

IP

IP Federation

REVIEW

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Improving the intellectual property framework to meet the needs of innovative industry for a century



Rising to the challenge...

IP Federation members have stepped up to the plate to share their most valuable IP to help combat COVID-19 | **P10**

100 years

IP Federation's centenary year | **P14**

Artificial Intelligence and Intellectual Property

Fourth industrial revolution technology and its interplay with the IP system | **P40**

Snippets from the archives

A look back at the Federation's first 100 years

The Federation had its origin in a committee of industrial companies which from 1913 lobbied the UK government on its planned trade mark legislation.

On 23 April 1920, a limited company was incorporated to continue this work, and with a broad remit indicated by its name “Trade Marks Patents and Designs Federation Limited”. Ever since, the Federation’s “Council”, chaired by a “President”, has met approximately monthly so as to allow prompt lobbying in relation to any IP matter that may arise. (The company name was changed by the omission of “Limited” in 1951, and to “IP Federation” in 2014.)

The first “object” of the company listed in the Memorandum of Association emphasised the interests of traders (not legal practitioners) and also internationalism:

“To promote and secure mutual support and co-operation among traders in the British Empire and Foreign Countries in all matters relating to trade marks trade names patents designs copyrights and other analogous rights affecting their general or common interest and to promote the interests of such traders in relation to any of the matters aforesaid.”

The second “object” included promotion of international “conventions” and

“arrangements”, a clear reference to the benefits that had arisen from the Paris Convention of 1883 establishing priority rights and from the Berne Convention of 1886 on copyright.

There were 13 founder subscribers to the Federation, with a bias towards the brand-centric. Several of the companies owned brands that are still in use today (with registered trade mark protection): Bass and Guinness (beer); Colman’s (mustard); Coats (cotton thread); Tootal (garments); and Lever (within the house mark Unilever). By 1924, the Federation structure included both a patents committee and a trade marks committee reporting to Council.

The first President of the Federation was Gerard Arden Clay, a director of the brewing company Bass, Ratcliff & Gretton Ltd., owners of the famous “Bass” triangle mark, applied for within the first month of operation of the UK registered trade mark system (January 1876). This registration, still in force in 2020, was a pure device mark, a filled equilateral triangle.



Clay was the first Federation president from 1920 to 1930.

Clay was born in 1871 on the Derbyshire side of the river Trent in his father’s imposing residence from which terraced gardens ran down to the river – on the other side of which lay Burton, with the brewery of Bass, Ratcliff & Gretton. After Harrow and the Royal Agricultural College Cirencester, he was an estate manager for his father from 1892 to 1900. He then served as a British Army officer in the Boer War. After returning from the war, Clay joined Bass, Ratcliff & Gretton, where his father and elder brother were already directors. Clay was

100 | YEARS ANNIVERSARY CELEBRATION

Federation President from 1920 to 1930. He later emigrated to Northern Rhodesia (then a UK protectorate, now Zambia), where he died in 1956 and is buried.

The presidency has changed considerably since Clay. From 1971 onwards, Presidents were elected for 2-year terms; since 2016, all Presidents have served 1-year terms as part of a trio including the previous President and a Vice-President who normally becomes the next President. The present trio is two-thirds female, the “glass ceiling” having been broken first by Miss E M (“Liz”) Cratchley (President 1997-1999).

The Federation today has 45 member companies, engaged in a wide range of manufacturing

and service provision, of which, however, only one (Unilever) can trace itself back to a founding subscriber. Member companies are UK companies or parts of international groups with a strong UK presence.

From 1920 to August 1939, the archives show the Federation

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considering matters ranging from UK patent and trade mark legislation to an international proposal for trade marks and a Mexican judgement relating to Palmolive soap. In World War II, government emergency

powers and IP rights of enemies and neutrals were discussed; in addition, during the war, the Federation became alarmed because strong government direction had encouraged “uninformed” anti-patent opinion that could damage the Federation’s members in the post-war

period. Similar anti-patent opinion has emerged in more recent crises such as climate change and Covid-19.

