



House of Commons

NOTICES OF AMENDMENTS

given on

Thursday 23 January 2014

*For other Amendment(s) see the following page(s):
Intellectual Property Bill [Lords] Committee 1 and 3*

PUBLIC BILL COMMITTEE

INTELLECTUAL PROPERTY BILL [LORDS]

RESOLUTION OF THE PROGRAMMING SUB-COMMITTEE

The Programming Sub-Committee appointed by the Speaker in respect of the Bill agreed the following Resolution at its meeting on Thursday 23 January (Standing Order No. 83C):

That—

- (1) the Committee shall (in addition to its first meeting at 8.55 am on Tuesday 28 January) meet—
 - (a) at 2.00 pm on Tuesday 28 January;
 - (b) at 11.30 am and 2.00 pm on Thursday 30 January;
- (2) the proceedings shall be taken in the following order: Clauses 1 to 12; Clauses 14 to 19; Schedule; Clauses 21 to 24; Clause 13; Clause 20; new Clauses; new Schedules; remaining proceedings on the Bill.
- (3) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 30 January.

Mr David Willetts has given notice of his intention to move a motion in the terms of the Resolution of the Programming Sub-Committee (Standing Order No. 83C).

Mr David Willetts

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

Iain Wright

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Clause 1, page 1, line 15, at end insert—

- (5) The Secretary of State will, within a period of 12 months of the Act coming into force, undertake a review as to how the provisions within this section have—

Intellectual Property Bill [*Lords*], *continued*

- (a) contributed to the advancement of the design industry in the United Kingdom; and
 - (b) helped to harmonise unregistered design rights between the UK and unregistered Community design right.
- (6) The Secretary of State will report the findings of his review to both Houses of Parliament.’.

Iain Wright

- 16**
- Clause 1, page 1, line 12, leave out from ‘insert’ to end of line 13 and insert—
‘in this section “qualifying country” means—
(i) the United Kingdom; and
(ii) another member state of the European Economic Area.’.

Iain Wright

- 17**
- Clause 2, page 2, line 31, at end insert—
‘(iii) this act has been in force for at least six months.’.

Iain Wright

- 18**
- Clause 2, page 2, line 31, at end insert—
‘(4) For section 259 of the Copyright, Designs and Patents Act 1988 (joint designs) substitute—
“Joint designs
(1) Where two or more persons have jointly developed a design, design right shall vest in them jointly.
(2) Where two or more persons are proprietors of unregistered design right or community unregistered design right, subject to the provisions of this section and subject to any agreement to the contrary—
(a) each of them shall be entitled, by himself or his agents, to do in respect of the design concerned, for his own benefit and without the consent of or the need to account to the other or others, any act which would apart from this subsection, amount to an infringement of the design right concerned; and
(b) any such act shall not amount to an infringement of the design right or unregistered community design right concerned.
(3) Subject to any agreement for the time being in force, where two or more persons are proprietors of design right or unregistered community design right one of them shall not without the consent of the other or others grant a licence under the design right or assign or mortgage a share in the design right or in Scotland cause or permit security to be granted over it.
(4) Where an article is disposed of by any of two or more proprietors of unregistered design right to any person, that person and any other person claiming through him shall be entitled to deal with the article in the same way as if it had been disposed of by a sole proprietor.’.’.

Intellectual Property Bill [*Lords*], *continued*

- Iain Wright 19
Clause 3, page 2, line 42, leave out ‘a person’ and insert ‘A Body Corporate formed under the law of a qualifying country’.
- Iain Wright 20
Clause 5, page 4, line 7, at end insert—
‘(2A) In subsection (1), after paragraph (a) insert—
“(aa) in pursuance of an assignment or licence made or granted by a person who is the proprietor of unregistered design right or unregistered Community design right in a corresponding unregistered design or unregistered Community Design.”.’
- Iain Wright 21
Clause 8, page 6, line 6, at end insert—
‘(3) The Secretary of State will, within six months of the Act coming into force, report to both Houses of Parliament on plans to publicise changes to the law introduced under this provision with the objective to educate holders of design rights.’.
- Iain Wright 22
Clause 9, page 6, leave out subsection (5).
- Iain Wright 23
Clause 10, page 7, line 19, at end insert ‘or the Patents County Court’.
- Iain Wright 24
Clause 11, page 9, leave out lines 30 to 35.
- Iain Wright 25
Clause 13, page 11, line 27, leave out ‘and’ and insert—
‘(ia) knowing that, or being reckless as to whether, making the product is an infringement of the registered design, and’.
- Iain Wright 26
Clause 13, page 11, line 35, leave out ‘uses’ and insert ‘sells’.
- Iain Wright 27
Clause 13, page 11, line 39, after ‘so’, insert ‘deliberately’.
- Iain Wright 28
Clause 13, page 11, line 42, at end insert—

