INTELLECTUAL PROPERTY OFFICE

Responding to the consultation

As part of the Government's response to the Hargreaves Review of Intellectual Property and Growth the Government is seeking information on the proposals outlined in this document. The responses to the consultation, together with other evidence, will help shape proposals to improve the UK copyright system.

On this form, please provide your responses to the questions outlined in this document. You do not have to complete the whole form – please answer the questions which are most relevant to you.

Please Note: This consultation forms part of a publication exercise. As such, your response may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). We plan to post responses on the Review website when they are received, and they may be the subject of online discussion.

If you do not want part or whole of your response or name to be made public please state this clearly in the response, explaining why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system cannot be regarded as a formal request for confidentiality.

About You and your organisation

Your name	Lee Willmott on behalf of Dr Douglas Robertson
Job Title	PraxisUnico Chair and Director of Research & Enterprise Services, Newcastle University
Organisation Name	PraxisUnico and Newcastle University
Organisation's main products/services	Membership association and training organisation (PraxisUnico)

1 Does the initial impact assessment capture the costs and benefits of creating a system enabling the use of individual orphan works alone, as distinct from the costs and benefits of introducing extended collective licensing? Please provide reasons and evidence about any under or over-estimates or any missing costs and benefits?

The Government is particularly interested in the scale of holdings you suspect to be orphaned in any collections you are responsible for. Would you expect your organisation to make use of this proposed system for the use of individual orphan works? How much of the archive is your organisation likely to undertake diligent searches for under this proposed system?

What would you like to do with orphan works under a scheme to authorise use of individual orphan works?

Questions 1 to 3
PraxisUnico supports the broadest possible use of orphaned works. We believe that any systems which are introduced for copyright need to be simple and straightforward. We are unsure as to how best this could be achieved but the balance of opinion is that there needs to be an effective mechanism for taking into account whether the copying is done for profit or not-for-profit. Where those copying wish to use for any financial gain then they should be required, first, to make reasonable enquiries and, secondly, failing to find the copyright owner they should be required to enter the details of the work they are copying on an internet register. Thirdly, they should be required to set aside a set % of revenues on a scale determined by the IPO in the

2 Please provide any estimates for the cost of storing and preserving works that you may not be able to use because they are/could be orphan works. Please explain how you arrived at these estimates.

Included in response to Q1

3 Please describe any experiences you have of using orphan works (perhaps abroad). What worked well and what could be improved? What was the end result? What lessons are there for the UK?

Included in response to Q1

4 What do you consider are the constraints on the UK authorising the use of UK orphan works outside the UK? How advantageous would it be for the UK to authorise the use of such works outside the UK?

In a global economy it is essential that the proposal extends to authorisation of UK orphaned works outside the UK.

5 What do you consider are the constraints on the UK authorising the use of orphan works in the possession of an organisation/individual in the UK but appearing to originate from outside the UK:

a) for use in the UK only
b) for use outside the UK?

How advantageous would it be for the UK to authorise the use of such works in the UK and elsewhere?

It is essential that the rights extend beyond the UK. In the internet age attempts to define inside and outside the UK for copyright become meaningless.

6 If the UK scheme to authorise the use of orphan works does not include provision for circumstances when copyright status is unclear, what proportion of works in your sector (please specify) do you estimate would remain unusable? Would you prefer the UK scheme to cover these works? Please give reasons for your answer.

We would want these works to be included. Yet, again the principle in the internet era must be for the broadest possible ability to copy, subject to for profit use requiring provision to be made for payment.

7 If the UK's orphan works' scheme only included published/broadcast work what proportion of orphan works do you estimate would remain unusable? If the scheme was limited to published/broadcast works how would you define these terms?

Questions 7 and 8
It is pointless to distinguish between broadcast/published works and unpublished works. Again the UK law should be designed to cope with the massive increase in information that is available through the internet. We must avoid being caught trying to protect an unsustainable historic position.

8 What would be the pros and cons of limiting the term of copyright in unpublished and in anonymous and in pseudonymous literary, dramatic and musical works to the life of the author plus 70 years or to 70 years from the date of creation, rather than to 2039 at the earliest?

Included in response to Q7

9 In your view, what would be the effects of limiting an orphan works' provision to non-commercial uses? How would this affect the Government's agenda for economic growth?

At the very least orphan works should be usable for non-commercial purposes by libraries and not-for-profit research institutions. But see earlier responses with regard to commercial works.

