

Dr Vince Cable  
Secretary of State  
Department for Business, Innovation and Skills  
1 Victoria Street  
London  
SW1H 0ET

28 August 2013

Dear Dr Cable

#### AN OPEN LETTER (BY POST AND EMAIL)

We are writing regarding the outcome of the meeting between two SMEIA officers and the Chief Executive of the UKIPO and his senior officers following your suggestion in your April 2013 letter.

The meeting considered many issues, we had a frank exchange, but not a meeting of minds. The issues we discussed included;

- \* The lack of any effective enforcement of patent rights in the UK for SMEs
- \* The mismatch between the timescales of the courts (our only theoretical form of any redress) against those of the commercial opportunities presented by high technology. Most SMEs simply will not engage with the court system, seeing it as slow commercial suicide and beyond their scale of resource.
- \* The fact that R&D requires investment: that investment needs the surety that the IP created is protected by strong patents
- \* The undermining of that surety by weakness in examination and the very existence of the UKIPO 'Opinions' service (how can the UKIPO take a fee to examine and grant or reject a patent application, and then another fee to give a non-binding opinion on the validity of the same granted patent?)
- \* The observable trend that UK based R&D companies now plan to sell out early to large corporations, which our members report is directly linked to the unenforceability of patent rights by SMEs and the weakness in access to finance
- \* The option of putting wilful patent under criminal law, as it now is in several other countries, so that the state could then act to enforce patent rights (as it does to enforce copyright and is proposed for design rights).
- \* That they are engaged in a raft of 'outreach' and advisory activities which are necessary but should not be the main focus of the top management team.