

- Complex sources of funding for research over a long period of time – $\Delta C > 0$
- Funders of research are increasingly conscious of IP and impose terms which need to be reconciled
- Creates a delay for university technology transfer offices
- Delays or blocks academic collaborations
- Is the balance right?

Dr Phil Clare. Associate Director, Research Services, University of Oxford

Drafting Patent Specifications

Paul Cole

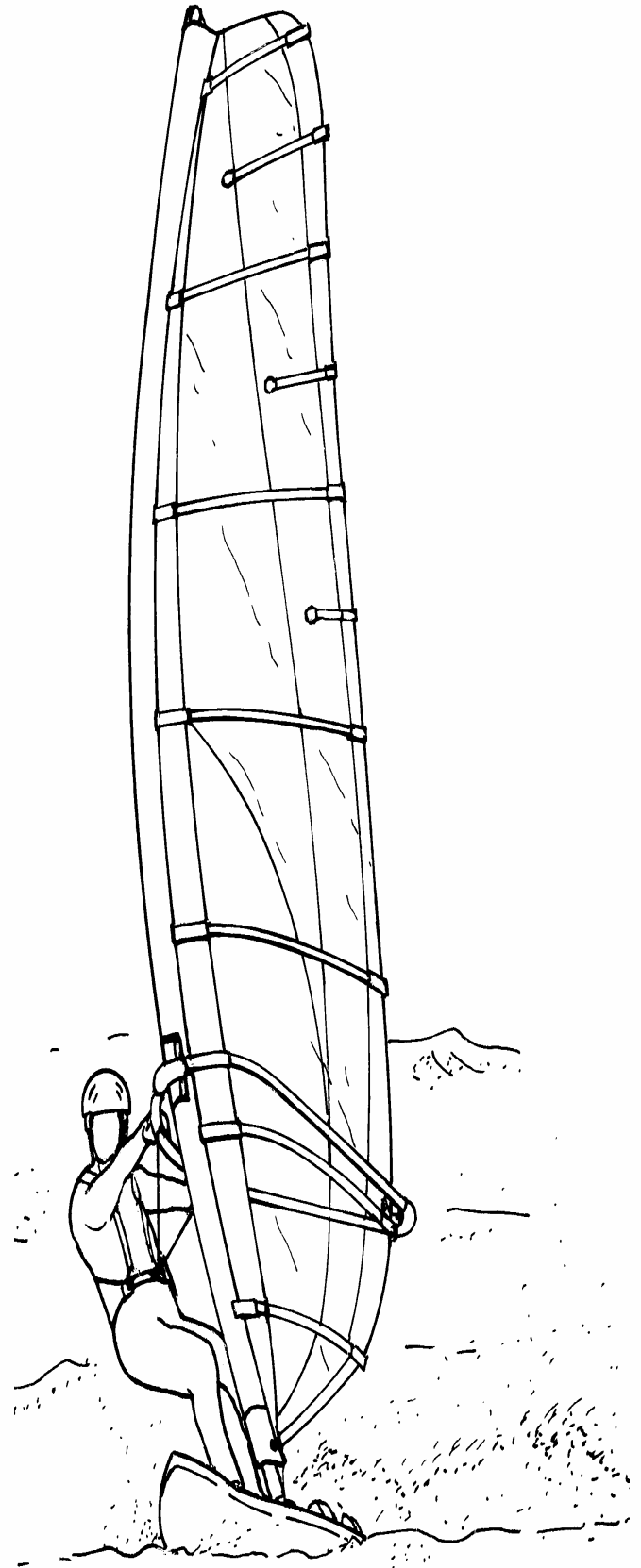
The aim of Paul Cole's research is to arrive at an approach to the drafting of patent specifications that is:

Legally compliant (based on statute law and jurisprudence of principal countries)

Practical (i.e. helpful to ordinary practitioners in everyday situations)

Consistent over a wide range of technologies and factual situations.

Although patent law is studied in universities in UK, US and continental Europe, there is surprisingly little research into this topic, which is of importance to the patent profession and to its clients on a daily basis. Judicial decisions give practical guidance which is often poorly recognized and it is an aim of this research to use judicially created material to produce a more systematic and consistent approach to the difficult task of describing and claiming inventions.



ECHR: state responsibility to secure Convention rights, including in private legal relations.

