

2005 - Patent Office consultation on implementation of the Directive on Enforcement of Intellectual Property Rights

This is JANET(UK)'s response to the Patent Office consultation (no longer available) on the UK implementation of the Directive on the Enforcement of Intellectual Property Rights (2004/48/EC).

The JNT Association, trading as JANET(UK), is the company that runs the JANET computer network. The JANET network connects UK universities, FE Colleges, Research Councils, Specialist Colleges and Adult and Community Learning providers. It also provides connections between the Regional Broadband Consortia to facilitate the DfES initiative for a national schools' network. As the provider of a large private telecommunications network to the education sector, JANET(UK) is concerned both that intellectual property rights are protected and that the beneficial effects of widespread electronic communications are not lost through over-regulation.

We therefore welcome the consultation paper's conclusion that transposing the Directive on the Enforcement of Intellectual Property Rights does not require major changes to UK law. We consider that the existing law contained in the Copyright, Designs and Patents Act 1988 and the Electronic Commerce (EC Directive) Regulations 2002 strike a largely appropriate balance between effective protection of rights and over-regulation of opportunities. In particular the Regulations allow educators and those being educated to make effective use of communications technologies while providing a clear legal framework for rights holders to assert their rights and have any breaches of them terminated swiftly. We would be concerned if any changes to the law had the effect of altering this balance, however the proposals do not appear to do this. The further clarification of rights that would result from the implementation of the proposals is welcome.

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