



# House of Commons

Thursday 30 January 2014

## PUBLIC BILL COMMITTEE PROCEEDINGS

---

### INTELLECTUAL PROPERTY BILL [*LORDS*]

[*THIRD AND FOURTH SITTINGS*]

---

David Willetts

Clause 13, page 11, line 22, after 'person' insert 'intentionally'. *Agreed to 6*

David Willetts

Clause 13, page 11, line 23, leave out 'exactly or substantially to that design' and insert— *Agreed to 7*

- (i) exactly to that design, or
- (ii) with features that differ only in immaterial details from that design'.

Iain Wright

Clause 13, page 11, line 27, leave out 'and' and insert— *Negated on division 25*

'(ia) knowing that, or being reckless as to whether, making the product is an infringement of the registered design, and'.

David Willetts

Clause 13, page 11, line 31, after 'been' insert 'intentionally'. *Agreed to 8*

David Willetts

Clause 13, page 11, line 31, leave out from 'product' to end of line 32 and insert— *Agreed to 9*

- (a) exactly to the design, or
- (b) with features that differ only in immaterial details from the design.'

Iain Wright

Clause 13, page 11, line 35, leave out 'uses' and insert 'sells'. *Not called 26*

---

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

Iain Wright

*Negatived on division* 27

Clause 13, page 11, line 39, after ‘so’, insert ‘deliberately’.

David Willetts

*Agreed to* 10

Clause 13, page 11, line 40, after ‘been’ insert ‘intentionally’.

David Willetts

*Agreed to* 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

*Negatived on division* 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

*Not called* 29

Clause 13, page 12, leave out line 6 and insert—

‘(a) reasonably believed that the registered design was not infringed.’

Iain Wright

*Not called* 30

Clause 13, page 12, leave out line 7.

Iain Wright

*Withdrawn* 31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

*Agreed to* 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

*Agreed to* 13

Clause 13, page 13, line 2, at end insert “intentionally”.

David Willetts

*Agreed to* 14

Clause 13, page 13, line 4, at end insert ‘intentionally’.

---

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

*Clause, as amended, agreed to.*

---

Dr Julian Huppert

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

*Not selected* 1

Iain Wright

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

*Withdrawn* 33

Dr Julian Huppert

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

*Not selected* 2

*Clause agreed to.*

---

*NEW CLAUSES*

*Director General of Intellectual Property Rights*

Iain Wright

To move the following Clause:—

*Withdrawn* NC1

- ‘(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

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

- (c) protecting intellectual property against infringement of rights.’.’.
- 

*Future of intellectual property*

Iain Wright

*Withdrawn 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

*Not called 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.’.
- 

*Copyright in broadcast*

Iain Wright

*Withdrawn 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.’.
-

---

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

*Criminal liability*

Mr Iain Wright

*Withdrawn* 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”.

---

*Lookalikes*

Mr Iain Wright

*Withdrawn* 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.’

*Bill, as amended, to be reported.*

---