Dear Charlotte

Thank you for the letter dated 9 April sent on behalf of the leaders of UK representative bodies in the intellectual property sector. I recognise the important contributions your organisations make to the intellectual property landscape in the UK, and the value they provide to the wider innovative and creative economies. I welcome the opportunity to engage with you on the important matters you raise, which I address below:

As the Prime Minister has set out, as the transition period comes to an end, the most important objective – in all policy areas, including intellectual property – is for the UK to have genuine economic and political independence. As we achieve that, I am keen to ensure the UK’s world leading intellectual property environment is maintained.

The Government's ambition is to achieve a Free Trade Agreement with the European Union that is grounded in precedent. The FTA should include an IP chapter that ensures stability through securing mutual assurances to provide high standards of protection for IP rights, including registered IP rights, as well as the unregistered.

On the issue of not making UK undertakings more difficult or costly, the Government intends to maintain the UK's strong protection and enforcement regime. This includes ensuring that the UK system provides for effective, proportionate and accessible enforcement of IP rights. The UK has always been focused on ensuring that justice is accessible for creators and rights holders of all sizes. We will continue to focus on this as the UK framework develops after the transition period.

Cooperation on enforcement of IP rights is essential to tackle the global problem of counterfeiting. The Government plans to maintain close links and collaboration on enforcement of IP rights with international partners to address the multiple and growing challenges posed by IP infringement. Should there be any substantive policy changes, we will of course consider the input of all stakeholders on this important issue as we would during normal policy development.

The Government recognises the importance of the UK continuing to be party to the EPC. The Government notes that there are clear benefits for countries seeking a trade agreement with the UK to have access to patent protection in the UK and other EPC parties through the European Patent Organisation (EPO). Therefore, we are
seeking patents provisions in future trade agreements that are consistent with the UK’s existing international obligations, including the European Patent Convention (EPC), to which the UK is party.

The Government is considering its position on exhaustion of IP rights. We understand that many stakeholders have told the IPO that they believe maintaining the status quo is desirable. What happens after the transition period will be the subject of discussions between the UK and the EU, but ultimately for the UK Government to decide based on analysis and consultation. We will ensure you are informed of any consultation on this issue.

The UK will not be seeking to participate in the Unified Patent Court system. Participating in a court that applies EU law and is bound by the CJEU would be inconsistent with the Government’s aim of the UK becoming an independent self-governing nation. The future of the UPC is up to the remaining states to decide.

Your suggestion of a meeting is a welcome one, and I look forward to doing so as soon as the Covid-19 situation resolves, and diary commitments allow.

Yours ever,

[Signature]

AMANDA SOLLOWAY MP
Parliamentary Under Secretary of State - Minister for Science, Research and Innovation