



House of Commons

Thursday 30 January 2014

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

INTELLECTUAL PROPERTY BILL [*LORDS*]

- David Willetts 6
- Clause 13, page 11, line 22, after ‘person’ insert ‘intentionally’.
- David Willetts 7
- Clause 13, page 11, line 23, leave out ‘exactly or substantially to that design’ and insert ‘—
- (i) exactly to that design, or
 - (ii) with features that differ only in immaterial details from that design’.
- 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’.
- David Willetts 8
- Clause 13, page 11, line 31, after ‘been’ insert ‘intentionally’.
- David Willetts 9
- Clause 13, page 11, line 31, leave out from ‘product’ to end of line 32 and insert ‘—
- (a) exactly to the design, or
 - (b) with features that differ only in immaterial details from the design.’.
- Iain Wright 26
- Clause 13, page 11, line 35, leave out ‘uses’ and insert ‘sells’.

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

Iain Wright		27
Clause 13, page 11, line 39, after ‘so’, insert ‘deliberately’.		
David Willetts		10
Clause 13, page 11, line 40, after ‘been’ insert ‘intentionally’.		
David Willetts		11
Clause 13, page 11, line 42, leave out ‘or substantially to the design’ and insert ‘to the design or with features that differ only in immaterial details from the design’.		
Iain Wright		28
Clause 13, page 11, line 42, at end insert—		
(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.’.		
David Willetts		12
Clause 13, page 13, line 1, leave out ‘or substantially to a registered design’ and insert ‘to a registered design, or with features that differ only in immaterial details from a registered design,’.		
David Willetts		13
Clause 13, page 13, line 2, at end insert “intentionally”.		
David Willetts		14
Clause 13, page 13, line 4, at end insert ‘intentionally’.		

Intellectual Property Bill [Lords], continued

Dr Julian Huppert

Clause 20, page 18, line 15, after ‘information’, insert ‘created or’.

1

Iain Wright

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

33

Dr Julian Huppert

Clause 20, page 18, line 15, after ‘the’, insert ‘planning of’.

2

NEW CLAUSES
Director General of Intellectual Property Rights

Iain Wright

NC1

To move the following Clause:—

- ‘(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.”’.

Intellectual Property Bill [*Lords*], *continued**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.’
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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.’
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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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Intellectual Property Bill [*Lords*], *continued*
Criminal liability

Mr Iain Wright

NC5

To move the following Clause:—

- (1) The Copyright, Designs and Patents Act 1988 is amended as follows.
 - (2) In section 107(4A)(b) (criminal liability for making or dealing with infringing articles, etc) for “two” substitute “ten”.
 - (3) In section 198(5A)(b) (criminal liability for making, dealing with or using illicit recordings) for “two” substitute “ten”.
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Lookalikes

Mr Iain Wright

NC6

To move the following Clause:—

- (1) A person (“A”) shall not, in relation to any goods or services, use any features of packaging, marking, labelling or decoration in such a way that the public is likely to attribute to A’s goods or services the reputation of another person (“B”) or the qualities or reputation of B’s goods or services.
 - (2) For the purposes of subsection (1) it is immaterial whether there is any similarity between the goods or services of A and those of B.
 - (3) Subsection (1) shall not apply to features of packaging, marking, labelling or decoration that are commonplace.’
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ORDER OF THE HOUSE [20 JANUARY 2014]

That the following provisions shall apply to the Intellectual Property Bill [*Lords*]:*Committal*

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 30 January 2014.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion two hours after the commencement of the proceedings.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion three hours after the commencement of proceedings on Consideration.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

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

7. Any other proceedings on the Bill (including any proceedings on consideration of any message from the Lords) may be programmed.
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ORDER OF THE COMMITTEE [28 JANUARY 2014]

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.
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