Human Rights Act

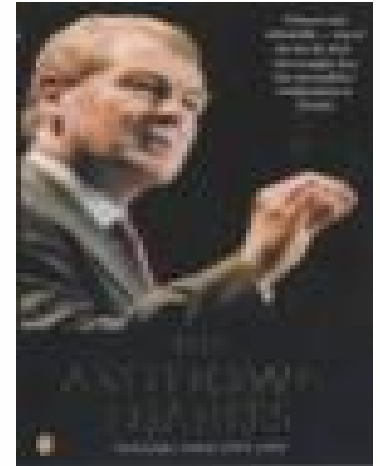
Responsibility discharged by statutory interpretation and a duty on public authorities. Courts should develop private law rights.

Article 1 Protocol 1

- Peaceful enjoyment of possessions.
- No arbitrary deprivations of possessions or arbitrary restrictions on use.

Article 10

- Right of freedom of expression.
- Permitted interferences if in accordance with “law” for a legitimate purpose; Necessary (proportionate) Legitimate purpose includes protecting the rights of others.



Anheuser

Application for registration of IP right has value and is a possession.



Anheuser

Portugal – Czechoslovakia Bilateral Agreement 1986 OR

- Trade Related Aspects of International Property Rights Agreement.
- Portuguese Supreme Court’s ruling that the Bilateral Agreement applied was not arbitrary, and so no breach of Article 1.

Ashdown

Copyright claim restricts Freedom of Expression.

Is the restriction permitted under article Art 10?

- Is this an issue already decided by Parliament on the “fair dealing” principle?

