



**THE
INTELLECTUAL
PROPERTY
INSTITUTE**

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*Insight, understanding
and progress through
research
2007*

An Introduction from the Director



Dr Paul Leonard, Director

The IP Institute has existed for a quarter of a century, to investigate all aspects of IP law and practice. In particular, the Institute is concerned with promoting a fact-based understanding of how the IP system is working; the effects it is having on business, economics and our society at large. The aims of the Institute are captured in our mission statement:

“We aim to promote awareness and understanding of intellectual property law, and its contribution to economic and social welfare, through high quality, independent research. We aim to provide knowledge and expertise for industry, policy makers, professionals and the general public, in order to foster a legal, social and regulatory climate that supports an innovation-based economy.”

I have had the privilege of managing the Institute for the past six years and in that time the Institute has done an enormous amount to address its stated goals, through an ongoing programme of research and events; timely, relevant and well directed.

The Institute recently carried out a major strategy review. The outcome of the review highlighted a number of major issues, opportunities and challenges facing the Institute. Amongst the most important of these was the need for the Institute to communicate more effectively with its members, and with all those whom it seeks to engage in its work. This brochure will, I hope, serve to respond to that challenge. Here, we set out who we are, what we do and how we go about doing it. Perhaps most importantly, we set out here our “*Research Landscapes*”, our priority research areas.

I truly believe that the work of the Institute is important, and I can think of no-one for whom it has no relevance. It is a fact that, increasingly, the strength of our economy and the basis on which we trade and invest in other countries is dependent upon IP. Whether you are working in a company or making policy decisions within a government department, it is evermore important that you understand how IP works and what its impact really is. From a company point of view, that might mean identifying and valuing your IP more effectively, so that you can manage and exploit it more effectively. From a government standpoint, it might mean that you can deliver policy decisions from a basis of real insight and understanding.

Whatever your interest in IP may be, the Institute is likely to be working on something of direct relevance to you. And if we're not, well get in touch, get involved, and work with us!

A handwritten signature in black ink, appearing to read 'P A Leonard', enclosed within a large, hand-drawn oval. A small period follows the signature.

Dr P A Leonard, Director

What is the IP Institute, and how does it work?

The Institute is a not-for-profit, independent think-tank which is supported by industry, the legal profession and private individuals. We are also supported by government through the Patent Office. Our President is the Rt. Hon. Lord Justice Jacob. We are a registered charity.



Rt. Hon. Lord Justice Jacob.

We are a “*virtual Institute*”: we initiate, promote, co-ordinate, manage and fund research in centres of excellence in the UK and abroad. We use the considerable and diverse expertise available to us through our Board and Council to guide our research programme. Because we receive private funding, we can add considerable value to research grants from public sources. Most importantly, we can bring together experts from academe, industry and the legal profession to address research topics which often require a multi-disciplinary approach. Our research is guided not only by those expert in the law and economics, but also by those that exploit IP rights commercially.

Our Board, under the Chairmanship of Ian Harvey, is the body with executive responsibility for the strategic and financial management of the Institute.



Ian Harvey, Chairman of the Board

Our Council provides the Institute with expert advice and guidance, at a very senior level, from all areas of the IP community. The Council's main role is to inform and develop our programmes of research and events. It is the breadth and depth of the Council's expertise that gives the Institute its considerable authority in its work, and which provides us with the ability to bring together multi-disciplinary teams around complex legal, economic and social problems.

Landscape Research Proposals 2006 / '07

Each year the Institute establishes its major priority areas for research, based primarily on discussions within the Council but, of course, we act on good advice from all quarters. These are set out as research landscapes and left deliberately broad so that we can

develop specific projects in each area as we see fit. We currently have five main areas of research, below, each overseen by an IP Institute Research Director who helps us to identify and pursue specific projects in their particular field.

