



Intellectual Property Institute

1st Floor, 36 Great Russell Street, London WC1B 3QB

Tel: 020 7436 3040

Fax: 020 7323 5312

email: annegoldstein@btconnect.com



An update from the Director on the work of the IP Institute – October 2008

Events

Joly Dixon on “The Future of IP”

The third lecture in our series on “The Future of IP” will be delivered by **Joly Dixon** on 15th October. Joly is, as you will probably know, the Chairman of the new Strategic Advisory Board for IP, formed as a result of a recommendation in the Gowers Review of IP. This event will not only give participants the chance to hear Joly’s view of the future from his perspective, but also to interact with a number of his distinguished Board members, who will take part in a panel discussion following Joly’s lecture.

Panelists include **Dame Lynne Brindley**, CEO of the British Library; **Dr Cathy Garner**, CEO of Manchester Knowledge Capital; **Professor John Pickering**, of the Competition Appeal Tribunal; and **Dr Jonathan Spencer** CB, former DG at the Department of Trade and Industry and Constitutional Affairs. **Ian Harvey**, Chairman of the Institute, will chair the panel discussion.

[Unfortunately this event is now oversubscribed.](#)

We are planning to extend the series to include prominent figures from industry and elsewhere (NGOs, for example). If you have a suggestion as to whom we might approach to deliver a future lecture, please let us know!

[STOP PRESS - The date for the lecture by Francis Gurry has been changed from 25 February 2009 to 16 March 2009.](#)

Parody and Copyright – A Comparative Review

The issue of a possible new exception for parody has arisen in the UK following a recommendation in the Gowers Review of IP. Here, the Institute, in partnership with the British Literary and Artistic Copyright Association examines the legal context in which parodies are considered in the UK, Germany and France. Law in the UK and Germany covers parodies within the general principles of copyright and, in particular, within the test of substantiality. On the other hand, France has a specific exception for parody, which is intriguing, given France’s strong protection of moral rights.

Speakers include **Trevor Cook**, Partner, Bird & Bird; **Brigitte Lindner**, Rechtsanwaeltin / Registered European Lawyer, Serle Court; and **Dr Pascal Kamina**, Maître de Conférence des Universités/Avocat a la Cour, Paris. **Guy Tritton** of Hogarth Chambers will Chair the event’s proceedings. Contact Anne for details annegoldstein@btconnect.com

Reforming IP Law: An Obvious and Not-so-obvious Agenda

This is the intriguing title of the 2008 Stephen Stewart Lecture to be delivered by **David Vaver**, Emeritus Professor of Intellectual Property and Information Technology Law at the University of Oxford, and former Director of the IP Research Centre at St Peter's College.

Professor Vaver argues that our IP laws suffer from incoherence. Each - copyright, patents, trade marks, designs etc. - grew up as if hermetically sealed. There is a general purpose to this amorphous body of law: to encourage innovation, creativity and the spread of knowledge, but there is little equation between aspiration and achievement. Professor Vaver will discuss why correcting these deficiencies matters, and he will also suggest that a single integrated code on IP is a project long overdue.

As ever, the event (free of charge) will be hosted by Slaughter and May and Chaired by IP Institute President, **The Rt Hon. Lord Justice Jacob**. Contact Anne for details. annegoldstein@btconnect.com

Research

Building the Brand of IP

As reported in August's newsletter, this week, the Institute will publish a paper By **Dr Roya Ghafele**, (now at Oxford, but previously of Berkeley in the US), which analyses how IP is perceived, and sets out a platform of information on which to base work to address the demonstrably poor image of IP. The publication of the paper will coincide with the launch of a new body, the **IP Brand Development Group**, which aims to identify problems, develop plans and activities to build a brand for IP and improve its reputation on a *global* scale.

The IP Brand Development Group is an initiative of the IP Institute. Participants will be representatives of cross-industry organisations who depend on IP as part of their business model and will be from both large and small companies as well as research institutes. The Group aims to be driven largely by a marketing approach to solving the IP branding challenge.

If you, or your company, wish to get more closely involved with this work, or just to understand more about what we have done already, and what we plan to do, then please get in touch with me directly. ipi@ip-institute.org.uk

The Relationship between IP and Inward Investment – a meta-analysis

The Institute has now initiated this analysis of the growing body of literature which seeks to demonstrate the link (or not) between IP regimes and inward investment in various jurisdictions. Those wishing to study this issue are faced with a plethora of papers and articles of varying quality and credibility. Establishing a reliable and coherent story, based on well found investigation is not easy. Through our researcher, **Kaori Minami** (Clifford Chance), under the guiding hand of IPI Research Director, **Professor Jeremy Phillips**, we are now reviewing current literature and data sets for analysis under a number of criteria which will enable us to identify research which makes the most useful contribution to the state of understanding in this field. Based on the results from this preliminary search and analysis, we will make more targeted investigations in areas of specific interest (business sectors or jurisdictions). We hope that this work will provide a useful methodology for applying such meta-analyses more widely.

The Limits of Compulsory Licensing

The Institute has now started work to examine the history and rationale behind the development of compulsory licensing provisions in international IP law, principally within the Paris Convention and the TRIPs Agreement, and with particular emphasis on the limitations on the imposition of compulsory licences reflected in international law. We will also examine the use of compulsory licences in general and in specific cases; to understand how and why such remedies were used, and to analyse the potential business and economic effects. A general view on the economic rationale for proper limits on compulsory licensing, including the pre-conditions and (FRAND) payment terms for such compulsory licensing, will be put forward.

The Principal Research Team is **Dr Mark Rogers** (Oxford); **Prof. Jeremy Phillips** (Olswang) and **Dr Robert Pitkethly** (Said Business School). We plan to finish the project early next year.

If you would like to find out more about what we are doing in these areas (or in any area not covered here) please get in touch with me directly and I will be pleased to send you details of the projects, and to update you on progress. ipi@ip-institute.org.uk

Feedback

We are always interested to hear about research or events that you would like us to support or promote, and we would particularly like to hear about any IP-related issues that are of significance to you so that we keep our research and events programmes current and relevant. Please email any comments directly to me, ipi@ip-institute.org.uk

Best regards,

A handwritten signature in black ink, appearing to be 'P.A. Leonard', enclosed in a large, loopy oval shape.

Dr P A Leonard
Director
The IP Institute
36 Great Russell Street
London WC1B 3QB

Tel: +44 (0)20 7436 3040
Fax: +44 (0) 20 7323 5312IP
Web: www.ip-institute.org.uk

The IP Institute is a member organisation of the IP Awareness Network www.ipaware.net