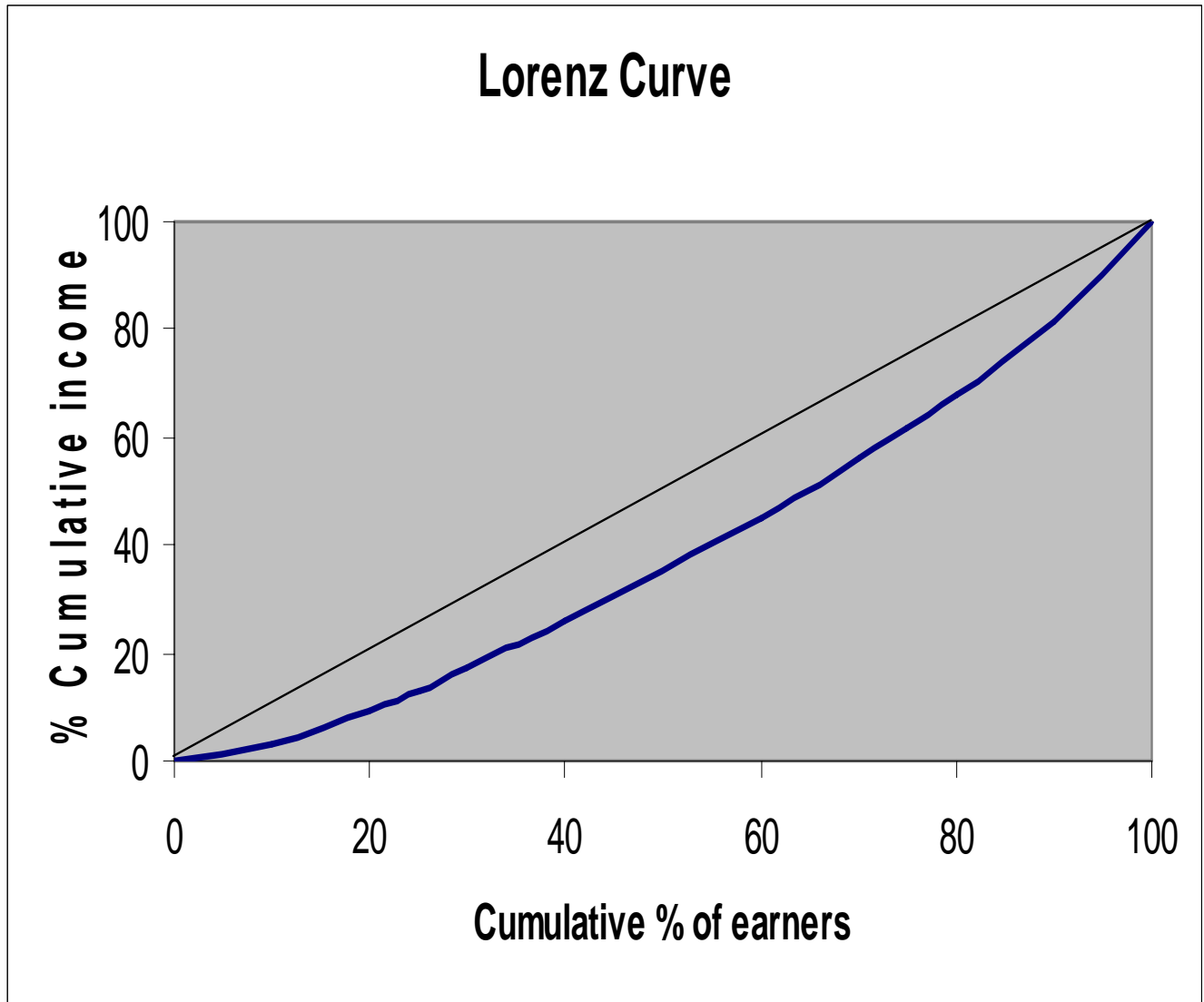
•OR

- Is it for the court to decide on its view of proportionality?

Prof. Philip Hardwick and Prof. Martin Kretschmer

Authors' Earnings

UK: Annual earnings (gross) all employees (2005)