10 Please provide any evidence you have about the potential effects of introducing an orphan works provision on competition in particular markets. Which works are substitutable and which are not (depending on circumstances of use)?

No comment

11 Who should authorise use of orphan works and why? What costs would be involved and how should they be funded?

See earlier responses. The assumption should be made of permission to copy orphan works with the obligation on maintaining the register entry following on the copier.

12 In your view what should constitute a diligent search? Should there be mandatory elements and if so what and why?

A diligent search should be defined simply as "making reasonable enquiries to trace the owner". The search undertaken should be a required entry filed of the on-line public register.

13 Do you see merit in the authorising body offering a service to conduct diligent searches? Why/why not?

We can see merit in offering to undertake searches for a fee but this should be left to the market. We believe the formal process could become unwieldy.

14 Are there circumstances in which you think that a diligent search could be dispensed with for the licensing of individual orphan works, such as by publishing an awaiting claim list on a central, public database?

These questions are addressed by creating a register of orphaned works being used for commercial purposes

15 Once a work is on an orphan works registry, following a diligent search, to what extent can that search be relied upon for further uses? Would this vary according to the type of work, the type of use etc? If so, why?

Included in response Q14

16 Are there circumstances in which market rate remuneration would not be appropriate? If so, why?

Market rate remuneration would not be appropriate where the activity was for preservation only.

17 How should the authorising body determine what a market rate is for any particular work and use (if the upfront payment system is introduced)?

We believe in as simple a system as possible. We can see the merits of a collecting society responsibility for orphan works but we are unsure of the number of orphan works which would subsequently be identified back to source, further investigation maybe required. By undertaking a diligent search and by entering the use of the orphan works on the register they have done all that should be required.

18 Do you favour an upfront payment system with an escrow account or a delayed payment system if and when a revenant copyright holder appears? Why?

Included in response to Q17

19 What are your views about attribution in relation to use of orphan works?

We do not see the need for altering the moral rights provisions. Attribution for orphaned works should be given by reference to the on-line register.

20 What are your views about protecting the owners of moral rights in orphan works from derogatory treatment?

Included in response to Q19

21 What are your views about what a user of orphan works can do with that work in terms of duration of the authorisation?

Not relevant if our proposal which avoids need for authorisation was followed.

22 What aspects of the current collective licensing system work well for users and rights holders and what are the areas for improvement? Please give reasons for your answers.

We believe that in the interests of open access not-for-profit organisations must be empowered to ensure effective digitisation. This in turn makes the information available which in theory could then promote more commercial use on which payment should be made.

23 In the Impact Assessment which accompanies this consultation, it has been estimated that the efficiencies generated by ECL could reduce administrative costs within collecting societies by 2-5%. What level of cost savings do you think might be generated by the efficiency gains from ECL? What do you think the cost savings might be for businesses seeking to negotiate licences for content in comparison to the current system?

We are in favour of the simplified system and have nothing to add.

24 Should the savings be applied elsewhere e.g. to reduce the cost of a licence? Please provide reasons and evidence for your answers.

See Q23

25 The Government assumes in the impact assessment for these proposals that the cost of a licence will remain the same if a collecting society operates in extended mode. Do you think that increased repertoire could or should lead to an increase in the price of the licence? Please provide reasons for your answers.

See Q23

26 If you are a collecting society, can you say what proportion of rights holders you currently represent in your sector?

n/a

27 Would your collecting society consider operating in extended licensing mode, and in which circumstances? If so, what benefits do you think it would offer to your members and to your licensees?

n/a

28 If you do not intend to operate in extended licensing mode, can you say why?

n/a

29 Who else do you think might be affected by the introduction of extended collective licensing? What would the impact be on those parties? Please provide reasons and evidence to support your arguments.

n/a

30 What criteria do you think should be used to demonstrate that a collecting society is "representative"? Please provide reasons for your answer.

No comment

31 Do you think that it is necessary for a collecting society to obtain the consent of its members to apply for an ECL authorisation? What should qualify as consent- for example, would the collecting society need to show that a simple majority of its members have agreed to the application being made?

No comment

32 Apart from securing the consent of its members and showing that it is representative, are there other criteria that you think a collecting society should meet before it can approach the Government for an ECL authorisation? Please give reasons for your answer.

