

An Update from the Director on the Work of the Institute – November 2009



Chairman's Announcement – Paula Nelson Joins the IPI Board

The Institute is pleased to announce that Paula Nelson QC has agreed to join its Board subject to confirmation at the AGM on December 9th, 2009.

Paula will bring tremendous experience in both IP and international legal affairs to the Institute. Prior to her retirement she was responsible for Nestlé's global IP activities for the Group and Business Units including strategy, litigation and licensing.

Her prior career includes: Schering Health Care Ltd; the RAC; the Ministry of Justice, Borno State, Nigeria; the National Coal Board and The General Electric Company. She has a Law degree from Exeter University and qualified as a barrister in Gray's Inn.

She is a Bencher of Gray's Inn and Senior Advisor to Africa Matters Limited, a business consultancy focused on supporting commercial expansion and development in Africa and established in 1997 by its Chairman, Baroness Lynda Chalker of Wallasey.

Ian Harvey, Chairman

A New Peer Review Panel for the Institute is Established

I am pleased to announce the establishment of a new Peer Review Panel for the Institute, which will assume responsibility for ensuring the quality of the Institute's output in a more formalised manner than has hitherto been the case. The Panel comprises Mr Trevor Cook, Bird & Bird; Professor Lionel Bently, Cambridge University; and Dr Tony Rollins, Merck plc. The IPI Council has agreed that this Panel more than adequately covers the range of knowledge and expertise needed to assess the quality of the Institute's work with considerable authority, bringing insight from the academic, practitioner and user perspectives at the highest level. This move will further strengthen the Institute's reputation as a source of high quality, independent advice in the IP arena, and I am grateful to the Panel for agreeing to support us in this way.

Paediatric Extensions to Supplementary Protection Certificates

Members may remember previous reports concerning a major meeting held by the Institute and hosted by the Dutch Patent Office in The Hague earlier this year, which sought to address a number of legal and regulatory / procedural issues concerning the granting of SPCs for paediatric products. I can now report a positive outcome from this initiative, in the form of the publication of guidelines for the implementation of the compliance statement for completed paediatric investigation plans, PIPs. The next phase will be a further meeting to

agree a common format and content for the end of procedure documentation. The guidelines as they stand are available from the CMDh web site (ref: CMDh/161/2009).

Recent Events

BLACA / IPI Annual Seminar – The Three Step Test: Achieving a Balance

On 21st October the Institute joined BLACA for its annual seminar, kindly hosted by Bird & Bird. Under the chairmanship of Peter Prescott QC, Dr Estelle Derclaye (University of Nottingham), Jonathan Griffiths (Queen Mary, University of London), and Ms Brigitte Lindner (Serle Court) considered the law of the UK, France and Germany, and how case law in each jurisdiction has affected the interpretation of the test. Those present will attest to the quality of the presentations and subsequent debate during a lively evening of discussion. Summary overheads for each of the presentations will soon be available from the IPI web site.

Carl Horton on “The Future of IP”

The Chief IP Counsel for GE Healthcare Biosciences delivered the first view from industry in our high profile lecture series on 29th October. Our hosts for this major event were BATMark: IPI Chairman, Ian Harvey, chaired the proceedings. Carl delivered an outstanding, interactive lecture which made clear the enormous challenges faced by those whose businesses depend upon an effective IP system, in the face of widespread distrust (and even outright opposition) of intellectual property rights. The Institute will be inviting one or two high profile members of the “anti-IP” community to take part in the lecture series in future so that they have a chance to voice their opinions in the interests of balance and fairness! Members not lucky enough to have been there on the night can access Carl’s overheads from the IPI web site: <http://www.ip-institute.org.uk/index.html>

Forthcoming Events

The 2009 Stephen Stewart Lecture – Prof. Lionel Bently on “Secrets and Mysteries: Confidentiality, Fidelity and Restraint of Trade”

Members will by now have received details of this year’s Stephen Stewart Lecture, which will be hosted by Slaughter and May on 24th November, and chaired by The Hon. Mr Justice Arnold. Prof. Bently is one of the UK’s, indeed world’s, foremost authorities on intellectual property law, and in this year’s lecture he will explore three “mysteries” which currently exist in law: the relationship between the duty of confidence and restraint of trade; the relationship between confidence and the duty of fidelity; and the relationship between the duty of fidelity and the doctrine of restraint of trade. Those of you who have heard Lionel talk before will not want to miss this event which is free of charge. If you have not yet done so, I urge you to register as soon as possible: places are already becoming limited. Contact Anne Goldstein at annegoldstein@btconnect.com

Licensing & Collaboration Agreements

Not only will Slaughter and May host the Stephen Stewart Lecture, they will also provide us with an expert speaker for our first seminar in 2010 when Susie Middlemiss will talk on licensing and collaborative agreements, with a focus on biotechnology, on 21st January: our hosts will be GE and further details will soon be forwarded on to you. In the meantime, keep the date in your diaries.

Research

The Enforcement of IP in SMEs

The Institute has been successful in securing the first major project under the research programme currently being pursued by SABIP, the Strategic Advisory Board for IP Policy in the UK. The project, led by Dr Mark Rogers, Prof. Christine Greenhalgh, Dr Robert Pitkethly (all Oxford University) and Prof. Jeremy Phillips (QMUL and Olswang) is now fully underway and the team has just launched major surveys within the SME sector covering patents, trade marks and copyright as part of the first phase of the work. The project is scheduled for completion early next year.

Lookalikes: a Comparative Study on Enforcement Costs and Procedural Issues

The Institute is conducting its own, smaller-scale survey on issues surrounding brand protection from lookalike products in the grocery sector: the work is preliminary in nature and is designed to form the basis for further, in-depth study into a perceived problem for brand owners, particularly in the UK.

IP and its Role in the Development and Dissemination of Environmental Technology

Looking ahead to the Copenhagen summit in December this year, the Institute has been working on a paper to be submitted to policy-makers outlining its views on the role of IP in this crucial technology area. We are concerned that there is a large body of high quality research in this field which is not finding the airtime it deserves among negotiators. We are equally (conversely) concerned that there have been a number of assertions made about the effects of the IP system in this area which are not supported by high quality, independent study. A draft of our paper is currently being considered by an expert panel of IPI Council members along with some external contacts who are assisting us in our deliberations here. A final paper will be issued following approval from the Peer Review Panel (see above).

What's New with You?

We are always keen to understand what IP issues are to the fore among our members so that we can work to address them, either through research or our seminar programme. Please contact us to let us know if there is anything specific from your point of view; we will help in any way we can.

I look forward to hearing from you.

Best regards,



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