



House of Commons

Tuesday 28 January 2014

PUBLIC BILL COMMITTEE PROCEEDINGS

INTELLECTUAL PROPERTY BILL [*LORDS*]

[*FIRST AND SECOND SITTINGS*]

Agreed to

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.

Agreed to

Iain Wright

Withdrawn 16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.’.

Intellectual Property Bill [Lords], continued

Iain Wright

Not called 15

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—
- (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.’.

Clause agreed to.

Iain Wright

Withdrawn 17

Clause 2, page 2, line 31, at end insert—

- ‘(iii) this act has been in force for at least six months.’.

Iain Wright

Withdrawn 18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

Clause agreed to.

David Willetts

Agreed to 3

Clause 3, page 2, line 33, leave out subsection (1).

David Willetts

Agreed to 4

Clause 3, page 2, leave out lines 42 to 44 and insert—

- ‘(b) a body corporate or other body having legal personality which—
- (i) is formed under the law of a part of the United Kingdom or another qualifying country, and
 - (ii) has in any qualifying country a place of business at which substantial business activity is carried on.’.

Iain Wright

Not called 19

Clause 3, page 2, line 42, leave out ‘a person’ and insert ‘A Body Corporate formed under the law of a qualifying country’.

David Willetts

Agreed to 5

Clause 3, page 3, leave out lines 7 and 8 and insert—

- ‘(a) in subsection (1)(a), omit “who is exclusively authorised to put such articles on the market in the United Kingdom”,
- (b) in subsection (2), for “requirements” substitute “requirement”,
- (c) in subsection (3), for “those requirements” substitute “that requirement”, and
- (d) omit subsection (4).’.

Clause, as amended, agreed to.

Clause 4 agreed to.

Iain Wright

Withdrawn 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.”.’

Clause agreed to.

Clause 6 agreed to.

Intellectual Property Bill [Lords], continued

Clause 7 agreed to.

Iain Wright

Withdrawn 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.’.

Clause agreed to.

Iain Wright

Withdrawn 22

Clause 9, page 6, leave out subsection (5).

Clause agreed to.

Iain Wright

Withdrawn 23

Clause 10, page 7, line 19, at end insert ‘or the Patents County Court’.

Clause agreed to.

Iain Wright

Withdrawn 24

Clause 11, page 9, leave out lines 30 to 35.

Clause agreed to.

Clause 12 agreed to.

Clauses 14 and 15 agreed to.

Iain Wright

Withdrawn 32

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

Intellectual Property Bill [Lords], continued

Clause agreed to.

Pete Wishart

Not selected 37

☆ Clause 17, page 17, line 14, at end insert—

‘(3A) In making an order under this section which confers jurisdiction on a court, removes jurisdiction from a court or varies the jurisdiction of a court, the Secretary of State shall—

(a) ensure he takes into account the views of—

- (i) HM Courts & Tribunals Service;
- (ii) The Scottish Courts Services;
- (iii) The Northern Ireland Courts and Tribunals Service; and
- (iv) any other appropriate body;

and

(b) where the number of patent cases is such as to meet the requirements as set out in Article 7 of the Agreement on a Unified Patent Court, to confer local divisional court jurisdiction on—

- (i) in England and Wales, the High Court;
- (ii) in Scotland, the Court of Session; and
- (iii) in Northern Ireland, the High Court.’

Clause agreed to.

Clause 18 and 19 agreed to.

Schedule agreed to.

Iain Wright

Withdrawn 34

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

Iain Wright

Negated on division 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

Not called 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.’

Clause agreed to.

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

Clause 22 agreed to.

Clauses 23 and 24 agreed to.

[Adjourned until Thursday at 11.30 am