No comment

33 When, if ever, would a collecting society have reasonable grounds to treat members and non-member rights holders differently? Please give reasons and provide evidence to support your response.

We do not believe there are any grounds for distinguishing between members and non-members rights.

34 Do you have any specific concerns about any additional powers that could accrue to a collecting society under an ECL scheme? If so, please say what these are and what checks and balances you think are necessary to counter them? Please also give reasons and evidence for your concerns.

No comment

35 Are there any other conditions you think a collecting society should commit to adhering to or other factors which the Government should be required to consider, before an ECL authorisation could be granted? Please say what these additional conditions would help achieve?

No comment

36 What are the best ways of ensuring that non-member rights holders are made aware of the introduction of an ECL scheme and that as many as possible have the opportunity to opt out, should they wish to?

We find it difficult to offer any firm views other than suggesting that this is a matter of judgement and registration process should be through the IPO, or similar body, and they should judge whether reasonable steps have been taken in the light of the body of copyright represented.

37 What type of collecting society should be required to advertise in national media? For example, should it need to be a certain size, have a certain number of members, or collect a certain amount of money?

See Q36

38 What would you suggest are the least onerous ways for a rights holder to opt out of a proposed extended licensing scheme?

See Q36

39 Should a collecting society be required to show that it has taken account of all opt out notifications? If so, how should it do so? Please provide reasons for your answers.

See Q36

40 Are there any groups of rights-holders who are at a higher risk of not receiving information about the introduction of an ECL scheme, or for whom the opt-out process may be more difficult? What steps could be taken to alleviate these risks?

See Q36

41 What measures should a collecting society take to find a non-member or missing rights owner after the distribution notice fails to bring them forward?

Collection Societies should be required to undertake the same degree of diligent search as required by individual users of orphan works and they should be required to enter the information on the register of orphaned works proposed earlier in our response.

42 How long should a collecting society allow for a non-member rights holder to come forward?

The royalties should be retained for six years.

43 Aside from retention by the collecting society or redistribution to other rights holders in the sector, in what other ways might unclaimed funds be used? Please state why you think so?

Unclaimed royalties should be gifted to the British Library.

44 What do collecting societies do well under the current system? Who benefits from the way they operate? Please explain your response and provide evidence for it.

No comment

45 What are the areas for improvement in the way that collecting societies operate at present? Who would benefit from these improvements, and what current costs (if any) could be avoided? Please give reasons and provide evidence for your response.

No comment

46 Do you agree with the analysis contained in the impact assessment of the costs and benefits for collecting societies and their users? Are there additional costs and benefits which have not been included, or which you are able to quantify? Please provide reasons and evidence for your response.

No comment

47 Who else do you think would be affected by a requirement for collecting societies to adhere to codes of conduct? What would the impact be on them? Please provide reasons and evidence for your response.

No comment

48 Is one year a sufficient period of time for collecting societies to put in place a code of conduct? Please provide reasons for why you agree or disagree? Please also provide evidence to show what a workable timeline would be?

No comment

49 What other benefits or rewards could accrue to a collecting society for putting in place a voluntary code? Please provide evidence for your answer.

No comment

50 In your view, does it make a difference whether there is a single code, one joint code, or several joint codes? Please give reasons for your answer.

As long as the codes are published openly we see no need, initially at least, for consistency.

51 Are there any other areas that you think should be covered in the minimum standards, or areas which you think should be excluded? Please give reasons for your response, including evidence of alternative means of securing protection in relation to any areas you propose should be excluded from the minimum standard.

We would suggest open publication of accounts. It is the financial operation of the society which needs to be open.

52 Are there any additional undertakings that a collecting society should give with regard to its members and the manner in which it represents them? Should any of the proposed minimum standards about members be excluded? Please provide reasons and evidence to support your response

No comment

53 Are there any additional undertakings that a collecting society should give with regard to its licensees, or should any of the proposed minimum standards be excluded? Please give reasons and evidence for your response, included why you consider any standards which you propose should be excluded to be unnecessary.

No comment

54 Are there any additional expectations for licensees that should be set out by a collecting society in its code, or should any of those listed be excluded? Please give reasons why.

No comment

55 Are there any additional measures that a collecting society should put in place to ensure proper control of the conduct of its employees, agents, and representatives? Should any of the proposed standards be excluded? Please say what these are and provide evidence to support your response.