1. Addressing Fragmented and Cumbersome IP Systems in Europe



Professor Michael Blakeney, Research Director

IP law and regulation is fragmented in Europe, causing uncertainty, excessive costs and numerous other problems for IP users and policy makers in the region. The Institute is pursuing a variety of research projects that will address some of these issues. For example, by providing basic data sets for patent litigation (numbers filed, which areas, which jurisdictions, how many litigated, success rates, costs etc.). We will also carry out projects that will underpin the effective development of the European Patent Litigation Agreement (EPLA); investigating the procedural means available in the EU of protecting against litigation: e.g. gauge the extent to which there is EU harmonisation on declarations of non-infringement.

We will carry out research to provide evidence as to where, and how, the IP system in Europe is fragmented, and to gauge the costs to business of such an IP system in Europe.

We will pursue research to establish whether measures such as the London Agreement, the EPLA and the EU Enforcement Directive will be effective measures to address a fragmented IP system in Europe.

2. Enforcement, Cost-Reduction and Accessibility



Dr Puay Tang, Research Director

The effective enforcement of IP rights, the costs associated with such enforcement and the subsequent access to “IP justice”, are significant issues for the IP system and, indeed, its credibility. We will seek to build on our knowledge from previous research gauging the social and economic effects of counterfeiting.

We will also look to carry out a number of research projects addressing specific issues under the EU Enforcement Directive, and to examine the efficacy of current methods of digital rights management, determining and promoting best practice, for example.

3. **The IP / Innovation Link**



Dr Jeremy Phillips, Research Director

We will investigate, for example, the value within Europe of supplementary protection certificates (SPCs): how many have been granted, how many have been enforced, and have they achieved their stated purpose? Additional work could include a comparative assessment of the efficacy of the SPC *cf.* provisions in the US.

We will aim to carry out a number of projects looking at the efficacy of the IP system generally to promote and foster creativity and innovation. In other words, seek to establish a platform of real understanding about how the IP system actually works to achieve its stated (or notional) goals.

4. **IP and Competition**



Professor Stefan Szymanski, Research Director

We will seek to examine the interface (and tensions) between IP and competition law, particularly the effects of Articles 81 and 82 of the Treaty on the exercising of IP rights.

We will establish research to gauge the social and economic effects of parallel trade and / or the exhaustion of IP rights, including, for example, an assessment of the impact of allowing exhaustion within the EU.

5. China Programme



Dr Victoria Wang, Research Director

In response to the dramatic rise in China's economy, and the significant emphasis that we and, indeed, China have placed on the role of IP rights in trade and investment in the region, the Institute is working with the UK and Chinese governments to establish a programme of research and events aimed at promoting mutual awareness and understanding across a broad range of IP issues.

In the first instance, we are pursuing research to establish basic data sets, providing intelligence on trends in IP protection (patent filing by country, sector, technology area etc.) and enforcement (success and failure rates in various jurisdictions etc.). We will carry out research to investigate any and all aspects of IP in China and, in particular, its role in fostering beneficial trade relations with China in the future. We aim to build on training that we have already delivered

for Chinese business people on the strategic management and exploitation of IP.

When considering individual research projects, we will apply four overriding criteria to gauge the suitability for inclusion in our forward programme.

These criteria are:

The relevance to our stakeholders (business and policy, see below)

The potential to extract value from the results

The fit with one of the research themes

The likelihood of gaining funding

Our Stakeholders (and what we aim to deliver for them)

For IP professionals, we provide research-based intelligence and information on IP-related issues that affect clients' competitiveness. We raise awareness of such issues among IP users, and we provide a platform of independent research information on which to base legal decisions. Again, we provide a forum for networking with industrialists, fellow legal professionals, academics and IP practitioners.

For industry, we provide research-based intelligence and information on IP-related issues that affect companies' competitiveness. Through our publications and events, we raise awareness of IP-related issues among companies, and we provide a platform of independent research intelligence on which to base industrial representation to policy makers. Importantly, we provide a forum for networking with fellow industrialists, the legal profession (including the judiciary), academics and IP practitioners.

