

The Gowers Review – a reply from the University of Hull

General:

- a: The University of Hull is grateful for the opportunity to contribute to the Gowers Review of Intellectual Property.
- b: The University has a multi-disciplinary IP portfolio of significance for the region in which we operate.
- c: Our comments may be more in general than a specific response to the Review.
- d: We will happily provide any clarification required.

Points in response:

- 1: The patent system generally is regarded by many – and particularly by small and sole trader businesses - as complex and inaccessible, with poorly understood hurdles to overcome to achieve protection.
- 2: Those small businesses mentioned above – and perhaps as a consequence 'UK plc' - would benefit from a simple, or more simply explained, process.
- 3: Current complexities often make it a prohibitively costly process. Some small, yet potentially highly significant players, therefore go straight to market, conceding protection and future exploitation.
- 4: The patents system is viewed as slow and cumbersome. Some within the system would argue this is necessarily so. This does, however, present formidable barriers in terms of cost and time for small businesses and individuals. This particularly is the case with international applications.
- 5: It appears to some that the UK IP system is more about protection than it is about promoting innovation. Some explanatory messages and communications are required. Universities could play an appropriate role within their regions.
- 6: From a University and small business point of view, a major challenge is the ability to identify and then successfully pursue infringement. David rarely slays Goliath when deep pockets deflect even the most accurate blows.

- 7: Specifically, the 'unjustified threat' provision can make it difficult for the small or under-prepared IP owners and can place them at an unfair disadvantage.
- 8: Increasingly, with rapid developments in the software and digital arena, difficulties are caused with regard to protection and the identification of infringement. Accurately locating the source presents a complex yet vitally important challenge.
- 9: There remains within established Universities the tension of 'publish or perish' vs. commercial exploitation. In an environment where an academic's career is shaped by the quantity and quality of their publications – and a large proportion of the institution's funding and reputation is similarly determined - an IP and commercialisation process must be swift, simple and more readily understood if it is to assist 'UK plc' to benefit from some of the best ground-breaking research available.

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