No comment

56 Are there any additional provisions that you believe would enhance the transparency of collecting societies? Should any of the proposed provisions be excluded? Please give reasons and evidence to support your response.

Open publication of accounts should be added.

57 Are there any other criteria that a collecting society should report against? Should any of the proposed criteria be excluded? Please give full reasons and evidence for your answer, describing what impact it would have and on whom

The annual report should include the annual accounts. Publication of an annual report should be compulsory and not part of a voluntary code.

58 Are these criteria sufficient for the creation of a complaints procedure that is regarded as fair and reasonable by the members and users of collecting societies? Should any proposed criteria be excluded? Please provide reasons and evidence to support your response.

No comment

59 Please indicate whether you think a joint ombudsman or individual ombudsmen would work better. Please say why you would prefer one over the other?

In the interests of simplicity and consistency a single ombudsman would be our preference.

60 Is the ombudsman the right person to review the codes of conduct? Please give reasons for your answer, and propose alternatives if think the ombudsman is not best placed to be the code reviewer.

The proposals seem reasonable.

61 What do you think about the intervals for review? Are they too frequent or too far apart? Please provide reasons for your answers.

The proposals seem reasonable.

62 What initiatives should the Government bring forward to provide recognition of high performance against voluntary codes of conduct? Please give reasons and evidence for your response.

No further recognition is required with open publication of codes of practice and an ombudsman.

63 What do you consider the process and threshold for non-compliance should be? For example, should Government test compliance on a regular basis (say by following Ombudsman's reports) or on an ad-hoc basis? What evidence would be appropriate to demonstrate non-compliance? Please give reasons for your response.

If a statutory code was introduced and there was non-compliance then we would have thought approval for the society would no longer be granted and it would cease to have the right to function. Otherwise compliance merely becomes a commercial decision related to the level of penalty.

64 What, in your view, are suitable penalties for non-compliance with a statutory code of practice? For example, are financial penalties appropriate, and, if so, what order of magnitude would be suitable? Please give reasons and provide evidence for your answer.

See Q63

65 Do you agree that the imposition of a statutory code should be subject to review? How long should such a code be in place before it is reviewed? Please give reasons for your response.

See Q63

66 If you are a collecting society which may qualify as a micro-business, would you be likely to introduce a voluntary code? If you are a user of collecting societies, what do you believe the Government should do to encourage good practice in any collecting societies which are exempt from the power to introduce a statutory code? Please give reasons for your response.

n/a

67 Do you agree that a private copying exception should not permit copying of content that the copier does not own?

Limiting copying to that which one owns seems limited and should include copying for personal use copyright material received through broadcast from either public or subscribed for services. Personal use should extend to the household and family.

68 Should the private copying exception allow copying of legally-owned content for use within a domestic circle, such as a family or household? What would be the costs and benefits of such an exception?

See Q67

69 Should a private copying exception be limited so that it only allows copying of legally-owned content for personal use? Would an exception limited in this way cause minimal harm to copyright owners, or would further restrictions be required? What would be the costs and benefits of such an exception?

See Q67

70 Should a private copying exception be explicitly limited so that it only applies when harm caused by copying is minimal? Is this sufficient limitation by itself, or should it be applied in combination with other measures? What are the costs and benefits of this option?

See Q67

71 Should the current mechanism allowing beneficiaries of exceptions to access works protected by technological measures be extended to cover a private copying exception? What would be the costs and benefits of doing this?

Yes

72 Should the preservation exception be extended:
- to include more types of work?
- to allow multiple copies to be made?
- to apply to more types of cultural organisations, such as museums?

How might this be done, and what would be the costs and benefits of doing it?

The preservation exception should be extended. The designation should be rendered automatic for certain bodies in the same way as HMRC does for 'eligible body' status relating to research. HMRC lists all eligible bodies given a specific tax status. A similar mechanism could be used. All university and public libraries should automatically be registered.

73 Is there a case for simplifying the designation process which is part of Section 75? How might this be done and what would be the costs and benefits of doing it?

See Q72

74 Should any other changes be made to the current exceptions relating to libraries and archives, and what would be their costs and benefits?

See Q72

75 Would extending the copyright exception for research and private study to include sound recordings, film and broadcasts achieve the aims described above? Can you provide evidence of its costs and benefits?

We believe extending the exception to all forms of copyright work is logical and consistent.