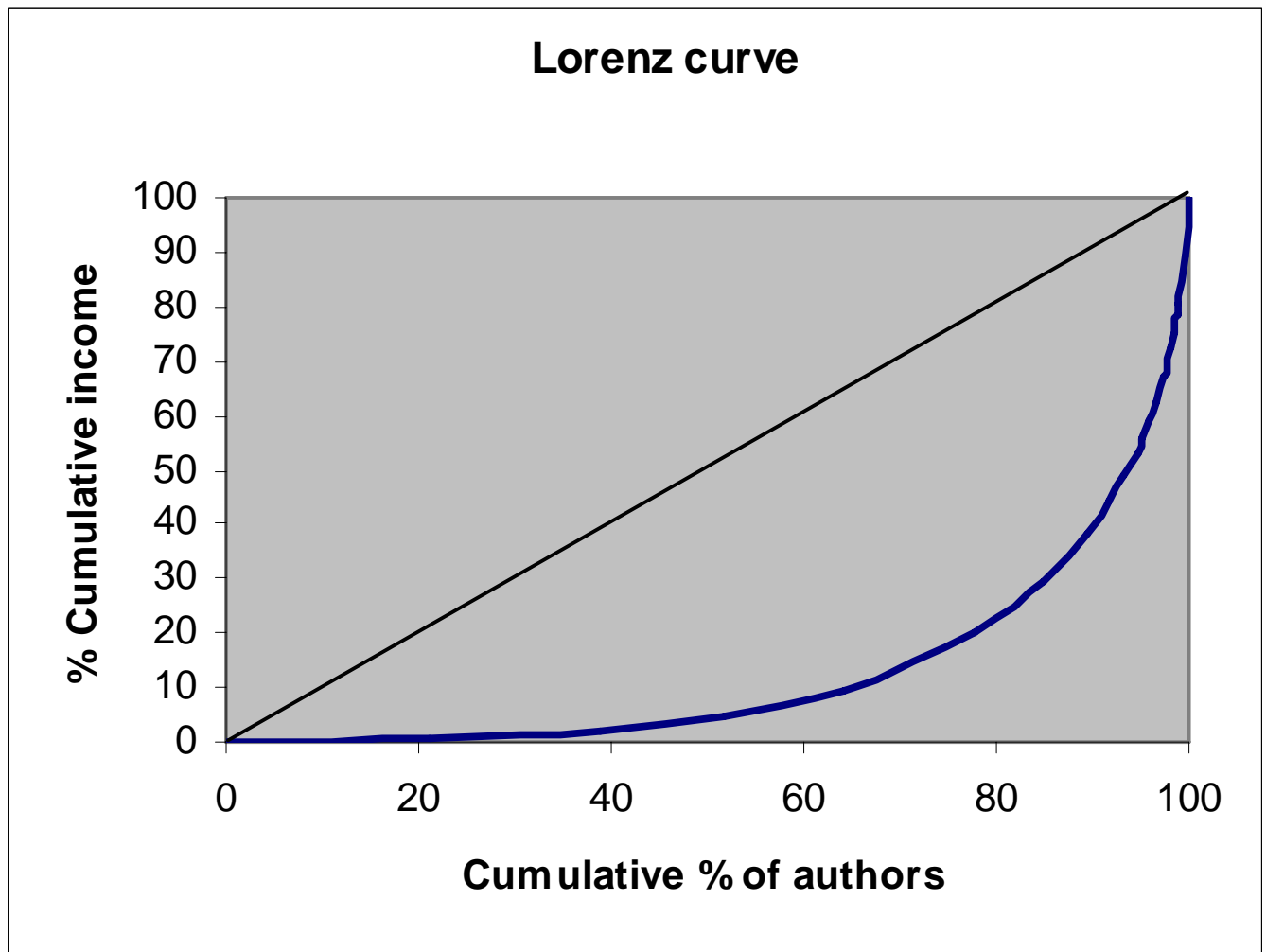


Mean ('average') earnings	£23,400
Median ('typical') earnings	£19,190
Gini Coefficient ('measure of inequality')	0.33

Source:
*Annual Survey of
Hours and Earnings (ASHE), Office for National Statistics*

UK: Annual earnings from self-employed writing (2004-5)

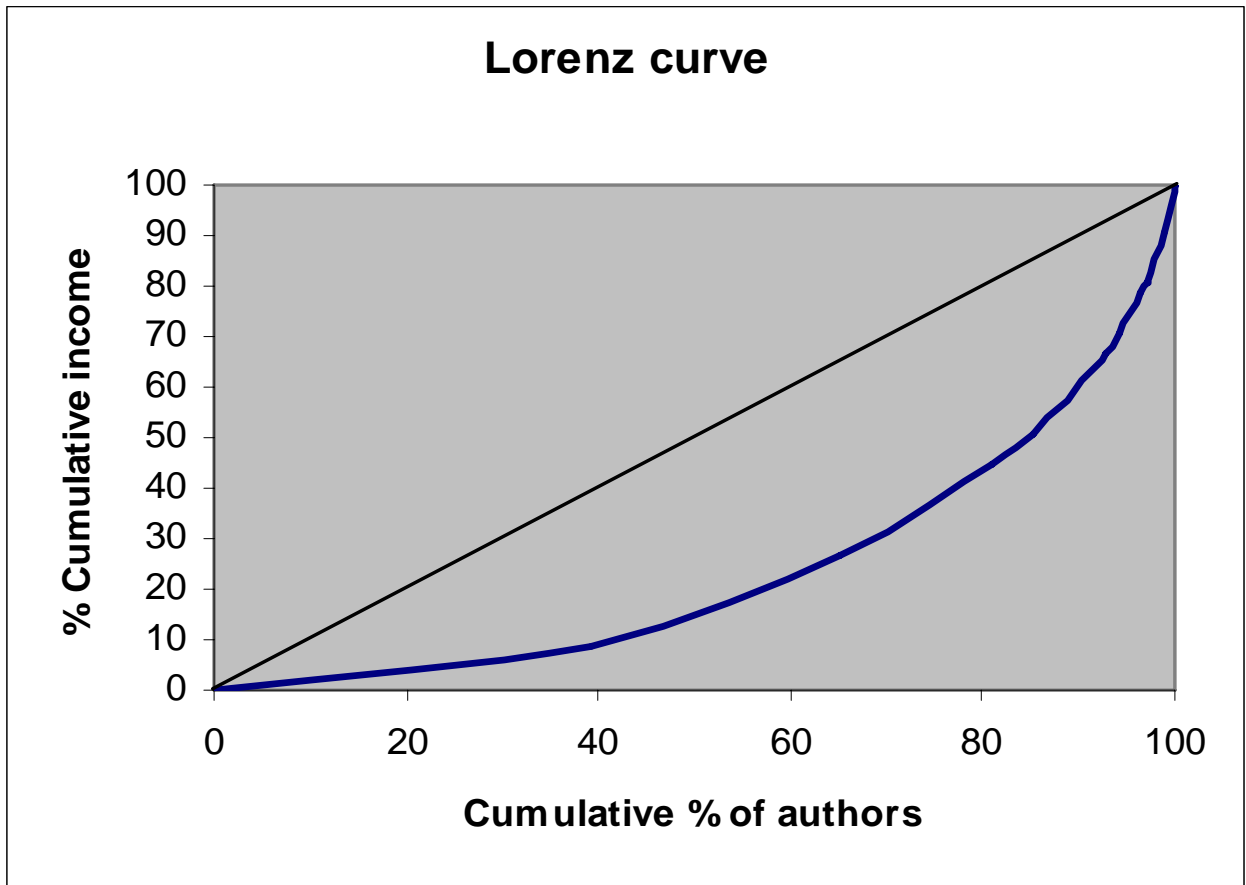
“professional authors” (= more than 50% of time allocated to writing)



