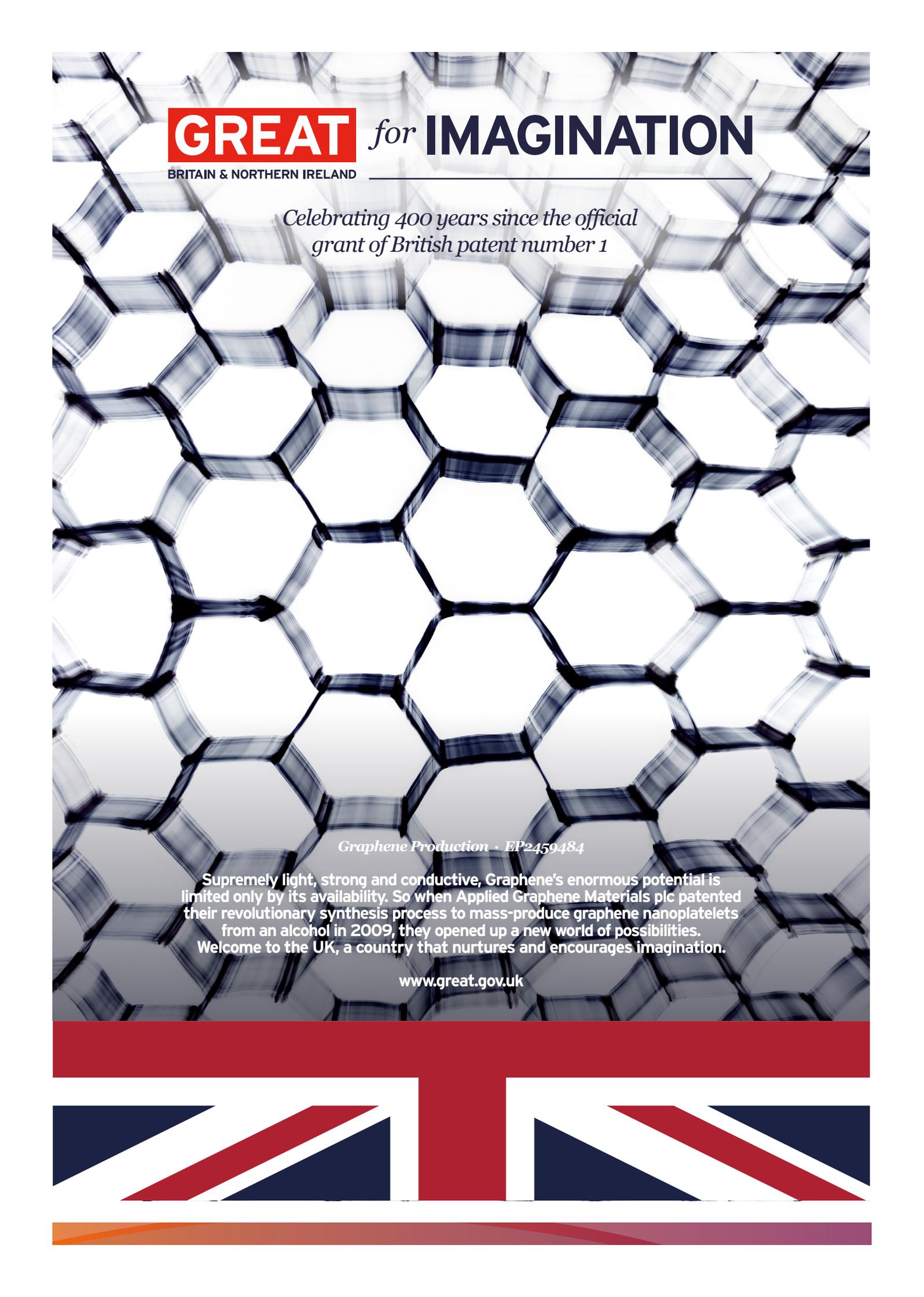


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