76 Should the copyright exception for research and private study permit educational establishments, libraries, archives or museums to make works available for research or private study on their premises by electronic means? What would be the costs and benefits of doing this?

We believe the right to make electronic copies available on the premises of educational establishments etc is highly logical for personal study. We do wonder whether the definition of premises should extended to students and staff accessing such information on their own networks. Thus avoiding an unfortunate distinction between students who live on-campus and those who live off. The day of a single textbook for a course are numbered and we see this proposal as a wise step. In order to maintain balance it is probably appropriate to ensure that this is for on-line access only.

77 Would an exception for text and data mining that is limited to non-commercial research be capable of delivering the intended benefits? Can you provide evidence of the costs and benefits of this measure? Are there any alternative solutions that could support the growth of text and data mining technologies and access to them?

We support an exception for data mining and text analytics and believe it would achieve the expected benefits, but we believe it probably needs to extend to image analysis as well.

78 Do you agree that a parody exception could create new opportunities for economic growth?

We have no comments to make on parody and pastiche.

79 What is the value of the market for parody works in the UK and globally?

See Q78

80 How might a parody exception impact on creators of original works and creators of parodies? What would be the costs and benefits of such an exception?

See Q78

81 When introducing an exception for parody, caricature and pastiche, will it be necessary to define these terms? If so, how should this be done?

See Q78

82 How should an exception for parody, caricature and pastiche be framed in order to mitigate some of the potential costs described above?

See Q78

83 Would making this a "fair dealing" exception sufficiently minimise negative impacts to copyright owners, or would more specific measures need to be taken?

See Q78

84 Are you able to provide evidence of the costs and benefits of such an exception?

See Q78

85 How should the Government extend the education exceptions to cover more types of work? Can you provide evidence of the costs and benefits of doing this?

We agree with the extension of the exception but have no comment to make on the best process.

86 Would provision of "fair dealing" exceptions for reprographic copying by educational establishments provide the greater flexibility that is intended? Can you provide evidence of the costs and benefits of such an exception?

We agree with the extension of fair dealing for reprographic copying.

87 What is the best way to allow the transmission of copyright works used in teaching to distance learners? What types of work should be covered under such an exception? Should on-demand as well as traditional broadcasts be covered? What would be the costs and benefits of such an exception?

No comment

88 Should these exceptions be amended so that more types of educational body can benefit from them? How should an "educational establishment" be defined? Can you provide evidence of the costs and benefits of doing this?

No comment

89 Is there a case for removing or restricting the licensing schemes that currently apply to the educational exceptions for recording broadcasts and reprographic copying? Can you provide evidence of the costs and benefits of doing this, in particular financial implications and impacts on educational provision and incentives to creators?

No comment

90 How should the current disability exceptions be amended so that more people are able to benefit from them? Can you provide evidence of the costs and benefits of doing this?

No comment

91 How should the disability exceptions be expanded so that they apply to more types of work? Is there a case for treating certain works differently to others? What would be the costs and benefits of amending the exceptions in this way?

No comment

92 What are the costs and benefits of the current licensing arrangements for the disability exceptions, and is there a case for amending or removing them?

No comment

93 How should this exception be modified in order to simplify its operation?

No comment

94 Should the current exception for criticism and review be amended so that it covers more uses of quotations? If so, should it be extended to cover any quotation, or only cover specific categories of use? Can you provide evidence of the costs or benefits of amending this exception?

We support the Nordic style system and to allow the use of all quotations providing their is effective attribution and within the bounds of fair-dealing.

95 Is there a need to amend or clarify the exception for reporting current events? Could this be done as part of a quotation exception, or would a separate measure be needed? What would be the costs and benefits of doing this?

No comment

96 Is there a need to amend the existing provisions relating to speeches and lectures, and what would be the costs and benefits of doing so? Should these provisions be combined within a quotations exception?

No comment

97 Would there be additional benefits if all three types of exception examined by this section were combined?

No comment

98 How should the current exceptions for use by public bodies be amended to support greater transparency? How could such exceptions be limited to ensure that incentives to copyright owners are not undermined? Can you provide evidence of costs or benefits of doing this?

No comment

99 Should a new exception for time-shifting of broadcasts by social institutions be introduced? What would be the costs and benefits of doing this?

No comment

100 Should a new exception for use during religious celebrations or official celebrations organised by public authorities be introduced? What would be the costs and benefits of doing this?