Mean ('average') earnings	£28,340
Median ('typical') earnings	£12,330
Gini Coefficient ('measure of inequality')	0.63

Source:
ALCS Survey - UK writing income, (sub-sample professional authors)

Germany: Annual earnings from self-employed writing (2005)
“professional authors” (= more than 50% of time allocated to writing)



Mean ('average') earnings	€20,113 (£13,878)
Median ('typical') earnings	€12,000 (£ 8,280)
Gini Coefficient ('measure of inequality')	0.52

Source:

ALCS Survey, German writing income (sub-sample "professional authors")

'Geographical Indications in Poland'

by Ewa Hartman

Research Question

What conditions have to be in place for supra-national regulation to be effective at local level?

European Community registered approximately **4800** products marking them with geographical indications – including wines and spirits.



France **593**



Italy **420**



UK **30**



Poland **1** – WHY?



Geographical Indications in EU Protected Designation of Origin- PDO and Protected Geographical Indication - PGI

1- are to mark certain products which come from a given geographical area and enjoy good reputation.



Within the EU Geographical Indications –

1 - are an important element of Common Agricultural Policy,
2 - the aim of which is to promote region's development,
3 - increase food prices and preserve local traditions.



The research is to provide answers whether:

1 - the supranational law has to possess certain characteristics to be applicable on the local level;
2 - what kind of conditions have to be fulfilled for national law to benefit from supranational regulations.

Managing Intellectual Property to Add Value

Trefor McElroy, The Business School

IP's are the spark plug assets that bring the sleepy monetary, fixed and intangible profit engine to thunderous and profitable life.



IP's are the most powerful assets a company can possess.



IP Management
Establish
Identify
Protect
Exploit

Costs involved
Investment
Audit
Legal process



Benefits
Increased income
Reduced costs

The Goal
Add Value



Exploitation Mechanisms
Licence in or out
Sale
Internal exploitation



Measuring Value
Income method
Market method
Cost method



- ✓ 3D signs (traditional designs) are registrable as trade marks.
- ✓ 2D graphic symbols (traditional marks) are registrable as Community design.

Research Aim

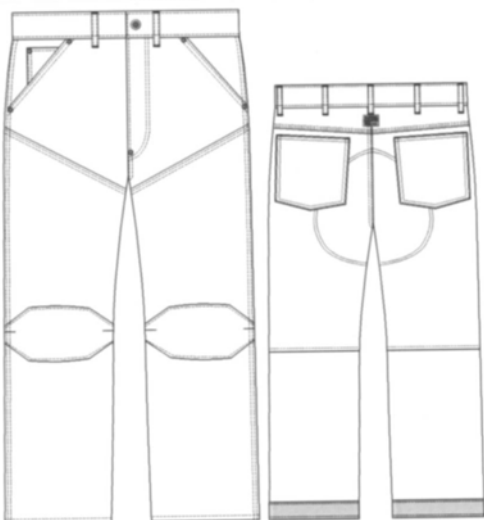
- To evaluate the overlap protection of trade mark and design right especially on the experience of CTM & CD system in EC.

Design




Research Questions

- Justification of overlap protection.
- Main difference in CTM and CD applications filed by Korean applicants and the 100 best global brand owners.
- Proper brand strategy for Korean industries in EC.




