

**GOWERS REVIEW OF INTELLECTUAL PROPERTY**

**COVER SHEET FOR RESPONSES**

<b>Contact details of respondent</b>	
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Please indicate below which issues are covered by your response. Not all issues will be relevant to all respondents – please feel free to skip questions that are not relevant to you.

<b>General Questions covered:</b>	
How IP is awarded	Y
How IP is used	Y
How IP is licensed and exchanged	
How IP is challenged and enforced	

<b>Specific Issues covered:</b>	
Current term of protection on sound recordings and performers' rights	Y
Copyright exceptions – fair use and fair dealing	Y
Copyright – digital rights management	
Copyright – orphan works	
Copyright – licensing of public performances	
Copyright – designated archive status	
Patents – utility patents	
Pharmaceutical Supplementary Protection Certificates (SPCs)	
Trade Marks – international issues	
Designs – registered designs and unregistered design rights	
Legal sanctions on IP infringement	
Parallel Imports / International Exhaustion	
Coherence between competition policy and IP policy	

**Have you raised any other issues in your response?**

- / N

**Details of accompanying documents** (Please continue on additional sheet if necessary)

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Please TICK BOX if you DO NOT want your response posted on the Gowers Review website.

## Intellectual Property

Submission to the Gowers Review of Intellectual Property,  
set up by the GB Government

The granting of Intellectual Property Rights (“IP”) is an artificial device which grants monopoly rights to the holder of IP and restricts the rights of all others.

The purpose of IP is to encourage new inventions and creations by rewarding the creator of those inventions and creations with monopoly profits earned by granting an artificial legal monopoly of the use of those inventions or creations.

It follows therefore that IP legislation should be designed in such a way that it optimises new inventions and creations for the minimum level of inconvenience and cost to others. In designing IP policy we should be mindful of the following:

- IP legislation should be easy to understand by both creator and user (the general public).
- IP rights should be as short as possible consistent with the objective of encouraging innovation – would reducing copyright from 50 years to say 15 years materially reduce the number or quality of books written, films made, or songs played?
- There should be consistency between different forms of IP. There is no logical reason why life saving pharmaceutical patent IP should be 20 years whilst pop songs are granted 50 years copyright.
- If it is appropriate to award IP rights, these should be awarded as quickly and cheaply as possible.
- “Fair use” should allow free reproduction of 10%, 1000 words or 30 seconds (whichever is the lower) of the original work, so long as the IP owner is acknowledged in the reproduction. This is unlikely to materially reduce the IP owners monopoly profits, whilst minimising inconvenience to users.

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