Intellectual Property Bill [*Lords*], *continued*

- (ia) the person does so knowing that, or being reckless as to whether offering putting on the market, importing, exporting or selling of the product is an infringement of the registered design.’

Iain Wright

29

- Clause 13, page 12, leave out line 6 and insert—
 ‘(a) reasonably believed that the registered design was not infringed.’

Iain Wright

30

- Clause 13, page 12, leave out line 7.

Iain Wright

31

- Clause 13, page 12, line 13, at end insert—
 ‘(7A) In this section “design right” includes an unregistered community design and a reference to the owner of the design right is also to be read as a reference to the owner of a community design right in a design.’

Iain Wright

32

- Clause 16, page 16, line 24, leave out subsection (4).

Iain Wright

33

- Clause 20, page 18, line 15, leave out ‘obtained in the’ and insert ‘created or obtained in the planning of’.

Iain Wright

34

- Clause 21, page 19, line 1, after ‘to’, insert ‘job creation and’.

Iain Wright

35

- Clause 21, page 19, line 6, leave out ‘and’ and insert—
 ‘(iii) an assessment of the degree of online copyright infringement and the extent to which identified search engines and other internet services facilitate this, and’.

Iain Wright

36

- Clause 21, page 19, line 10, at end insert—
 ‘(2) The Secretary of State must make a statement to both Houses of Parliament detailing the findings of the report referred to in subsection (1) and what actions he intends to take as result of any recommendations of the report.’

Director General of Intellectual Property Rights

Iain Wright

NC1

To move the following Clause:—

Intellectual Property Bill [Lords], continued

- (1) The Copyright, Designs and Patents Act 1988 is amended as follows:
 (2) In Part VII (miscellaneous and general) at the beginning insert—

“295A Director General of Intellectual Property Rights

- (1) The Secretary of State shall appoint an officer to be known as the Director General of Intellectual Property Rights (“the Director General”).
- (2) The Director General has a duty to—
- (a) promote the creation of new intellectual property,
 - (b) protect and promote the interests of UK intellectual property rights holders,
 - (c) co-ordinate effective enforcement of UK intellectual property rights, and
 - (d) educate consumers on the nature and value of intellectual property.
- (3) In performing those duties, the Director General must also have regard to the desirability of—
- (a) promoting the importance of intellectual property in the UK,
 - (b) encouraging investment and innovation in new UK intellectual property, and
 - (c) protecting intellectual property against infringement of rights.”’.

Future of intellectual property

Iain Wright

NC2

To move the following Clause:—

- (1) Subordinate legislation to implement the government’s policy statement entitled “Modernising Copyright” published in December 2012 will not be brought forward until the Secretary of State has published, and laid before both Houses of Parliament, a report setting out the government’s long term plans for the future of intellectual property in the United Kingdom.’.

Online copyright infringements: technology companies

Iain Wright

NC3

To move the following Clause:—

- (1) The Secretary of State will, within three months of this Act coming into force, report to both Houses of Parliament on proposals that will have the purpose of ensuring technology companies hinder access via the internet to copyright infringing material.’.

Intellectual Property Bill [*Lords*], *continued**Copyright in broadcast*

Iain Wright

NC4

To move the following Clause:—

- (1) The Secretary of State will, within six months of the commencement of the Act, bring forward a report to both Houses of Parliament outlining his view as to whether section 73 of the Copyright, Designs and Patents Act 1988 (reception and re-transmission of wireless broadcast by cable) is still applicable in today's broadcasting medium, and what further changes to legislation he plans to make in the light of his review.'
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