No comment

101 Should our current exceptions be expanded to cover use for public exhibition or sale of artistic works on the internet? What would be the costs and benefits of doing this?

No comment

102 Should our current exceptions for the demonstration and repair of equipment be expanded? What would be the costs and benefits of doing this?

No comment

103 What are the advantages and disadvantages of allowing copyright exceptions to be overridden by contracts? Can you provide evidence of the costs or benefits of introducing a contract-override clause of the type described above?

We believe it is wholly inconsistent to provide for exceptions in law and then for contract terms to over-ride them. In the interests of simplicity we believe it appropriate to enshrine this formally.

104 Are there specific and or general areas of practical uncertainty in relation to copyright which you think would benefit from clarification from the IPO? What has been the consequence to you or your organisation of this lack of clarity?

The practical uncertainty relates to whether something is or is not in copyright and how to find the copyright owner. I think there needs to be very clear guidance that copyright is a legal protection to assist dissemination and not to restrict it. Providing there is no financial gain (i.e excluding costs of transmission) from dissemination of another's copyright and providing there is no financial loss experienced by the Copyright owner and there is clear attribution then it should not be a breach of copyright to disseminate - this is the natural effect of the internet and it needs to be promoted not controlled. This would specifically help in the area of orphan works.

105 Who do you think would benefit from this sort of clarification? Should it be reserved for SMEs as the group likely to produce the greatest benefit in economic growth terms?

No specific additional rights should rest with SMEs, although I agree that attention should focus on where the changes are likely to benefit them the most. Changes might also produce a more effective use by Universities of protection by copyright - at the moment patent activity dominates Technology Transfer Offices

106 Have you experienced a copyright dispute over the last 5 years? If so, did you consult lawyers and how much did this cost?

Yes, our members have experienced disputes - access to in-house lawyers varies considerably across the sector.

107 Do you think that it would be helpful for the IPO to publish its own interpretation of problem areas which may have general interest and relevance? What sources should it rely on in doing so?

Yes it would be helpful if the IPO published guidance in areas of dispute or concern. This practice is used by HMRC and the Charity commissioners and is worthwhile. IPO should not rely on any specific sources. The IPO should be the source for others. This would be a significant change in the role of the IPO in Copyright.

108 Do you agree that it would be helpful to formalise the arrangements for these Notices through legislation? Please explain your reasons.

Yes we think it would be good to formalise these notices through some legislative process providing this can be done efficiently.

109 How do you think that the IPO should prioritise which areas to cover in these Notices?

IPO should make their own prioritisation based on their judgement of issues raised and case law decisions emerging. In reaching such decision the guiding principles should be - will this aid growth, does it promote economic activity, does it harm any significant active commercial interests of copyright owners.

110 Does there need to be a legal obligation on the Courts to have regard to these Notices? Please explain your answer.

There does need to be a legal obligation on the Courts to have regard to the Notices for two reasons. First, many decisions arise in the context of contractual disputes which may not be held in the eyes of IPR experts. Secondly, guidance is of little use without providing some comfort to those receiving the guidance. Some form of increasing legal certainty is what many SMEs will require.

111 Are there other ways in which you think that the IPO can help clarify areas where the law is misunderstood? How would these work?

No specific comments. By the creation of better, cheaper and speedy mediation mechanisms (112 below) issues will arise which will guide.

112 Do you think it would be helpful for the IPO to provide (for a fee) a non-binding dispute resolution service for specific disputes relating to copyright? Who would benefit and how? Are there any disadvantages of IPO operating such a service?

Yes it would be useful for the IPO to provide a dispute resolution procedure. I would draw your attention to the kind of mechanisms used and publicised by WIPO where the price and timing are specified.

113 What would you be prepared to pay for a dispute resolution service provided by the IPO? Please explain your answer, for example by comparison with the time and financial cost of other means of redress.

Yes our members would, in all likelihood, be prepared to pay providing the scale of fees were clear and the resolution extended to resolving disputes in research and development agreements which often have an IPR heartland. The reason is for dispute resolution by IPR experts and removal of uncertainty.

114 Which would you find more useful: general Notices on the interpretation of the law (free) or advice on your specific dispute (for which there would be a charge)? Please explain your answer.

If it was a choice between general notices or dispute resolution I would favour Notices providing they required the courts to take heed. In the absence of legal effect I would favour dispute resolution.