For academe, we provide a link to industry and the legal profession to inform research programmes, as well as identifying and helping

define research proposals, and securing funding. We provide a forum for independent, multidisciplinary research, especially between legal and economic experts, and we are in a position to increase the profile and impact of research results.

For government, we provide input to formulate policy in the IP, trade and competitiveness agendas, through the provision of relevant, independent and timely academic research, and to establish a forum for networking with IP users, professionals and academics. The Institute's work in identifying relevant research topics and identifying specific research expertise provides a mechanism to promote the effective use of government research funds.

For the general public, we provide information on IP law and raise awareness of IP-related issues, promoting informed debate on such issues where they are in the general public interest.

Disseminating Information and Promoting Debate

The IP Institute provides an important forum for information and debate. We have a rolling programme of events which address all aspects of our work.

The nature of our events ranges from small seminars disseminating technical information on specific points of law, to major conferences addressing the wider issues of social and economic policy and regulation where IP law is a factor. We also disseminate the results of our work through publications, research papers, seminar reports and books covering an extremely wide range of topics.

For up-to-date information on our programme of events, and a full list of our publications, please visit our web site at www.ip-institute.org.uk

The IP Quarterly

This is our flagship journal, edited by Professor Margaret Llewelyn who leads a distinguished Editorial Board.



Professor Margaret Llewelyn, Editor, IP Quarterly

The journal reflects the Institute's emphasis on high quality research that is relevant to our stakeholders; policy makers, practitioners, academics and IP users. As the name suggests, we publish four editions yearly. (You can sample the IP Quarterly from our web site.)

The Stephen Stewart Memorial Lecture

This prestigious lecture is held annually in London, hosted by a leading law firm. The lecture is given by an eminent figure on a topic of current interest, and it is open to all. The lecture is followed by a question and answer session, chaired by an IP Institute Council member (traditionally, a judge).

The IP Forum

This annual or biannual one-day event aims to promote communication and debate, particularly between the IP and economics communities. The Institute holds each IP Forum in association with a leading academic research centre, which helps to establish the Forum agenda and compile the programme. Its founder, Lord Justice Jacob, usually chairs the Forum.

Seminars

The Institute holds regular seminars on a wide range of IP topics, intended to disseminate the Institute's research, or promote awareness, understanding and debate on a topical issue. The seminar programme includes an annual event held in association with the British Literary and Artistic Copyright Association (BLACA).

The International IP Mooting Competition

The Oxford Intellectual Property Research Centre at St Peter's College holds an Annual International IP Mooting Competition, a truly unique event. This is now a major feature of the IP calendar, attracting the highest possible calibre of judges and contestants. The Institute has been proud to be associated with this prestigious annual event.

Get Involved and Join Us

Intellectual property concerns everyone. It is hard to conceive of any commercial activity that does not, to some extent, depend upon its use and exploitation. Naturally, the creative industries (e.g. music, publishing, films etc.), those that depend heavily on brands (a host of retail and consumer-focused businesses) and high technology sectors

(pharmaceuticals, biotechnology, chemicals, software etc.), have an obvious and strong dependence upon IP for their competitiveness. Perhaps less obvious is the fact that every consumer is affected by the issues the Institute pursues.

We enjoy the support, advice and expertise of a number of organisations and individuals that comprise our membership. We would like to widen this resource base significantly, to ensure that we are addressing the right issues, and to enable us to pursue them in a timely and effective manner.

You can join the Institute either as an individual, or on a company basis (which confers membership status to all of your employees). The benefits of membership include:

- *Access to all of our lectures, seminars and events at members' rates (or free of charge)*
- *Access to all of our publications at members' rates (or free of charge)*
- *An influence on our research programme*
- *An influence on our events programme*
- *Exceptional networking opportunities*
- *The knowledge that you are making a difference in this important field*



Anne Goldstein, Administrator and
Sue Hanstead, Finance

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