Post-war, European IP matters took centre stage in Federation deliberations. The Strasbourg



continued...

...snippets continued

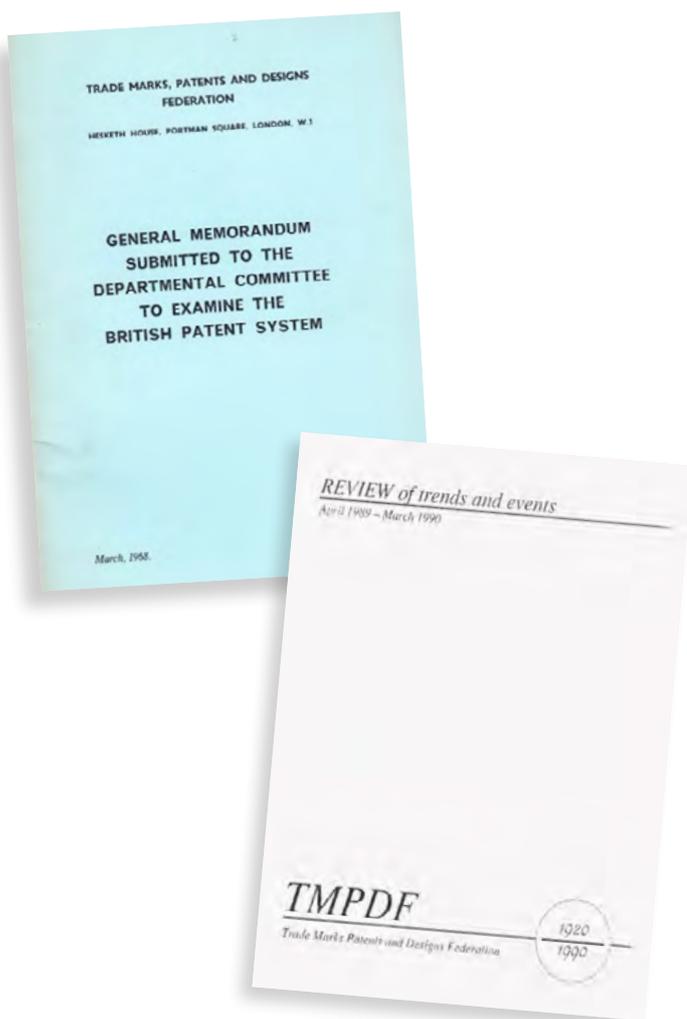
Convention of 1963 on patent harmonisation set out new principles for patentability, which were then adopted in the European Patent Convention (EPC) of 1973; both conventions came into force across Europe piecemeal from 1978. The Community trade mark system began operating in 1994. European competition law started seriously to affect the enforcement and licensing of IP rights, as a result of which a Licensing and Competition Laws committee was set up in 1975. From 1995, the Federation was particularly active and persistent in opposing European Commission proposals to introduce second-tier patent systems across the EU, and was gratified when these proposals were removed from the Commission “to do” list in 2005.

The Federation has employed a Secretary at least since 1932. The Secretary from 1932 to 1957, Sir William Jarratt, had previously been Comptroller-General of the UK Patent Office. He was succeeded up to 1984 by further retired senior civil servants with knighthoods and/or CBs, including another former Comptroller-General. The present Secretary, David England, is a qualified patent attorney who joined, relatively young, in 2010.

This present issue “IP Federation Review” is the twenty-eighth in a series of which the Federation is proud.

In 1990, a major initiative was taken. Instead of reporting only to members at the annual general meeting, the Council professionally printed and formally published a Review of trends and events in intellectual property. Publication has not been strictly annual, and the title was slightly changed in 2010. This present issue itself has a new title, IP Federation Review. It is the twenty-eighth in a series of which the Federation is proud.

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