

## **Newsflash: Gowers Review of Intellectual Property published today**

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### **No need for a "radical overhaul" of the UK IP framework**

In his report on the UK intellectual property framework published today Andrew Gowers emphasised the increasing importance of knowledge capital for advanced economies such as the UK. "Against this backdrop" IP rights, which protect the value of creative ideas, are "more vital than ever", he said.

Mr Gowers was appointed by the Treasury at the end of last year to carry out a review of the UK's intellectual property framework. The review had an extremely wide scope, examining whether improvements can be made to any aspect of the UK's IP framework. He reported today as part of the Chancellor's pre-budget review. In summary Mr Gowers felt that the system was basically sound though there is some scope for reform.

The recommendations include:

#### **Copyright**

- A new limited private copying exception allowing format shifting - for example the copying of songs from CD to MP3. The exception would only apply to works published after the date on which the law comes into effect.
- Making it easier to complain where digital rights management systems prevent users from taking advantage of copyright exceptions.
- No extension of the length of protection for sound recordings and performers' rights (currently 50 years).
- Increasing the criminal penalties for online copyright infringement to a maximum of 10 years imprisonment - this will make the penalties for online and physical infringement the same.
- New powers and duties for Trading Standards officers to take action against copyright infringement .
- An extra copyright exception covering caricature, parody and pastiche.
- An extra copyright exception for "creative, transformative or derivative works" - this would allow an artist to borrow snippets from an earlier work - as in hip hop.
- Provisions facilitating the use of "orphan" copyright works - where the author cannot be found. These include a voluntary system of registration for copyright to facilitate searches for the authors of copyright works.
- Amending the copyright exceptions to allow libraries to format shift archival copies and to take copies for archival purposes.

#### **Patents**

- No patents on "pure" software or business methods. Gowers recommends that the current UK position should be retained - whereby such patents are only available if the invention has a "technical effect".
  - Clarification of the research exception to make it easier to experiment, innovate and educate.
  - Support for the Community Patent - a single patent covering the whole of the European Union.
  - In addition to the Community Patent, support for the European Patent Litigation Agreement - a central European Patent Court.
  - An accelerated grant process.
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## Trade marks

- Fast track registration for trade marks.

## General

- A consultation on the use of civil damages as a deterrent to IP infringement.
- Establishment of a new Strategic Advisory Board for IP policy, covering the full range of IP rights, reporting to the minister responsible, by 2007.
- Change the name of the UK Patent Office to the UK Intellectual Property Office.

Some of these recommendations would require changes to European Union law.

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