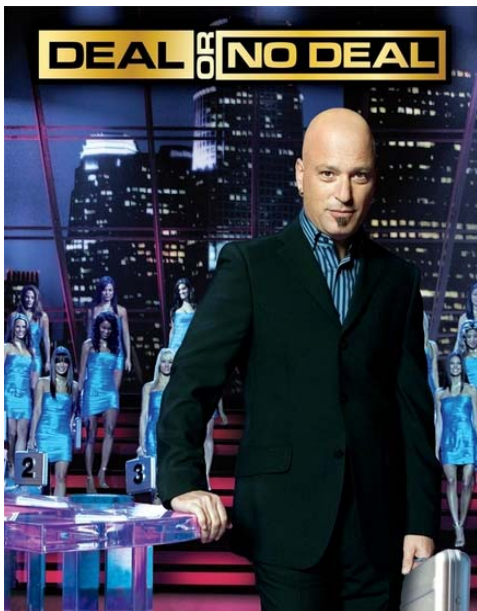
Methodology

- Review of IP justification theories, governmental or parliamentary records, EC and Korean legislations and relevant cases.
- Comparative analysis on the CTM and CD applications of Korean applicants and the 100 best global brand owners.

 TV formats account for 45% of all UK TV exports business (DCMS, '05) – much more now!

 Global format business in excess of € 2.4 bn (FRAPA, '04) – more than € 3.5 bn now!

 Global IP laws protect creators and owners of IP from copycats – but it isn't so for TV formats!



Research Question

With no specific legal framework which protects them from copycats,

- ✓ How are TV formats developed, bought and sold?
- ✓ How is regulation responding?

Methodology

- Analysis of format rights disputes (court cases through legal databases & instances through trade press).
- Interviews with format industry sellers & buyers.
- Case study of Who wants to be a Millionaire? - how a successful format thrives in such an environment?



Problem Definition

- A format is an idea of a TV show sold from one territory to another where it is remade according to local preferences.
- The actual programme is not sold but the idea is!
- IP laws - copyright, trademarks & passing off, prove ineffective in protecting ideas.
- So, format copycats flourish!

Progress so far...

- Studied formats through the framework of "Production of Culture Perspective".
- Identified global marketing strategies of television business.
- Creating a taxonomy of format rights disputes.
- Next, analysis of format rights court cases.



Artist's Resale Right

Project has involved consultancy work with British Art Market Federation and Society of London Art Dealers on UK implementation and policy aspects of Resale Right Directive 2005 – to date

I have also participated in a debate in Ireland in November 2007 about Irish implementation issues

***Outputs:* position papers, presentations to policy-makers, BLACA presentation 2007, book – *Artist's Resale Right Law and Practice* (Institute of Art and Law 2006)**

***Other projects:* consultant to Arts Council England project on Artists and the Law; updating of book *Digital Copyright Law and Practice* (Hart 2005) planned for 2008/2009 to address Web 2.0 issues**

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Legal Regulation Of Ambush Marketing

Lingling Wei

PhD Candidate, LLM, BA and trade mark attorney

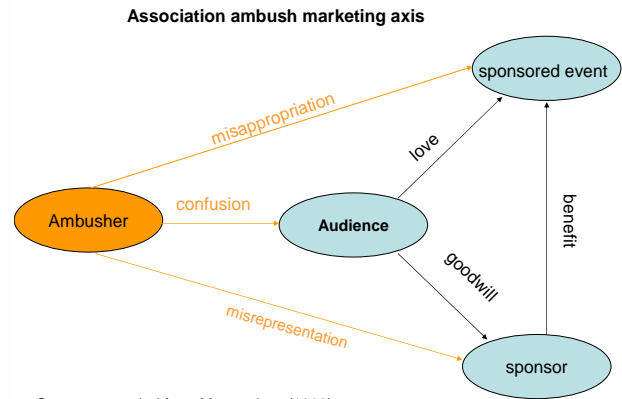
Regarding Ambush marketing:

Thieves knowingly stealing something that does not belong to them — Michael Payne, 1991

All else (of an event), other than (the sponsorship rights) which is specifically purchased, is up for commercial grabs — Jerry Welsh, 2003

Methodology

- Case study
 - Use of the IOC confidential data,
 - Observation of media reports on Athens Olympics
- Collection of 86 ambushing incidents
- Legal analogy: trade mark protection theory



The research completed

A trend emerges for tighter regulation of commercial activities (broadly called ambush marketing) surrounding mega sporting events such as the Olympics.

There is pressure from owners of such events on the host countries to prevent all the activities that are detrimental to the interests of official sponsors.

This is the first empirical study that reviews the regulatory options. Findings will inform future legislatures.

