

EIP

IP Enforcement 2020: The UK Government's new strategies

This month, the UK Intellectual Property Office (UKIPO) has published the UK Government's plans "to keep pace with the challenges and opportunities that lie ahead" in IP enforcement. The document – entitled "IP Enforcement 2020" – sets out the long-term goals and strategies intended to be adopted, along with an in-depth statement of strategic pledges and specific practical measures.

The UK is a recognised leader as a jurisdiction for IP enforcement: The Global Innovation Index (GII) ranks the UK highest worldwide in that category, and the US Chamber of Commerce ranks the UK as at the top of the EU (and globally, second only to the USA itself). In London, the Metropolitan Police has a sophisticated unit specifically targeting IP crime and counterfeiting, which has been increasingly successful in recent years.

Strategy and proposals

The document identifies six key areas and proposals for development.

- **1. Reducing the level of illegal content online:** The organic growth of the internet has raised many challenges for IP owners, particularly in copyright-focused industries. And the internet is agile – sites can be taken down, brought up, and hosting can be switched from country to country in just a few clicks. The focus of the proposal is for agile, swift enforcement measures that are also dealt with clearly and fairly.
- **2. Tackling the trade in counterfeit goods:** Londoners will be familiar with the dense Camden clothing markets, which are a known operating ground for counterfeiters. The Government proposal uses this as its example of an area needing specific action: controlling counterfeit goods by working with international

organisations and encouraging cooperation between them.

- **3. Strengthening the legal framework:** The goal here is to improve access to justice by giving guidance on navigating the court systems – which can be prohibitively difficult for small businesses. This includes emphasis on use of the dedicated IP small claims track.
- **4. Increasing education, awareness and building respect for IP:** The government will continue to support educational activities including provision of training, masterclasses, and continued delivery of funded IP Audits.
- **5. Increasing international engagement:** Whereas the above goals are inward-facing (UK only) this is an outward goal to make it safer for UK rights holders and businesses to trade internationally. The strategy focuses on training, and on engaging with overseas bodies. Examples included the UK Government's training work with law enforcement in India, combatting low awareness among law enforcement.
- **6. Improving the evidence base for IP enforcement policy:** The government has pledged to develop and publish a comprehensive "scoreboard" of annual data on infringements, outcomes of enforcement activity and estimates of economic impact.

If it achieves its aims, this last point is among the most exciting for IP owners: publishing data on the success of various enforcement strategies could be invaluable when deciding what steps to take in response to infringement. Currently, transparent analytics are hard to come by, or impossible, which can make it difficult to compare legal enforcement options.

Wider goals?

The Minister for Intellectual Property Baroness Neville-Rolfe said "What is vital is that we take this privileged position and build upon it the challenge is to keep up the momentum we have, bring others in the UK, Europe and further afield along with us, and ensure that we continue to improve the outlook for the UK, for creators of all kinds, and for those looking to invest in the UK."

These strategy points, therefore, may well be part of a wider economic goal. For example, the Government has also recently called for comments in relation to restrictive covenants – contractual terms that limit employees from leaving their employment and setting up new businesses that may be in competition with their previous employer. The goal appears to be to encourage new and developing business by freeing up such restrictions, and maintaining the solid IP landscape to allow those businesses to flourish and capitalise on their ideas.

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